

NATIONAL CEMETERY SYSTEM AND H.R. 821

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BEFORE THE
SUBCOMMITTEE ON
HOUSING AND MEMORIAL AFFAIRS
OF THE
COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES
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NATIONAL CEMETERY SYSTEM AND H.R. 821

THURSDAY, JUNE 10, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HOUSING AND
MEMORIAL AFFAIRS,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 9:35 a.m., in room 334, Cannon House Office Building, Hon. George E. Sangmeister (chairman of the subcommittee) presiding.

Present: Representatives Sangmeister, Burton, Buyer.

OPENING STATEMENT OF CHAIRMAN SANGMEISTER

Mr. SANGMEISTER. The subcommittee will be in order.

I'm pleased to welcome all of the witnesses to discuss the programs and operations of VA's National Cemetery System, Arlington National Cemetery and the American Battle Monuments Commission.

Let me first extend a personal note of congratulations to Jerry W. Bowen, who is making his first appearance before the subcommittee in his position as the newly confirmed director of the National Cemetery System. We had a personal visit in my district about a week ago. It certainly was rewarding I would like to think, for both of us.

Jerry, I look forward to working closely with you and your staff.

The VA's National Cemetery System, as most of us know, consists of 114 national cemeteries, 59 of which are open to first family interments while 55 are closed except to eligible family members of those already buried.

Over the next decade, we must focus our attention on identifying additional gravesites in our national cemeteries to meet the needs of an aging veteran population. Not only must we ensure that the honor of burial in our national shrines is available to veterans, but we must strive to ensure that all graves are perpetually maintained at the highest standards possible.

In a 1987 report to Congress, required by Public Law 99-576, VA identified ten areas of the country most in need of a national cemetery based on veteran population not served by a national or state veterans cemetery. While only one of the ten, the San Joaquin Valley National Cemetery in California, has opened, I look forward to receiving updates on the status of the remaining nine sites. I also want to encourage VA to move expeditiously and release the second report to Congress as required by law.

In reviewing the fiscal year 1994 budget request for the National Cemetery System, I note that the total request is slightly below the fiscal year 1993 appropriations level. While increased funding was provided in the last 2 fiscal years to help meet increased workloads in all areas, I question how NCS will continue to provide its services at the highest level with an essentially static budget.

I look forward to hearing the testimony of my distinguished colleague, the Honorable Henry Bonilla of Texas on H.R. 821, legislation he has introduced to amend Title 38 of the United States Code to extend eligibility for burial in a national cemetery to Reservists and National Guardsmen having served 20 years of qualified service.

We have with us this morning the Honorable Henry Bonilla from the 23rd District of Texas and the Honorable Frank Tejeda from the 28th District of Texas. They wish to discuss, H.R. 821, the bill to allow burial of reservists that have served over 20 years service.

Welcome to the committee and you may proceed.

**STATEMENT OF HON. HENRY BONILLA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS**

Mr. BONILLA. Thank you, Mr. Chairman. I have some very brief prepared remarks and would be happy to take any questions after that.

Mr. Chairman and members of the Subcommittee on Housing and Memorial Affairs, I'm pleased to be here with you this morning on behalf of over one million reservists and their families in each and every Congressional district across this great Nation. I appreciate the opportunity to testify regarding legislation which I introduced earlier this session, H.R. 821. I introduced this bipartisan bill along with Charlie Stenholm and Veterans' Committee members Frank Tejeda, who is here with me today, and Congressman Steve Buyer. As you know, this legislation would extend eligibility for burial in national cemeteries to members of the Reserve components of our Armed Forces who have at least 20 years of service creditable for retired pay.

Under current law, the only members of the Reserve components of the Armed Forces who are eligible for burial in a national cemetery are those who, number one, die under honorable conditions while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred while such member is performing active duty for training, in active duty training or traveling to or from such duty; number two, are disabled or die from disease or injury incurred or aggravated in line of duty during or enroute to or from inactive duty training; and number three, are disabled or die from injury but not disease incurred or aggravated in line of duty during or enroute to or from active duty training.

However, members of the Reserves who have spent 20 years preparing both physically and mentally to defend our Nation at a moment's notice are not eligible for burial in the National Cemetery System.

Mr. Chairman, as you are well aware, similar legislation, H.R. 4368, which provided for the burial benefits specified in H.R. 821, unanimously passed this subcommittee, the full Committee and the full House of Representatives during the 102nd Congress.

Mr. Chairman, reservists have served this Nation admirably over the years. Today, reservists participate routinely in operations such as Just Cause, Kindle Liberty in Panama, Urgent Fury in Grenada and Desert Shield/Desert Storm in the Persian Gulf. Reservists also stand ready to assist Americans when a disaster hits home such as Hurricane Andrew, after which we saw Reserve forces maintaining law and order and providing humanitarian assistance in Southern Florida.

These instances that I have just noted are only a few of the ways in which reservists serve our Nation. I believe that this dedicated service must be acknowledged and reservists provided the benefit of burial in a national cemetery. We should do as the members of the 102nd Congress did in recognizing that reservists who dedicate years to their country should be accorded burial rights in our national cemeteries.

I would like to remind the subcommittee of the comments of the distinguished Chairman of the Veteran Affairs Committee, Sonny Montgomery, who 1 year ago yesterday, on the floor of the House, urged passage of H.R. 4368 which was similar to today's H.R. 821. I would like to second Chairman Montgomery's statement of that day in which he said, "Mr. Chairman, I urge passage of this legislation."

Those are my prepared comments and I'd be more than happy to answer any questions that the committee may have.

[The prepared statement of Congressman Bonilla appears on p. 38.]

Mr. SANGMEISTER. Well, one question that I have and I am not sure if you've got an answer to it because I don't know how you put the figures together, but there's not by any means unanimous opposition to this bill. In fact, you have some support for what you want to do. One of the questions is with spaces closing in our national cemeteries and with our veterans becoming older, more of them dying, we need the space that we have right now. Do you have any figures on how many more interments would take place if we opened it up to reservists?

Mr. BONILLA. Yes. About 6,900 reservists a year would be eligible, but only a small percentage of this number would seek burial in national cemeteries.

Mr. SANGMEISTER. There may be some dispute on your last figure, but it's interesting. Can you tell me how you put together the 6,900 figure? Just taking a percentage of those that are eligible that you think would take advantage of it.

Mr. BONILLA. Just one second.

Mr. SANGMEISTER. I'm not trying to pin you down. I think you probably took a percentage of the 6,900—

Mr. BONILLA. No, no, no. I do have that.

Mr. SANGMEISTER (continuing). The eligible.

Mr. BONILLA. Let me read from last year's committee report. "CBO estimates that the total number of deaths from these two groups would be around 6,900 annually based on the data from the

Defense Department actuaries. The estimate further assumes that burial in a national cemetery would be requested for only 12 percent of these reservists at an average cost of about \$500.00 per burial and annually that's about \$400,000.00."

Mr. SANGMEISTER. Okay. Mr. Buyer, do you have any questions?

Mr. BUYER. Thank you, Mr. Chairman.

I compliment my colleagues for coming forward here. Frank, are you going to testify on this particular bill?

Mr. TEJEDA. No, Mr. Chairman and Mr. Buyer. I just wanted to—

Mr. BUYER. It was my understanding he was not testifying. Thanks, Mr. Chairman.

I know that perhaps some are saying, "Well, as we enter not only our budget crisis, Mr. Chairman, and we're closing up cemeteries, why do we want to open up more spaces to our cemeteries?" and that's a legitimate question to ask.

But I step back, Mr. Chairman, from a very objective point of view and say as we look at the one military concept and with the downsizing of our military, placing greater emphasis upon the contributions of the National Guard and the Reserves into the one military concept to be able to even respond to second contingencies now, is the kind of force structure we're moving to in the Armed Services Committee and that's what's happening over there in the Pentagon. Because of what occurred in the Persian Gulf War, it was the accolade for the one military concept, especially to those who were critical, whether or not the National Guard had the training and could perform, whether or not the reservists were properly trained. Desert Storm silenced a lot of that.

So, if we're going to talk about the one military concept and place greater reliance upon the National Guard and the Reserves, then one military concept extends beyond training, it extends beyond the battlefield.

It extends to equal treatment and that treatment also means extending the rights of burial. We extend those rights in the VA system if they've been service-connected disabilities and those forms of benefits, and that is why, Mr. Bonilla, I didn't hesitate at all to sign onto your bill.

I think he's taking it into account, Mr. Chairman, by placing some limitations.

Henry, why did you say only to 20 years?

Mr. BONILLA. Well, we felt strongly that a special recognition should not extend to everyone, but we feel that 20 years is a strong, solid, long-term commitment. So, that's what we base that on.

Mr. BUYER. And, of course, these are individuals who have come on to the retirement system.

Mr. BONILLA. Right, so they're eligible in every way to receive retirement and the honor that goes along with having served.

Mr. BUYER. Henry, have you thought about if this places stress upon the cemetery system, what other avenues could we approach to open up more cemeteries?

Mr. BONILLA. I'd be happy to work with you or any member of the committee to try to open new cemeteries. I think we have a lot of space in this country that can be used for that purpose.

Mr. BUYER. And I note, Mr. Chairman, many even on this committee have talked about military base closures and a lot of these bases being closed and having Reserve enclaves on bases, and the use of some of that space, because some of them have museums and they want to keep museums. So, you've got space there for some cemetery.

Thank you, Henry.

Mr. BONILLA. Thank you.

Mr. SANGMEISTER. Well, both of you make a persuasive argument and we have people here this morning that we want to hear from that I think have some thoughts about whether we should or should not do this. So, we'll get both perspectives on it.

Thank you very much. Your bill will be given full attention by this subcommittee and we'll make a decision one way or another as we go through the process.

Mr. BONILLA. Thank you, Mr. Chairman.

Mr. SANGMEISTER. Okay. The first panel that we're going to hear from this morning is from the Department of Veteran Affairs. The new Director, Jerry W. Bowen of the National Cemetery System, is accompanied by a familiar figure here, Roger Rapp, who is the Director of Field Operations.

So, if you gentlemen will take the table.

While they're coming up, I want to say a word of thanks to the National Cemetery System for allowing a member of their staff, Ken Greenberg, to serve as a legislative fellow here and to extend his stay with the subcommittee. So, I thank you very much. Ken has been a big help to the subcommittee and I sure appreciate his being able to stay on at least to our August recess.

Mr. SANGMEISTER. Mr. Bowen, welcome to the committee. We have your written testimony here which you can summarize or proceed in any way you see fit.

STATEMENT OF JERRY W. BOWEN, DIRECTOR, NATIONAL CEMETERY SYSTEM, DEPARTMENT OF VETERANS AFFAIRS, ACCOMPANIED BY ROGER R. RAPP, DIRECTOR, FIELD OPERATIONS

Mr. BOWEN. Thank you, Mr. Chairman.

In addition to Mr. Rapp, as you mentioned, who is the Director of the NCS Field Operations, on my left, I also have with me at the witness table Vincent Barile, who is our Director of the NCS Operation Support and Ms. Dorothy MacKay, who is Director of the NCS Budget and Planning Office.

Mr. SANGMEISTER. Welcome to both of you.

Mr. BOWEN. Mr. Chairman and distinguished members of the subcommittee, it's my pleasure to appear before you this morning to address the status of the National Cemetery System and to comment on H.R. 821, a bill to extend national cemetery burial eligibility to persons with 20 years of service creditable for retired pay as members of Reserve component of the Armed Forces.

Let me begin this morning by saying, Mr. Chairman, that this subcommittee has always been a supporter of the National Cemetery System and this support has been greatly appreciated. I look

forward to working with you and members of the committee in the future.

You asked me to speak this morning on the operational needs of the National Cemetery System. Although I have been Director only a short period of time, I have had sufficient opportunity to meet with our NCS area directors and several of our cemetery directors to discuss their views, recommendations and concerns. I've been favorably impressed with the dedication and the pride exhibited by members of the National Cemetery System and it will be my privilege to serve with them in the years ahead.

One of our main goals is to make the benefit of interment in a national cemetery available to as many veterans as possible. We have 114 national cemeteries located throughout the United States and Puerto Rico. And as you mentioned, 59 are open for burial while 55 are closed to the casketed interment of a first family member. Our newest national cemetery, San Joaquin Valley in Northern California, opened in June 1992.

As a result of the aging of our World War II and Korean War veterans, the demand for cemetery grave space will increase in the coming years. This increased demand for service requires that the NCS carefully manage existing resources and identify future opportunities to acquire additional land for burial space. This will be accomplished in four ways. First, we seek to extend the service period of open national cemeteries through the development of available space for cremated remains. Second, to acquire land through purchase or donation to keep existing cemeteries open. Third, we encourage States to provide additional grave sites through participation in the State Cemetery Grants Program. And four, we will establish, when feasible, new national cemeteries to serve the needs of the veteran population.

Progress has been made in planning for construction of cemeteries in our large metropolitan areas which are currently underserved. Regarding the areas identified in VA's 1987 report to Congress as being most in need of a national cemetery, the needs of one area are met by the San Joaquin Valley Cemetery, as I mentioned. Final environmental impact statements have been completed or are expected to be completed for the remaining nine areas by early 1994. Funding has been provided for land acquisition and master planning at four of these sites, Albany, Chicago, Cleveland and Seattle. Master planning funds have been provided for Dallas. The second report to Congress is currently under VA internal review.

Our projections indicate that 11 of the 59 open national cemeteries will close to first family member interments before the year 2000, with an additional 13 cemeteries closing before the year 2020 unless adjacent land is acquired. Those cemeteries which are projected to close are currently under internal review to determine the feasibility of extending their service life through the acquisition of adjacent land. Four of the 11 cemeteries scheduled to close before the year 2000, in Florence, SC; Fort Sam Houston, TX; Biloxi, MS; and Dayton, OH, have land acquisition in progress and we're optimistic that we will be able to keep these cemeteries open into the 21st century. This effort will remain a priority.

Specifically you've asked me to speak to our operational needs in light of the current restrained fiscal environment. We have three main operational goals. Number one is having the personnel to do the job. Number two is having the equipment to do the job, and number three is maintaining and repairing what we have. How can we accomplish these goals with a budget that is essentially remaining level while our rate of burial increases?

The 1994 budget submission includes an increase of 11 employees for our cemeteries. As you are aware, we have a substantial backlog of equipment in need of replacement. By the end of fiscal year 1993, that backlog will be reduced to \$5.8 million. The National Cemetery System has requested sufficient funding in 1994 to maintain the progress already made against this backlog. Accordingly, we will have enough functioning equipment to serve the cemeteries. As for maintenance, we believe that the additional FTEE, the strides that have been made in the equipment backlog to date, and that intangible, the dedication of our employees, will permit us to maintain our cemeteries in the manner expected by those that we serve.

Finally, I want to turn now to the issue of H.R. 821 which would extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a Reserve component of the Armed Forces. VA has previously expressed opposition to similar proposals, noting that veterans benefit programs developed by Congress over the last four decades are generally not available to those individuals whose military service does not include actual active duty. We believe that extension of any veterans benefit to individuals who are prepared to serve on active duty but have not actually done so could have far reaching implications. Considering the uncertainty of these implications, VA cannot endorse the expansion of eligibility for burial in a national cemetery for individuals whose military service does not meet the criteria established under current law.

At this time, there are more than one million individuals in the Selected Reserve and more than 500,000 in the Individual Ready Reserve. We cannot estimate the long-term costs since we do not know the percentage of reservists who would seek burial in the national cemeteries. The issue for us is not just the up front burial cost, but the cost of perpetual care and, more importantly, the depletion of limited grave space for veterans of active duty and their dependents.

There are also other budgetary implications for NCS if our service population is expanded to include 20 year reservists. We would experience additional requests for headstones and markers and Presidential Memorial Certificates. In addition to the cost of materials, increased program workload could result in the need for additional staff.

For these reasons, Mr. Chairman, the Department of Veterans Affairs cannot support H.R. 821.

This concludes my statement and I welcome questions from you or members of the subcommittee.

[The prepared statement of Mr. Bowen appears on p. 39.]

Mr. SANGMEISTER. I now recognize Mr. Rapp.

Mr. RAPP. I have no comments, sir.

Mr. SANGMEISTER. No comments? Okay. All right.

First I'd like to acknowledge the presence of the ranking minority member, Mr. Dan Burton of Indiana.

Dan, welcome.

On the legislation before us, H.R. 821, as I understand your position, you are opposed to it from two standpoints. One, philosophically. You don't think someone who has not served on active duty should be eligible for interment in a national cemetery. Is that what you're saying, along with the fact of space limitations and then the maintenance thereafter? It's a combination of all the factors?

Mr. BOWEN. That is correct, sir.

Mr. SANGMEISTER. Okay. Getting a little parochial, one of the first questions that I want to ask is in light of our tour that we had back in my Congressional District, I requested that an environmental impact statement be prepared on the Hoff Woods site. I sent a letter to the Secretary requesting that. Can you give me an update?

Mr. BOWEN. Well, yes, sir, it is in progress and I can give you an update.

Mr. SANGMEISTER. Okay.

Mr. BOWEN. We have contacted the environmental consulting firm that did the original work for the three sites in the Chicago area—Fort Sheridan, Grant Park and Cissna Park. We're going to do a modification to their original contract, so that they can pick up the Joliet site as an addendum to the original contract. We're proceeding on that at this time. We have indications that we will be successful in this effort and that should cut quite a bit of the time off what it would normally take us to do a new survey at a site.

Mr. SANGMEISTER. You always push for a time frame. What does that mean? Are we talking about September, October, end of the year? I know it's difficult for you to answer, but you've got to have a time frame in your mind.

Mr. BOWEN. Yes, sir. We have had estimates from anywhere from 14 months at the far side to as short as 11 months. I plan to monitor this project personally and see what can be done to shave some time off of that 10 to 14-month estimate generally used as a benchmark.

Mr. SANGMEISTER. Well, that's much appreciated and I'm glad you're going to personally monitor the process. If Hoff Woods is going to be the site, we ought to get it designated and get the process moving.

Mr. BOWEN. Yes, sir. Just yesterday I had a meeting with our Director of Construction Management and in addition to my emphasis on it, he has also indicated to me that he will closely monitor this in conjunction with NCS.

Mr. SANGMEISTER. Okay. VA's 1987 report to Congress identified ten sites to establish new national cemeteries. The Department contracted for a second follow-up report to Congress with Logistics Management Institute. It is my understanding that as required by Public Law 99-576, the second report should have already been released to Congress this year. Can you tell me the status of that report and when it is expected to be delivered to Congress?

Mr. BOWEN. Yes, sir. The Logistics Management Institute, or what we call the LMI study, has been completed. It is under internal review at the Department of Veterans Affairs now. We have concluded that this report as a stand alone document will not meet the requirements of the report to Congress. As you mentioned, it's mandated under law. What we're doing now is taking the demographic information from this study and preparing it in conjunction with our overall policy concerning new cemetery construction. Obviously you're aware of the change in administration and the fact that the last NCS policy was formulated in November, 1990 by the previous secretary. That overall policy is under review and the LMI study will give us some data to help formulate that policy. Then based on that, once we have a policy, we will make the report to Congress.

Mr. SANGMEISTER. What the committee would like and what I personally would like for our record is an update on the status of each of the ten sites. You will be furnishing that, will you not?

Mr. BOWEN. Yes, sir.

Mr. SANGMEISTER. Okay.

Mr. BOWEN. We have a very complex matrix developed which identifies each of the 15 milestones in the development of a new cemetery.

Mr. SANGMEISTER. That many?

Mr. BOWEN. Yes, sir.

Mr. SANGMEISTER. Oh, okay. Well—

Mr. BOWEN. For each of those nine remaining sites, we can give you a complete breakdown.

Mr. SANGMEISTER. All right. Okay.

I don't know how we're going to handle this. Apparently we've got a journal vote going on. I don't think I can finish all the questions that I'd like to ask of this panel. Perhaps, we'd be better off to take a break at this point.

Mr. Burton, do you have any problem?

Mr. BURTON. Mr. Chairman, I'd just like to make one brief comment—and I appreciate your yielding. There has been in the past a lack of coordination between the national cemeteries that are handled by the VA and the National Park Service annexes that are adjacent to them. We had a problem a couple of years ago with the annex at the Gettysburg Cemetery. I think that problem has been resolved. They now have upgraded it. It was really a mess there for awhile. I had some of my constituents who had their children buried over there who had died in combat and they went over there and it was a mess. But it has been rectified.

I just wondered if there's better coordination across the country now with these annexes than there was in the past. You may not be able to answer that, but I wish you'd check into it because those annexes are right adjacent to the cemeteries, the national cemeteries that we have jurisdiction over, and a lot of them were in disrepair. If you could just let me know in addition to the Gettysburg Cemetery if those are being upgraded, I'd sure appreciate it because there should be that coordination.

Mr. BOWEN. I will check into that, sir.

Mr. BURTON. Okay. I thank you, Mr. Chairman.

Mr. SANGMEISTER. You're welcome.

Mr. Buyer, maybe you would like to question them a little bit about their position——

Mr. BUYER. Right. I'm not going to take——

Mr. SANGMEISTER (continuing). On the bill you're cosponsoring.

Mr. BUYER. Thank you, Mr. Chairman. I don't want to be taking on the VA, but I have a question of Mr. Bowen.

Are you a 20 year veteran of active service?

Mr. BOWEN. Yes, sir, I am.

Mr. BUYER. I had that feeling.

Mr. BOWEN. However, sir, if I may add, I started my military career in 1962 as a member of the U.S. Army Reserve.

Mr. BUYER. Well, when I came out of the Citadel I didn't take an active duty commission. I was offered one and I took a Reserve commission and I've been on active duty several times. But I look at the commitment of those who serve in—who are in the Reserve and who serve the National Guard who may have never done their 180 days. But you heard earlier my statement about the total force concept. Guarantee, Mr. Bowen, even over there on the Armed Services Committee and dealing with the active force, there is a mind set, there is an attitude of the active force and their acceptance of the total force concept, even after Desert Storm. It continues to boggle my mind. It gets down even to the minutia of who is going to rate whom.

Mr. BOWEN. Yes, sir.

Mr. BUYER. I mean there is a "like hell" attitude of the active service that they'll never let a reservist or a National Guard officer or an NCO rate someone who is on active duty. We can talk about one force concept and all those good things, how we want to work together as a team, but there are still a lot of separations between the two. Over time, I think it only becomes better, but if we're looking at this reliability as a Nation upon the total force concept and bringing together those Reserve and the National Guard and the active force truly as one unit, then we've got to address some of those other things.

When we talk about 20 years, we're not talking about someone that went in for a couple hitches. We're talking about that 20 years. So, we can debate the philosophical aspect of it for a long time, if you like, but I disagree with the VA's position on the philosophy, Mr. Chairman.

On the space limitation and the cost aspect, you're looking at it as someone who is very conservative and very fiscally minded. But it does not sit well with that total philosophy that I share of the total force concept and what we try to do over there on the Armed Services Committee. And then when you come over here to this VA subcommittee and then try to turn to the VA itself, and say, "Come on, guys, gals, let's get on board here with the total force concept," and that also means in the benefits. That's what we try to do in this particular legislation in reaching out to that form of benefit.

So, I made my comments earlier, Mr. Chairman, on space limitations and the cost and we recognize those aspects. If you need more money, ask. I'm sure that you've got people here that will give you a good ear and I'll work on Mr. Burton——

Mr. SANGMEISTER. I was going to suggest that to you.

Mr. BUYER (continuing). Towards trying to cut out funds. I'll work on my colleague on that.

Mr. BURTON. Put me on the bill.

Mr. BUYER. All right.

Mr. BOWEN. Do I have time to respond, Mr. Chairman?

Mr. SANGMEISTER. You sure have.

Mr. BOWEN. We are concerned about cost, that's true. Our primary concern, however, is the availability of burial space. There was a comment made earlier that we have plenty of gravesites. We're not crowding out the total gravesites, but what we are losing is the closing of the 11 national cemeteries that I mentioned earlier and that we would deny burial for an eligible veteran under current law by expanding the eligibility to the 20-year reservist. If it's a matter of grave space available total, yes, but these are in the newer cemeteries that are not near the current veteran population in many cases.

So, once we close a cemetery, because there is no adjacent land, then the veteran who has served under current law would not have that available grave space. So, that's our primary concern. Not the cost, but the actual grave space.

Mr. BUYER. Okay. To be positive on this, Mr. Chairman, if we were to make an amendment to H.R. 821 to say that these 20 year veterans of National Guard and Reserve would be eligible on new sites, would that be amenable to the VA?

Mr. BOWEN. I would have to review that, sir. I've not looked at that specifically.

Mr. BUYER. Can I discuss that with you—

Mr. BOWEN. Yes, sir.

Mr. BUYER (continuing). Later on and if you would be more amenable to an amendment to these new sites and new cemeteries and not into the old, if that's where the real problem is, I'd be more than happy to talk to you about it.

Thank you, Mr. Chairman.

Mr. SANGMEISTER. We're going to have to break. I'm reluctant to hold this panel at least, until we get back from this vote. I have a number of questions here I'd like to ask, but we're going to submit them in writing to you and expect detailed answers back. So, I will release this panel. We will then go over and cast our vote, come back here and reconvene with the subsequent panels. We're certainly interested to hear what the veterans' organizations have to say about H.R. 821 as well. So, we'll be back. We'll convene as soon as we get back here. I presume that's about 15 minutes.

[Recess.]

Mr. SANGMEISTER. Okay, the committee is back in session and on our second panel we have Mr. Steven Dola, who is the Deputy Assistant Secretary for Management and Budget, Department of the Army with Arlington National Cemetery.

Welcome.

And Colonel William E. Ryan, Director of Operations and Finance from the American Battle Monuments Commission.

STATEMENTS OF STEVEN DOLA, DEPUTY ASSISTANT SECRETARY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE ARMY; COL. WILLIAM E. RYAN, JR., DIRECTOR OF OPERATIONS AND FINANCE, AMERICAN BATTLE MONUMENTS COMMISSION

Mr. SANGMEISTER. Gentlemen, thank you very much for being here and whoever wants to proceed may do so.

Mr. Dola.

STATEMENT OF STEVEN DOLA

Mr. DOLA. Thank you very much, Mr. Chairman.

With me on my left is Mr. John C. Metzler, Jr., the Superintendent of Arlington National Cemetery. We're both pleased to be appearing before this committee today testifying on the operation of Arlington National Cemetery.

I would like to submit my complete statement for the record, Mr. Chairman, and briefly summarize a few items.

Mr. SANGMEISTER. The entire written testimony will be made a part of the record.

Mr. DOLA. Thank you, sir.

CEMETERIAL EXPENSES, ARMY, BUDGET REQUEST

The budget request for fiscal year 1994 is \$12,738,000.00. The funds requested are sufficient to support the work force, to assure adequate maintenance of the buildings, and to acquire necessary supplies and equipment. The funds requested will finance operations at Arlington and Soldiers' and Airmen's Home National Cemeteries.

Construction funds in the amount of \$4,193,000.00 are included in the budget for the following: repair of the service complex, flagstone walks and roads, repair of the roofs at the Soldiers' and Airmen's Home National Cemetery Lodge and Arlington's Lodge Number 1, design for the next increment of the Columbarium, installation of heavy duty doors at the visitors center, and conversion of the air conditioning system at the administration building.

The budget also includes, Mr. Chairman, funds to allow the Army to complete development of a new master plan, to continue removal of old underground fuel storage tanks at Arlington, and to begin implementation of a graveliner program.

CEREMONIES

Thousands of visitors both foreign and American visited Arlington in fiscal year 1992 to participate in about 1,900 non-funeral ceremonies to honor those who rest in the cemetery. I'm proud to report that after 51 years the remains of Ignace Jan Paderewski, the Polish pianist, composer and statesman, have been returned to his native Poland. A ceremony was conducted in Arlington in conjunction with that repatriation.

INTERMENT ELIGIBILITY

There has been no recent change in the interment eligibility criteria for Arlington National Cemetery. These criteria are stated in the Code of Federal Regulations.

FUNERALS

In fiscal year 1992, there were 2,962 interments and 1,277 inurnments, and 3,500 interments and 1,300 inurnments are estimated in fiscal year 1993. At this rate for inurnments, Mr. Chairman, available space in the existing Columbarium will be exhausted in fiscal year 1998. Funds in the amount of \$520,000.00 have been included in the fiscal year 1994 budget to begin design of the next increment of the Columbarium.

STATUS OF PUBLIC LAWS 100-322 AND 101-237

Public Law 100-322 authorizes the Secretary of the Army to provide graveliners for graves in Arlington National Cemetery. The fiscal year budget includes \$190,000.00 to begin implementation of that program.

Public Law 101-237 requires the Secretary of the Army to designate an appropriate area within Arlington National Cemetery for the unmarked interment of ashes. We are pleased to report that an appropriate site within Section 27 of Arlington National Cemetery has been identified. A plan for the site has been developed and trees and shrubs have been purchased and planted. Benches also have been purchased and will be installed. The walkway through the site that we planned will be completed next year.

This completes my summary, Mr. Chairman. We'll be pleased to answer your questions.

[The prepared statement of Mr. Dola appears on p. 42.]

Mr. SANGMEISTER. Okay.

First, thanks again, Mr. Metzler, for the courtesies extended to me when I was out there to visit you. I appreciate that very much.

Mr. METZLER. You're welcome, sir.

Mr. SANGMEISTER. You spoke about a new master plan. What do you mean by a new master plan?

Mr. DOLA. Mr. Chairman, we have a master plan now that is over 25 years old; it has had a number of projects. Most of those projects have been completed. All but two, in fact, have been completed. We need to look ahead and develop the future infrastructutive projects that will be needed including transportation, drainage, irrigation, electrical service, and water service. Buildings that need to be restored, new buildings or facilities that need to be completed—we will take a look at those in the master plan. An environmental assessment will be prepared. In summary, a new master plan affords an opportunity to look at all the things that need to be done so we can anticipate and take care of the needs at Arlington into the future.

Mr. SANGMEISTER. When I was out there talking to Mr. Metzler, he made me aware of the fact that there is ongoing, as there would be at any cemetery but particularly at Arlington, maintenance of all structures. Is this budget that we're coming up with going to be adequate? It's not everything that everybody's going to want this year, that's for sure, but are you going to be able to do what you have to do, I guess is the way to put the question.

Mr. DOLA. Well, I'll let Mr. Metzler answer your question in a moment, but I would point out, Mr. Chairman, that there are several things that Congress has funded that are very important that

are going on there. The restoration of the Memorial Amphitheater, funds for a new facility maintenance complex, these are two of the most prominent facilities that are already funded and will be getting underway later this year.

Would you like to add to that, Mr. Metzler?

Mr. METZLER. Yes, sir.

The funds that we have allotted for fiscal year 1994 are not quite the same as we had in fiscal year 1993. We've declined by about \$295,000.00. It will be challenging for us to continue to maintain the Cemetery at the same level that we currently have right now, however we do feel comfortable that if we pare back a number of items that we currently buy on a regular basis to a more modest level that we'll be able to continue to maintain the Cemetery.

This particular year we've had a lot of storms come through the Cemetery, last night another one. We've lost a number of trees. We've had a number of branches come down. And we're continually working and maintaining these areas, but we realize as the Cemetery continues to age it's going to cost us more money to maintain that beautiful shrine at the same level that we are all expected to have it at.

Mr. SANGMEISTER. What's the overall plan for expansion out there? I presume if anything in the area is up for sale or disposition or anything else that's contiguous you will attempt to obtain it. Is that true?

Mr. METZLER. Well, we're watching our neighbors very closely and, as a matter of fact, in the audience today is Col. Scott Deibler, the Post Commander of Fort Myer, one of our close neighbors and someone that we work with all the time.

We're always looking at the Navy Annex as well. This is a structure that's very old, World War II, and there are some plans right now to remove the structure. And if that does go through, then that will probably be one of the areas that we will look at first.

Most of our neighbors are federal on all four sides and each one of those we stay in constant contact with to find out what their plans are for the future. Right now Arlington is good for initial interments until the year 2025 and we are concerned not only with what Mr. Dola said but also the future in looking at potential sites for expansion of the Cemetery beyond the year 2025 and we will consider some of these items in our new master plan too in some strategic planning.

Mr. SANGMEISTER. Okay.

Colonel Ryan.

STATEMENT OF COL. WILLIAM E. RYAN, JR.

Colonel RYAN. Yes, sir. Thank you, Mr. Chairman.

Mr. SANGMEISTER. Would you pull that mike over a little closer to you there?

Colonel RYAN. Yes, sir.

Mr. SANGMEISTER. There you go.

Colonel RYAN. The American Battle Monuments Commission welcomes the opportunity to provide information to the subcommittee on its operations. As you have copies of my prepared statement

and it will appear verbatim in the record, I will summarize its contents.

Mr. SANGMEISTER. Very good. Proceed.

Colonel RYAN. Colonel Badger, the Acting Secretary of the Commission, is presently inspecting our shrines in Europe and in the Mediterranean areas. He called me this week to say that those he had inspected so far are even more beautiful and immaculately maintained than he has seen previously in his 19 years with the Commission. We hope that you will take the opportunity to visit them whenever possible.

As you will remember, legislation was enacted in 1986 authorizing ABMC to establish a Korean War Veterans Memorial here in the Nation's capital. Subsequently, approval by the Congress was obtained to locate the memorial in the Mall area. A national design competition was held with the winning design receiving approval with reservations of the Commissions of Fine Arts, the National Capital Planning Commission and the National Capital Memorial Commission of the Department of the Interior.

After many attempts at modification and much discussion, approval of the design concept without reservations was received last year. Fortunately, we were able to retain the three basic elements of the original design: a formation of ground combat troops marching towards an objective symbolized by the U.S. flag, a commemorative wall paying tribute to the support forces from all of the military services whose dedicated and heroic service made the success of our ground troops possible, and an outdoor cathedral or quiet area enclosed by plantings where relatives and friends can be with their thoughts.

We expect to receive final design approval this month, and a building permit sometime thereafter.

In the meantime, a contract was let in February to stabilize the soil of the site and install the utilities. Our goal is to complete the memorial in sufficient time to dedicate it on 27 July 1995, the 42nd anniversary of the signing of the armistice in Korea.

Our next commemorative project will be erection of a World War II memorial here in Washington, DC. The authorizing legislation, Public Law 103-32, was signed into law last month. Our initial action will be to request the Secretary of the Interior to petition the Congress to authorize its placement in the Mall area.

We believe that the successful conclusion of World War II, to which the United States contributed immeasurably, was the most important event to date in the history of the free world and, as such, deserves placement in the Mall area. We sincerely hope that you will not only support the legislation but also encourage your colleagues to do so.

This concludes my summary. I'll be happy to respond to your questions.

[The prepared statement of Colonel Ryan appears on p. 47.]

Mr. SANGMEISTER. So the two big things you've got going are the Korean War Memorial and now the World War II Memorial.

Regarding the Korean War Memorial, I believe you recall we had a discussion in my office concerning the copyrights. We've got some veterans who spoke to me about the problem that they can't use replicas of that memorial on tee shirts or anything else because

it's copyrighted. In fact, I guess it's factual that some veterans were sued for doing exactly that with the Vietnam Memorial. So in light of the conversation we had, you were going to try to negotiate with the architect, sculptor and muralist of the monument as to maybe helping some of these veterans' organizations get out from underneath the copyright problem. While that is a general statement——

Have you had a chance to do anything along that line?

Colonel RYAN. Yes, sir. We've passed the word to them. I've worked up a little fact sheet on that. If you'll bear with me, I'll go through it quickly.

Mr. SANGMEISTER. Yes. I'm interested in seeing what you've got on that.

Colonel RYAN. I'll cover what has happened. The Army Corps of Engineers is our agent insofar as contracting for the final design for the construction of the Korean War Veterans Memorial. In doing so, the Army Corps of Engineers has contracted with the AE firm of Cooper-Lecky Associates—they're the ones that were the architects for the Vietnam Memorial—to take the winning design concept and amend it as necessary to obtain approval of its final design by the Commission of Fine Arts, the National Capital Planning Commission and the Secretary of the Interior.

As no mention was made in the contract of copyrights, the Federal Acquisition Regulations reserve the memorial copyrights to the Commission or to the Federal agency concerned, and that happens to be ourselves. When Cooper-Lecky subcontracted with the sculptor and the muralist for their work, their contracts did not address copyrights. Consequently, these two individuals assumed that they would own the copyrights for their particular artistic works. The two artists now have asked for the copyrights to their own work. They have informed us that they would not wish to complete the contracts without it.

The Army Corps of Engineers' legal staff believes that it would be in the best interests of ABMC financially and time-wise to relinquish the copyrights for reasonable compensation. Otherwise, it would be necessary for us to amend the artists' contracts to include compensation for such estimated royalties that they would have received. Any delay at this time in the artists' completing their work would jeopardize ABMC receiving a building permit or construction permit by the deadline of October 28, 1993, when ABMC's authority to establish the memorial expires should the Secretary of the Interior not have issued a building permit by that time.

Presently, Cooper-Lecky is working with the artists to devise a copyright agreement that would provide reasonable compensation for the U.S. Government. We have asked that the agreement include a statement that the artists would release their works for commercial reproduction on request, that a special low rate be authorized for veterans' organizations wishing to copy the works for commercial purposes, and that the agreement recognize that the public at large is authorized to photograph the works for its own private use.

You had made a statement about tee shirts. Of course, if a veterans' organization wanted to put a replica of the memorial or a replica of one of the pieces of sculpture on a tee shirt, it's perfectly

permissible as long as they give them away. It's when they do it for commercial purposes that there's difficulty with the copyright laws.

Insofar as taking pictures of the memorial at any time and for any person's private use, this is certainly permissible.

Mr. SANGMEISTER. So if I understand you correctly, there is some discussion going on of there being a reasonable cost for veterans' organizations that would want to reproduce it and sell it?

Colonel RYAN. Yes, sir.

Mr. SANGMEISTER. Now the fees paid to the sculptor, muralist, or architect, for the memorial, is it taken into consideration that he's going to have copyright and therefore whatever he is paid to produce this is commensurate with the additional income he's going to get for copyright fees?

Colonel RYAN. It should have been, but it was not. At the time Cooper-Lecky made up its contract with the two artists concerned, no mention was made of copyrights. The artists therefore assumed that they had the copyrights for their own particular artistic work.

Mr. SANGMEISTER. And do you know off-hand what they get paid for doing that?

Colonel RYAN. They're talking in the terms of millions of dollars, but I have no idea really.

Mr. SANGMEISTER. I really think that's something that ought to be looked at. I understand there are people that are very talented, more talented than others. I don't know how you let contracts, whether they're just generally let or whether you pick people that are renowned for the kind of work that they produce. This seems to me like a double whammy to pay millions of dollars for the design of a war memorial and then turn around and have veterans' organizations pay copyright fees. It's something that I think you need to keep a close eye on.

Colonel RYAN. Yes, sir.

Mr. SANGMEISTER. The deadline for the construction permit is October 28, 1993. Are you going to meet that deadline or are you going to have to ask Congress for another legislative extension?

Colonel RYAN. Hopefully we're going to meet it; we understand that we can schedule a meeting with the Commission of Fine Arts and the National Capital Planning Commission this month and we have about 98 percent of the final design completed by the architect of record, Cooper-Lecky, so we should be able to make that deadline if we do not have a problem with what's submitted to these two commissions this month.

Mr. SANGMEISTER. Let's move on to the World War II Memorial, you're requesting that it be placed somewhere on the Mall? Is that correct?

Colonel RYAN. Yes, sir.

Mr. SANGMEISTER. You don't pick out an area that you think would be apropos for what you're going to put there? You just ask for some space on the Mall? Is that the way that's done?

Colonel RYAN. That's the way it works in the Commemorative Works Act. First you must have approval to place it on the Mall, then you negotiate for an appropriate site.

Mr. SANGMEISTER. The location. I see.

I have no more questions.

All right. Thank you, gentlemen. We appreciate your being here today.

Mr. SANGMEISTER. Okay.

Our third panel.

From the Disabled American Veterans, Joe Violante; from AMVETS, Michael Brinck; Paralyzed Veterans of America, Clifton Dupree; Mr. Richard Johnson from the Non Commissioned Officers Association; Mr. John Vitikacs, American Legion; and Dennis Cullinan from the Veterans of Foreign Wars.

STATEMENTS OF JOSEPH A. VIOLANTE, LEGISLATIVE COUNSEL, DISABLED AMERICAN VETERANS; MICHAEL F. BRINCK, NATIONAL LEGISLATIVE DIRECTOR, AMVETS; CLIFTON E. DUPREE, ASSOCIATE LEGISLATIVE DIRECTOR, PARALYZED VETERANS OF AMERICA; RICHARD JOHNSON, DIRECTOR, LEGISLATIVE AFFAIRS, NON COMMISSIONED OFFICERS ASSOCIATION; JOHN R. VITIKACS, ASSISTANT DIRECTOR, NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION, THE AMERICAN LEGION; DENNIS M. CULLINAN, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS

Mr. SANGMEISTER. Welcome. Good to see you all again. You've all been here and heard the testimony. I'm interested in your comments on H.R. 821 as well as how you think our national cemeteries are being maintained. Any other comments that you believe helpful to this committee in the area of national cemeteries.

Let's just go from right to left.

Mr. Violante, why don't we start with you.

STATEMENT OF JOSEPH A. VIOLANTE

Mr. VIOLANTE. Thank you, Mr. Chairman.

On behalf of the more than 1.4 million members of the Disabled American Veterans and its Women's Auxiliary, I thank you for this opportunity to express our views today.

At the outset, Mr. Chairman, the DAV wishes to commend you on this timely exercise of your oversight responsibility. Clearly, the efforts of this subcommittee over the years have had a positive impact on the operations of the VA National Cemetery System. We applaud your continued interest.

Mr. Chairman, the budget that is allocated to Arlington National Cemetery pays for the operation and maintenance of not only Arlington but also for the Soldiers' and Airmen's Home National Cemetery. We spoke with the staff of Arlington and it appears that the requested amount is adequate to maintain the services of both locations and to meet their projected needs.

The American Battle Monuments Commission has been responsible for the perpetual care of many of our most prized war memorials as well as the overseas remains of our war dead. The Commission has been charged with the task of coordinating the design and construction of the Korean War Memorial in Washington, DC, and that design is about 90 percent completed. They've also been charged with the World War II Memorial and DAV looks forward to being able to pay homage and tribute to both our veterans of the Korean War and World War II here in our Nation's capital.

The DAV's legislative program is governed by mandates in the form of resolutions adopted by our membership at our annual DAV national convention. Since our membership has not adopted a resolution addressing the subject matter of providing national cemetery eligibility to selected Reserve members, the DAV has no position regarding H.R. 821.

Mr. Chairman, last year more than 494,000 veterans died while the NSC only interred 47,000 of those veterans. This means that for every veteran interred in the VA system there was more than nine veterans who chose to have their remains placed elsewhere. At our most recent national convention, our delegates adopted a resolution seeking at least one open cemetery in each state. We believe the goal of this resolution is reasonable and pragmatic in establishing useful burial options for our Nation's veterans and we encourage the VA to consider it.

Previous DAV testimony before this subcommittee has expressed our views that the National Cemetery System policy based solely on a regional concept is unrealistic. Additionally, we believe it important that Congress take affirmative steps to fully fund new cemetery sites.

Mr. Chairman, there are other steps that can be taken to ease the NSC burdens. For example, there are States that have special state cemetery provisions for veterans. Pending the advent of an open national cemetery in every state, we support the State Cemetery Grants Program.

Earlier this year this subcommittee heard testimony on a proposed amendment to Section 2408 to increase the federal share of the total grant and to reduce the states share. DAV believes that this increased grant to States will encourage more States to participate in this program. The potential for increased state participation in this program will provide a final resting place relatively close to a veteran's home and family. Perhaps the VA can take action to see that more States avail themselves of this benefit.

All NCS costs relate to activities it is obligated to perform. Yet funding is provided in the discretionary account. To avoid future inadequate funding, we feel that all NCS activity should be funded from a mandatory spending account.

The operation of the National Cemetery System has been adversely affected by the prior budgets and the proposed fiscal year 1994 budget only keeps the NCS even with inflation. Money is also needed to furnish the previously deferred maintenance and repair projects. The independent budget recommends an appropriation of \$80 million in fiscal year 1994. This increase will not fund all NSC equipment and maintenance needs, nor will it fund the optimal number of employees. It will only enable NCS to move forward towards its goals of meeting the burial needs of American veterans and their families.

That concludes my testimony, Mr. Chairman. I'd be pleased to respond to any questions that you might have.

[The prepared statement of Mr. Violante appears on p. 50.]

Mr. SANGMEISTER. Okay. Moving to the AMVETS.

STATEMENT OF MICHAEL F. BRINCK

Mr. BRINCK. Good morning, Mr. Chairman. Thank you for holding the hearing.

Since its earliest beginnings during the Civil War, the National Cemetery System has provided the Nation's last service to its veterans. Today's system of cemeteries, soldier's plots and national parks ironically comprise a living memorial to the dead Americans who chose to answer their country's call to service.

The National Cemetery System has grown to 114 cemeteries but only about 49 will remain open to casket burial by the year 2000 if new sites are not added. NCS has started development or identified sites in areas that will serve over four million veterans and their families and site selection is underway to serve another 2.4 million. Obviously this is still not enough because the system currently has grave sites for less than one percent of those who are eligible.

A review of the planning schedule, I think referred to by Mr. Bowen, offers an example of how long it takes to complete a national cemetery project. The development schedules for the nine remaining regional cemeteries at Albany, Chicago, Cleveland, Dallas/Fort Worth, Detroit, Miami, Oklahoma City, Pittsburgh and Seattle average 35 months from initial site advertisement to the Secretary's signed record of decision, and 68 months from that decision to the formal dedication of the new cemetery. Again, these are averages. It now takes, therefore, about 9 years to bring a new cemetery on-line. These projects will help meet the VA's goal of an open cemetery within 75 miles of 75 percent of America's veterans and will go partial way towards meeting the AMVETS goal of an open cemetery in every state.

But we are deeply disturbed at DOD's decision not to sell Fort Sheridan to the VA for a national cemetery. We under the VA was not able to meet the appraisal value and that the Army will sell this to a commercial interest. Unfortunately, this is just another case of DOD not wanting to acknowledge its debt to its own former employees.

AMVETS fully supports the grant program for state veterans cemeteries and since its beginning in 1981 the program has awarded 70 grants totaling \$33 million to 17 States and the territory of Guam. We also fully support legislation that would increase the VA's cost share to a maximum of 65 percent to help encourage States to fund additional sites.

Last Monday I visited the Keokuk, Iowa National Cemetery. It just happens to be near my home. It was one of the first 12 designated as a national cemetery by President Lincoln in 1862. I'm pleased to report that the Director, Ms. Charlene Lewis, and her staff of four, have an absolutely beautiful facility. When I asked about her needs, her immediate reply was people. Under the current staffing situation, if one of her four maintenance people has a vacation or illness and there's a requirement to open more than one gravesite, Ms. Lewis gets out with a shovel and helps prepare the site and also close the grave if necessary. The National Cemetery in Keokuk will lose one FTEE this year through attrition and she's very concerned about her ability to maintain the current standards. That's a prime illustration of why we support the inde-

pendent budget recommendation of 55 new FTEE for the Cemetery System.

NCS estimates that we will have increases in all areas of responsibility during the next fiscal year. Total acreage will hit over 10,000, interments will reach 70,000, gravesites will now exceed two million, headstone requests will reach 320,000, issuances of Presidential Certificates will rise to 362,000. We urge the Administration and the Congress to make every effort to provide the tools to do the job at the time when the demand for their services is continuing to increase.

AMVETS would also like to congratulate the Cemetery System on its outreach program to inform veterans of their entitlement to burial benefits. In 1987 the survey of veterans revealed that nearly a third were unaware of their right to be buried in a cemetery or receive payments for burial in state or private cemeteries. We heartily endorse NCS's public ceremonies program to help get the word out and to highlight the availability of sites in the National Cemetery System.

Mr. Chairman, AMVETS was very gratified by Chairman Montgomery's favorable reply to our letter opposing a proposal by a part of the funeral industry to shift the costs of graveliners from the VA to the veteran survivors. We conducted a random poll of funeral homes in the DC area and found that a graveliner similar to that provided by the VA would cost from \$250.00 to \$700.00 if purchased by the families from the funeral homes. VA states that it currently pays an average of \$127.00 for a graveliner.

Mr. Chairman, we recently observed Memorial Day to honor those who have died in service to the Nation. National holidays are a fitting tribute, but they are fleeting events. But a cemetery is not only a permanent memorial to those resting there, but it is also a constant reminder of the principles for which they wore the uniform and died. These principles are the true occupants of each grave and part of our legacy to our children lies beneath each marker. Let us continue to provide our veterans and the principles they have served a fitting place of honor.

That completes my statement. Thank you, sir.

Mr. SANGMEISTER. Thank you.

Any position on H.R. 821?

Mr. BRINCK. Yes. We fully support the concept of trying to provide the 20 year Guard and reservist burial in the national cemetery. The problem is the cemetery isn't staffed nor funded to handle the current demand from the active duty veteran population. So, until the cemetery system is adequately funded and staffed and has burial sites sufficient to accommodate the increase in demand, we do not support the legislation.

[The prepared statement of Mr. Brinck appears on p. 58.]

Mr. SANGMEISTER. Mr. Dupree from the Paralyzed Veterans of America.

STATEMENT OF CLIFTON E. DUPREE

Mr. DUPREE. Mr. Chairman, members of the subcommittee, on behalf of the Paralyzed Veterans of America, I want to thank you for inviting us today to testify.

PVA supports the proposal to create burial eligibility to members of the Select Reserve or National Guard who have served 20 years.

Mr. SANGMEISTER. I'm sorry, you said supports?

Mr. DUPREE. Provided they have served on active duty.

Mr. SANGMEISTER. Oh, I'm sorry. Okay. I wanted to get it straight. This presently is the situation, is it not? I mean that's current law.

Mr. DUPREE. Right. Current law says 2 years of active duty service for those who enter after September 7, 1980.

Mr. SANGMEISTER. Okay.

Mr. BURTON. So, until they change those rules.

Mr. DUPREE. For over 200 years, the Nation has provided suitable final resting places for the men and women who have served our Armed Forces. This tradition must be protected and continued. To do otherwise would break a longstanding national commitment and demean the sacrifices of our veterans. It's the position of the PVA that the national cemeteries must be maintained in a manner befitting of those national shrines, to maintain a park-like beauty and serenity expected by the loved ones of those interred. Resources must be directed to the growing permanent acreage of the NCS, its infrastructure of historic buildings and roads, major equipment needs and needs for increase in staffing in the field.

In the next few years, many of our national cemeteries will be closed because of lack of burial space, thereby denying many veterans the opportunity for interment in a national cemetery. This situation must be weighed along with the additional demands that will be placed upon the system if members of the Select Reserve and National Guard are extended the burial benefit. Every effort should be made to keep our national cemeteries open as long as possible.

PVA supports the planning efforts directed towards the acquisition of lands adjacent to national cemeteries and the appropriation of funds to buy appropriate acreage if offered for sale.

For many years, the National Cemetery System has had to depend upon the charitable donations of the community and veterans groups to secure adequate lands to keep cemeteries open. The State Cemetery Grants Program plays an important role in providing burial space to veterans and their eligible dependents. These efforts alone will not adequately provide the final needs of all veterans. Many States, because of resource constraints, cannot participate in the program. It's important to remember that entitlement to the burial in a national cemetery may be the only veterans benefit used after honorably serving our Nation.

The primary responsibility falls upon the Federal Government to provide for the final resting place for all eligible veterans who have honorably served our Nation. It is only fitting that veterans of this Nation be laid to rest near their family and loved ones. PVA continues to advocate for an open national cemetery within reasonable driving distance of each major veterans population center and a state veterans cemetery in every state.

PVA continues to support having mandatory spending accounts for all costs associated with providing benefits. These include the cost of acquiring sufficient cemetery space, constructing cemeteries

and maintaining them properly. PVA would like to recognize and thank the administrators of Arlington National Cemetery and the members of the American Battle Monument Commission for their efforts to provide excellent support services to the veterans of this Nation.

We encourage this committee to engage in aggressive oversight of a National Cemetery System and by doing so ensure that the veterans who have served this country will be given the honor and dignity they so richly deserve.

Mr. Chairman, such concern has enabled VA to become increasingly responsive to the burial needs of veterans and their families. This concludes my testimony. I'll be glad to answer any questions you may have.

[The prepared statement of Mr. Dupree appears on p. 63.]

Mr. SANGMEISTER. Now let's go to the VFW.

STATEMENT OF DENNIS M. CULLINAN

Mr. CULLINAN. Thank you, Mr. Chairman.

On behalf of the 2.2 million members of the Veterans of Foreign Wars, I wish to thank you for inviting us to participate in today's important hearing. The VFW remains committed to the proposition that all veterans should have convenient access to a national cemetery so that they are not denied this final veterans benefit. Also under discussion today will be a legislative initiative, H.R. 821, along with the operation of Arlington National Cemetery and the American Battle Monuments Commission and we are pleased to comment on these important areas as well.

Mr. Chairman, I'm just going to extract briefly from my written statement.

Mr. SANGMEISTER. Sure.

Mr. CULLINAN. With respect to the National Cemetery System, the VFW thinks that it's a well-run enterprise. VA NCS is doing a good job. There have been problems. There was a problem out in California, for example, a couple years back. But these problems rest primarily with the lack of an adequate funding. Right now there's a \$3.1 million equipment backlog and it's estimated it will be \$4.8 million by 1994. It's time for NCS to initiate some critical maintenance projects within the cemetery system and they can't do any of these things unless they have sufficient funding. That's where the problems, we think, primarily lie with NCS.

In accordance with the independent budget, we recommend a funding level of \$80 million for fiscal year 1994. Whether they'll get it or not is another matter, but it's something that we view as being very much needed.

Now, with respect to H.R. 821, legislation introduced by Congressman Bonilla, this bill would essentially open up the national cemetery system to Reservists and National Guard who are not currently deemed to be veterans under Title 38 and we oppose this bill. Our opposition rests primarily with the philosophical point of view. We think that there is a key distinction between active duty service and reserve service. Indeed the Reserve and National Guard is an integral part of our national defense equation, but nonetheless there's a distinction to be drawn between those that

serve in active duty and those who don't. I mean those reservists who served in Lebanon and Grenada in the Persian Gulf are deemed to be veterans under current law and are entitled to the full array of veterans' benefits under VA.

We'd note, of course, the other problem attendant to this proposal, the expense. The space within the VA Cemetery System is dwindling. It's underfunded at the time and that poses an additional problem. But our primary objection rests with the philosophical point that there's a difference between active duty service and Reserve service.

With respect to the Arlington National Cemetery, again we think it's a well run facility. We'd note, however, that it's running out of land. We'd like to see some land donated by Fort Myer to the cemetery so that more veterans could be buried there. We also think that the Battle Monuments Commission is a well run entity. We think they're doing a fine job and we don't really have any key problems with their operation.

That concludes my statement, Mr. Chairman.

Mr. SANGMEISTER. Okay.

[The prepared statement of Mr. Cullinan appears on p. 70.]

Mr. SANGMEISTER. We'll recognize Frank Buxton.

Mr. BUXTON. Good morning. I'm Frank Buxton, Deputy Director of National Veterans Affairs and Rehabilitation Commission of the American Legion.

On behalf of the American Legion, I would like to introduce to the committee Mr. John Vitikacs, Assistant Director for Resource Development of the National Veterans Affairs and Rehabilitation Commission. Mr. Vitikacs is a Vietnam veteran and has been with the American Legion in Washington Headquarters for about 10 years in various capacities. He has been an invaluable asset to the Legion as a resource specialist providing background information for most of our congressional testimony.

Mr. Vitikacs will present the American Legion's testimony today as his first testimony before a Congressional committee.

Thank you very much, Mr. Chairman. Mr. John Vitikacs.

Mr. SANGMEISTER. Thank you for the introduction and welcome to the committee.

STATEMENT OF JOHN R. VITIKACS

Mr. VITIKACS. Thank you very much, Mr. Chairman.

The American Legion appreciates the opportunity to comment on issues of importance to the National Cemetery System. National cemeteries are national shrines and should be maintained in such a manner that all visitors immediately recognize the dedication and commitment afforded to our deceased comrades in arms by a grateful Nation.

Currently there are several topics related to the National Cemetery System that require prompt and favorable action on behalf of the Congress. The first subject is the ever-increasing fiscal requirements of the National Cemetery System. Each year an additional 60,000 plus gravesites are added to the National Cemetery System for perpetual maintenance and upkeep. Even though a sum of approximately \$13 million has been added to NCS funding over the

past few years, that increase only allowed the system to catch up to required funding levels. Never again should it be permitted to allow operations funding to deteriorate to the point that proper basic maintenance cannot be maintained.

Secondly, current equipment requirements are seriously under funded. There is today an equipment backlog of approximately \$5.8 million. Mr. Chairman, this figure is not getting any smaller. With adequate equipment, manpower requirements and operational costs could be reduced.

Although more and more veterans are being buried in national cemeteries, acreage available to bury veterans is not expanding at an acceptable rate. Up to ten new national cemeteries are required to accommodate changing veteran demographics to meet the expected increase in veteran burials well into the next century and to compensate for the rapid utilization of existing national cemetery space.

The American Legion believes the issue of where to expand new national cemeteries is a matter that needs to be resolved and funded. We also believe that VA should make a larger commitment to expanding the State Cemetery Grants Program and expand existing national cemeteries wherever possible. Further, we urge the speedy release of the recent Logistics Management Institute study on future expansion requirements of the National Cemetery System.

The American Legion supports H.R. 821 which would provide full burial benefits to National Guard and Reservist retirees. H.R. 821, although not supported by VA due to cemetery space and funding limitations, would provide a fitting tribute to the men and women who have honorably served this Nation for so long. The Legion also supports legislation which would change the VA state contributory funding formula for construction of state veteran cemeteries and provide a minimum \$150.00 plot allowance for every veteran burial in a state cemetery. In the long run, this proposal would save VA resources.

Mr. Chairman, that concludes our testimony. Thank you.

[The prepared statement of Mr. Vitikacs appears on p. 75.]

Mr. SANGMEISTER. And we wind up with Richard Johnson from the Non Commissioned Officers Association. Mr. Johnson.

STATEMENT OF RICHARD JOHNSON

Mr. JOHNSON. Thank you, Mr. Chairman. I'll try and be brief this morning in that I will largely echo what many of my colleagues have said here.

First, NCOA is in strong support of H.R. 821 to authorize the burial of retired and retirement eligible reservists in national cemeteries. Reserve components of the United States are no longer a practice organization that carries wooden rifles and works only with plastic models. They carry a substantial mission responsibility and the United States could no longer survive without reserve components as active participants in the Armed Forces. Few people know that all the air support provided in operations in Grenada was provided by Reserve units, drilling weekend warriors. I personally have a friend that had 49 missions in Vietnam and never

served a day on active duty in the Armed Forces, but flew 49 C-141 missions out of Norton Air Force Base in California during the Vietnam era to Tan Son Nhut.

I know of people within the Non Commissioned Officers Association who flew missions without ever being activated, just during their weekend drill period or during a combined weekend drill phase or two week summer training that served and flew missions in and out of Saudi Arabia or to Europe or to other areas of the world in support of Operation Desert Storm. People who have never been on active duty in the Armed Forces, yet they wear the medals and they have the service that qualifies them as veterans. Certainly this is legislation that should be passed by the committee.

NCOA has two areas of concern with regard to the operation of the National Cemetery System, both of which were expanded on by the American Legion. One is the goal of the Administration seems to be to open nine new cemeteries by the year 2000. That is a goal that was set in the 1987 Cemetery Study. Maybe it's my imagination, Mr. Chairman, but it seemed to me that there was some posturing going on this morning by the Department of Veterans Affairs with regard to the cemetery study, the follow-up cemetery study that is due to the committee this year. The posturing includes not releasing the LMI study but indeed polishing the LMI study with their own facts and figures. I suspect that's going to suggest that maybe they don't need nine new cemeteries as was determined in 1987.

In any event, having that concern, I think it would be in the best interest of the veterans community and I think the committee would benefit tremendously from having that LMI study released now.

And, hopefully, we will be able to see some similarity between that and what the VA ultimately comes up with but I think the raw data available on the LMI study would be very, very helpful to those of us in the veterans' community in determining where the national cemetery system should go in construction over the next 7 years.

I might also point out that by the VA's own time table it takes 6 years to construct a cemetery and if they're going to have all nine of them done by the year 2000, next year is going to be awfully busy.

Third is the area of equipment backlog. Congress was very generous with the national cemetery system in fiscal year 1992 providing a \$10 million bonus to help retire an equipment backlog, which at that time was about \$12.7 million. Limited appropriation for 1993 and some changes in the operation of the national cemetery system have increased the backlog carryover. What at the end of fiscal year 1993 was intended to be a \$2.6 million carryover in equipment backlog has now grown to \$5.8 million.

Mr. Chairman, if this is not resolved, it will continue to grow and could become, in fact, a debilitating burden on the national cemetery system the same way as the medical equipment backlog has become, in fact, a debilitating burden on the Veteran's Health Administration.

We urge the committee to do all that it can to resolve that equipment backlog.

Finally, Mr. Chairman, we have made in our statement a plea to the committee for relaxed language in the waivers area for burial in the national cemetery system. At one point last year NCOA spent 43 days trying to get a woman buried with her child, a child that predeceased her in the national cemetery. She was no longer qualified for burial because she had subsequently divorced the veteran. Technically, that wasn't an OBRA 90 restriction, but there are a number of areas where you can have a family member buried in a cemetery and then subsequently other family members will become ineligible for burial either by divorce or remarriage under OBRA 90 and so forth.

I guess the point here, Mr. Chairman, is that we would like to see the committee instruct the VA that the waiver authority in 2406 should be a generous waiver authority, that they should be looking for reasons to grant the waivers to allow families to be buried together instead of looking for reasons not to. Waivers are only requested about 200 times a year and we see no reason why 190 of those shouldn't be approved. Instead, the VA is currently approving about 20 of the 200 per year.

Mr. SANGMEISTER. Well, in that regard, Mr. Johnson, what I suggest you do is direct a letter to me as the chairman of the subcommittee asking that there be some review of that policy. I'll be happy to take that up with the VA myself and see if we can't get some help and figures for you on that. But give it to me in writing. Would you do that, please?

Mr. JOHNSON. Most assuredly. Thank you.

Mr. SANGMEISTER. Okay. Well, to summarize, again, I appreciate everybody being here. You certainly represent your organizations well and you're available here when we need information.

As far as the National Cemetery System is concerned, listening to all of you, the impression I get is that things are okay. But, like everything else, there's always room for improvement.

We're getting down to where priorities are a big item for this Congress, but if we have to choose between expanding existing national cemeteries and creating new ones, does anyone have any thoughts about which is a better way to go?

Mr. JOHNSON. Mr. Chairman.

Mr. SANGMEISTER. Yes.

Mr. JOHNSON. That's largely an issue of geography. Certainly there are some cemeteries now that are too large in size to be used by the year 2050. So, if we're talking about expanding things like Fort Snelling, which is already huge, or Northern California, which is also huge, we would rather see new construction done.

With regard to something like Arlington National Cemetery, which is a separate issue, obviously anything that could be done to expand Arlington would be well received and welcomed. But again, those are going to have to be case by case determinations based on how many veterans would be served.

Mr. SANGMEISTER. Personally, I think ahead of everything we have to keep the maintenance of the cemeteries up because what good is to be creating new ones or expanding existing ones and let-

ting them deteriorate. So I think that's probably the number one priority.

Turning to H.R. 821, those of you that are opposed to the legislation—what about the position taken by Mr. Buyer, and I think there's some merit to it, that we're all one big family now. We're calling on reservists more than we ever have before and that maybe philosophically we shouldn't be so opposed to persons having to serve the minimum amount of time on active duty in order to qualify for benefits. Does anyone want to speak to that?

Mr. BRINCK. Sure. I don't think there's anybody that would argue against the total force concept. Those of us who—I put 21 in the Navy and we had it beat in our heads every day that reservists are our friends, not our enemies. And they were, in the aviation community, highly regarded. So it's not a question of considering them second class DOD employees.

I think AMVETS' opposition, and I hope I qualified it enough by saying that given the sufficient funding and resources that we would support it if the NCS was able to handle the extra workload.

Mr. Buyer's point is well taken. However, despite the fact that, yes, they wear all the same medals and, yes, they certainly perform peacetime missions or wartime missions while not serving on active duty, NCS is still given limited—a finite amount of resources. I think we have to prioritize. And it's unfortunate that someone who serves 20 years and doesn't meet the current law criteria isn't able to be buried in the cemetery. The answer to that is let's give the cemetery system the resources to handle the extra load.

Just one example, near your home district, Quincy, IL, has a cemetery that currently has seven grave sites left. It's serviced by the Keokuk office. Are we going to put seven guardsmen or reservists in there or are we going to save those seven slots for active duty personnel, or are we going to send those active duty personnel to—I guess Keokuk would be the next closest site for a national cemetery to the Quincy area veterans.

So, it's a question of resources.

Mr. SANGMEISTER. Yes.

Mr. CULLINAN. Mr. Chairman, the only thing I would add to that, Mr. Buyer I think was also talking about creating a kind of two tiered system for burial. He mentioned that where such reservists would only be entitled to burial in a newly opened cemetery or new cemetery.

Mr. SANGMEISTER. I think he was taking that position based on if availability is a problem, then maybe we ought to restrict it to new cemeteries and not use up what we've got left in the old cemeteries. I think that's what he was referring to.

Mr. CULLINAN. The only thing—I don't have it worked out completely here, but it strikes me as being somewhat problematic having that service. In a sense you'd be creating kind of a cast of half veteran then. They'd be entitled to a certain veteran's benefit but only under certain situations and it just strikes me as being problematic. And I can't really define it any more specifically than that right now.

And the other thing, the total force concept, I would just add that is a concept whose realization is still very much in the making. And I think it would be very helpful indeed if it's a little

bit more tied down, defined. If it becomes more of a reality, then we could better address it. Right now we're talking about what reservists may one day become as opposed to what they were, the toy soldiers with the plastic guns, and what they are at the moment. And I don't think anyone quite understands what that is. So I think that that's something that we could look at again later on.

Mr. SANGMEISTER. Have any of you had any experience or problems with what we were talking about earlier, with the copyrights of the national monuments whereby veterans' organizations attempt to reproduce or use the monuments for commercial purposes? Any of your members in any of your organizations raise that issue? It has not been? Well, that's interesting because—

Mr. BRINCK. It's interesting since those are raised, those are constructed with private funds and I would assume that all of our memberships probably contributed a significant amount of those funds that the artists or craftsmen in question would then turn around and say to our members that we're not entitled to benefit from those designs.

Mr. SANGMEISTER. Well, that's exactly what I was thinking. I thought it was—

Mr. BRINCK. I think that's a pretty narrow view on their part, especially since the Colonel seemed to dodge the question of what their fees were going to be involved. You didn't get a very direct answer out of him and although it sounds like it's a significant amount of money, and I think they ought to be satisfied with what they're getting.

Mr. SANGMEISTER. And I would certainly think so, too. At least we've jogged him on this area. Of course, now we hear that in the case of the Korean War Memorial that if we do anything now to jeopardize the contract that's in negotiation or been negotiated with these people, that we're going to set the memorial back for years.

I think when the World War II Memorial gets put together that's something the VSOS ought to think more about. Why should there be royalty rights for the artists when they have been paid millions of dollars to design the memorials?

Mr. JOHNSON. Well, Mr. Chairman, if there are royalty rights and so forth, maybe the law ought to direct that those royalties be directed to the perpetual care of the memorial.

Mr. SANGMEISTER. That's a unique thought. I hadn't thought of that.

Mr. JOHNSON. But, I'm not sure. I think that's what's happened at the Vietnam Veterans Memorial. I think everything that they collect down there goes towards the perpetual care of the memorial. And I think it would be only appropriate to do that for other memorials that are constructed in and around Washington.

Mr. SANGMEISTER. That's a good thought.

Well, that's all I have. Nothing from the Minority side. Okay.

Again, gentlemen, thank you very much for being here and your patience today. And we appreciate your cooperation on this issue.

Mr. SANGMEISTER. The last panel that we have is Colonel Charles Schreiber from the National Guard Association and Mr. Michael Cline, Retired Master Sergeant from the Enlisted Association of the National Guard.

Gentlemen, welcome to the committee and we're willing to hear testimony on anything in light of what you've heard here today. Specifically, I guess, we want to get your position on H.R. 821 and why you think it is good legislation or not. So, Colonel, why don't we start with you.

STATEMENT OF COL. CHARLES G. SCHREIBER (RET.), DIRECTOR, LEGISLATIVE ACTIVITIES, NATIONAL GUARD ASSOCIATION; MSGT MICHAEL CLINE (RET.), EXECUTIVE DIRECTOR, ENLISTED ASSOCIATION OF THE NATIONAL GUARD

Colonel SCHREIBER. Yes, sir, Mr. Chairman. We're the smallest panel and, hopefully, we'll take the least amount of time.

Mr. SANGMEISTER. Okay.

Colonel SCHREIBER. I would like to talk to a few of the issues that were discussed today and maybe clarify or expand on a couple of them.

First of all, before I even start to touch on an issue that was brought up earlier this morning, I'm a retired regular Air Force officer. I had 30 years active duty, and have now worked for the National Guard about 15 years of my life. So, I've seen both sides of it.

A couple of comments on the testimony by the representative from the VFW. He talked about the total force "concept." The total force concept was developed in 1971. The total force policy was approved in 1973. So we've been acting as a total force for 20 some years. It's not a concept that's going to start next year.

He also talked about the folks that either served in Panama, Somalia or other areas as already being veterans. The only ones that I know of that are veterans are the ones who were called up by Presidential call up for Desert Shield and Desert Storm. So the folks that are over right now in Somalia, or flying in and out of Somalia or Yugoslavia, or served in Panama are not veterans because they were on a different status at the time and didn't serve for 2 years active duty. So they were in a wartime situation but have not been given veteran status and do not fall into the veteran's status category.

Regarding the number of people that we're talking about, I have to draw on about three other sources: the report from the Congressional Budget Office last year; the 6th Quadrennial Review of Military Compensation from about 5 years ago; and the most recent DOD report on numbers of personnel that have 20 or more years reserve service and are eligible for retirement. Those numbers are something like 280,000 total Guard and Reserve members with over 20 years of service right now. We would estimate about half of those are non-prior service people that don't have 2 years active duty already. So about half of those folks probably are already eligible for this entitlement based on having served for 2 years or more.

The CBO last year estimated that about 6,900 of those folks would die every year and that about 12 percent of those might then opt for burial in a national cemetery. I think what—

Mr. SANGMEISTER. That's 12 percent of 6,900?

Colonel SCHREIBER. Yes, sir. So you're talking about 800 and some.

The thing that I think they overlooked is that probably half of those are already eligible. So you're talking maybe 400. That gets back very close to what the 6th QRMCC predicted about 5 years ago when they said 365 additional burials a year would result from approval of something like H.R. 821. So we're talking on the high side of 800, which I doubt and probably on the more accurate side about 300 to 400. Something in that ball park.

Mr. SANGMEISTER. Okay.

Colonel SCHREIBER. Another issue that was touched on very briefly but not discussed was the State cemetery grant system. I talked to the Adjutant General of Vermont this morning who is in testifying over on the Senate side to the Armed Services Committee. They are opening up a new state cemetery. He's responsible for management of that and oversight of it, but he can't bury any of his Guard members in it because it receives grant funds from the Federal Government. They are not veterans, they cannot be buried in their State cemetery. So I think not only is that a problem, but it seems to me it ought to be an opportunity. And if we could—

Mr. SANGMEISTER. This is a state funded cemetery?

Colonel SCHREIBER. It's a state cemetery with federal grant.

Mr. SANGMEISTER. With a federal grant.

Colonel SCHREIBER. If it's partially funded with federal funds, a Guard and Reserve member is not eligible for burial in it.

Mr. SANGMEISTER. Well, a Guard member from that state could not—

Colonel SCHREIBER. Yes, sir.

Mr. SANGMEISTER. I'm sorry. Go ahead.

Colonel SCHREIBER. What I'm suggesting is that since you have a shortfall in space, that if we could pass H.R. 821 and then encourage the States to expand their state cemetery system, we would have additional space that everyone would be eligible to be buried in.

I think that pretty well covers it. We are certainly, as Dick Johnson said, a very active community in the last 10 to 15 years. I think General Conaway, who is the Chief of National Guard Bureau, when he testifies says he has 3,000 to 4,000 people on duty somewhere around the world everyday. So there are Guard men and women that are serving this country everyday in every kind of situation that you can think of; whether it's refueling airplanes that were going to strike Libya a few years ago, whether it's some of the first people on the ground in Panama because they happened to be there at the time on annual training, and we had some units down there in that category, we are involved in everything that the U.S. military does on almost a day-to-day basis. And we think that 20 years of that type of service ought to qualify those people for burial in the national cemeteries.

Thank you, sir.

[The prepared statement of Colonel Schreiber appears on p. 80.]

Mr. SANGMEISTER. Mr. Cline

STATEMENT OF MICHAEL CLINE

Sergeant CLINE. Thank you, Mr. Chairman. It's a pleasure to again appear before this committee. On behalf of the enlisted mem-

bers of the Army and Air National Guard, EANGUS thanks you for conducting these hearings.

Mr. Chairman, like my counterpart from the Officers Association, I too am a veteran during the Vietnam era and I went on to serve 22 additional years in the Army National Guard, State of Ohio.

Mr. Chairman, as the active component continues to build down, more and more reliance, as you've heard today, is going to be placed on the National Guard and the Reserve component to pick up the slack. Today we have people in Bosnia, we have people flying missions into Somalia, we have the continuing efforts down in Panama; constant ongoing efforts by our Army and Air National Guard and other Reserve components to support the active component.

This legislation has come before this committee and has passed successfully through the House. It is our understanding additional legislation similar to H.R. 821 will be forthcoming in the Senate.

H.R. 821 has the support of the Military Coalition which represents 24 major military organizations and veterans groups.

Mr. Chairman, a lot of the controversy around this bill centers around the active duty commitment that a Reserve component places during this time. Over a 20 year period the typical National Guard soldier, who just drills on weekends and goes to weeks of annual training plus his other schools and that, spends an average of 60 days a year. And these are figures that were released by the Department of Defense, Reserve Affairs. Over a period of 20 years, and most Guardsmen who stay in the National Guard spend more than 20 years; most of them are there from 22 to 25 to 27 years, spends anywhere from 4-plus to 4¾ years of his time on active duty.

This same active duty soldier in 1981 was changed where the active duty soldier had to have a commitment of 24 months on active duty to get this burial benefit. Now, on one hand we have an active component soldier who spends 2 years and we have a Reserve component who has committed a quarter of his life, 4-plus years of active duty service over a 20 year period who is not eligible for the same benefit.

This brings about concern. Two and a half years ago our Reserve component forces were engaged in combat in the Middle East. Everybody is well aware of the job that the National Guard and Reserve did during this period of time. They responded with 99.9 percent of our people reported to active duty. 94.7 percent of those people deployed.

Mr. Chairman, less than a year ago 10,000 of our National Guardsmen were on the streets of LA in urban unrest, an equally dangerous situation.

Less than 3 months ago 5,000 of our National Guardsmen were standing ready for a week's period of time to react to the verdict of the Rodney King case. And it just happens to be, Mr. Chairman, one of those 5,000 happens to be my oldest son, who spent 8 years on active duty with the U.S. Army and is now serving proudly in the California Army National Guard.

Mr. Chairman, our people are not asking for a lot. They're only asking to be recognized for the amount of service that they have

committed to their country. And I'm sure, as Colonel Schreiber has mentioned, 365 burials a year at a cost as the House report stated would cost less than \$500,000 a year between 1993 and 1997. That was House report 102-540 filed by this committee, the House Veterans' Affairs Committee.

In that report it also stipulated that there would be cost added for burial with headstones, which was passed last year under HR 939, the VA Home Loan Guarantee Bill that was slid into that bill, also the burial flag issue which was also put into that bill. So therefore that cost has been reduced. Earlier testimony today by the VA indicated that the cost included headstone markers. Again, this legislation was passed last year.

The Enlisted Association of the National Guard applauds the efforts of the House Veterans' Affairs Committee for its continuing support of the enlisted men and women of the National Guard and the Reserve component. It is not the intent or desire of EANGUS to solicit veteran status for members of the selected Reserve who have not earned that distinction by definition of Title 38 of the United States Code. However, it is not an unreasonable request to pay recognition for those who have dedicated more than a quarter of their lives for service to their country by providing for interment in national cemeteries.

Mr. Chairman, that concludes my statement.

[The prepared statement of Sergeant Cline appears on p. 86.]

Mr. SANGMEISTER. Thank you both for coming. I think we've had this issue fully worked over today in hearing from you, all the veterans' organizations and from the VA. Members of this committee will have to decide on what action to take on H.R. 821.

Again, I appreciate your being here today and giving us your views.

I don't have any other questions to ask. As I say, it's a decision now that the committee is going to have to make whether we're going to move forward with this particular legislation.

Mr. Cline, you mentioned that similar legislation will be introduced in the Senate. Is that correct?

Sergeant CLINE. The Senate, Senator Akaka from Hawaii is going to introduce similar legislation.

Mr. SANGMEISTER. Is going to, because our records don't show anything of record over in the Senate.

Sergeant CLINE. No. Matter of fact, one of the members from the Senate Veterans' Affairs Committee is sitting here in the audience today, sir. And I reaffirmed with him this morning that Mr. Peter Dougherty from Senate Veterans' Affairs reaffirmed the fact, he's a staffer, is Senator Akaka is going to introduce that legislation. We have been working with his staff on that legislation. It was introduced last year, there was somewhat of a compromise between HR 939, the VA Home Loan Bill and the Burial Bill. Some things were rolled into the Home Loan Bill. But they are—

Mr. SANGMEISTER. But what form is it going to take this time?

Sergeant CLINE. Similar to the same legislation of H.R. 821, sir.

Mr. SANGMEISTER. Of H.R. 821? Okay.

All right, anything else? That concludes the hearing today. Thank you, gentlemen, the subcommittee is adjourned.

[Whereupon, the subcommittee was adjourned.]

APPENDIX

103D CONGRESS
1ST SESSION

H. R. 821

To amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. BONILLA (for himself and Mr. STENHOLM) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIGIBILITY FOR BURIAL IN NATIONAL CEME-**
4 **TERIES.**

5 (a) IN GENERAL.—Section 2402 of title 38, United
6 States Code, is amended—

7 (1) by redesignating paragraph (6) as para-
8 graph (7); and

1 (2) by adding after paragraph (5) the following
2 new paragraph:

3 “(6) Any person who at the time of death was entitled
4 to retired pay under chapter 67 of title 10 or would have
5 been entitled to retired pay under that chapter but for
6 the fact that the person was under 60 years of age.”.

7 (b) CONFORMING AMENDMENTS.—(1) Section
8 2301(e) of such title is amended by striking out “section
9 2402(6)” and inserting in lieu thereof “section 2402(7)”.

10 (2) Section 2306(a)(2) of such title is amended by
11 striking out “(6)” and inserting in lieu thereof “(7)”.

PREPARED STATEMENT OF CHAIRMAN SANGMEISTER

The Subcommittee will be in order. I am pleased to welcome all of our witnesses to discuss the programs and operations of VA's National Cemetery System, Arlington National Cemetery and the American Battle Monuments Commission (AMBC).

Let me first extend a personal note of congratulations, to Jerry W. Bowen, who is making his first appearance before the Subcommittee in his position as the newly confirmed Director of the National Cemetery System. I look forward to working closely with you and your staff.

The VA's National Cemetery System consists of 114 national cemeteries, 59 of which are open to first family interments while 55 are closed except to eligible family members of those already buried.

Over the next decade, we must focus our attention on identifying additional gravesites in our national cemeteries to meet the needs of an aging veteran population. Not only must we ensure that the honor of burial in our national shrines is available to veterans, but we must strive to ensure that all graves are perpetually maintained at the highest standards possible.

In a 1987 report to Congress, required by P.L. 99-576, VA identified ten areas of the country most in need of a national cemetery based on veteran population not served by a national or state veterans cemetery. While only one of the ten, San Joaquin Valley National Cemetery in California has opened, I look forward to receiving updates on the status of the remaining nine sites. I also want to encourage VA to move expeditiously and release the second report to Congress required by law.

In reviewing the fiscal year 1994 budget request for the National Cemetery System, I note that the total request is slightly below the fiscal year 1993 appropriations level. While increased funding was provided in the last 2 fiscal years to help meet increased workloads in all areas, I question how NCS will continue to provide its services at the highest level with an essentially static budget.

I look forward to hearing the testimony of my distinguished colleague, the Honorable Henry Bonilla of Texas on H.R. 821, legislation he has introduced to amend title 38, United States Code, to extend eligibility for burial in a national cemetery to reservists and national guardsmen having 20 years of qualified service.

Before I call on the Honorable Henry Bonilla, I would like to recognize the Ranking Minority Member, Rep. Dan Burton of Indiana.

TESTIMONY OF THE HONORABLE HENRY BONILLA
U.S. REPRESENTATIVE OF THE 23RD DISTRICT OF TEXAS
TO THE
VETERANS AFFAIRS SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
JUNE 10, 1993

Mr. Chairman, Members of the Subcommittee on Housing and Memorial Affairs, I am pleased to be here with you this morning on behalf of over One Million reservists and their families in each and every congressional district across this great nation. I appreciate the opportunity to testify regarding legislation which I introduced earlier this session -- H.R. 821. I introduced this bi-partisan bill along with Charlie Stenholm, Tom DeLay and Veterans Committee Members Frank Tejeda and Stephen Buyer. As you know, this legislation would extend eligibility for burial in national cemeteries to members of the reserve components of our Armed Forces who have at least 20 years of service creditable for retired pay.

Under current law, the only members of the Reserve components of the Armed Forces who are eligible for burial in a national cemetery are those who: (1) die under honorable conditions while hospitalized or undergoing treatment at the expense of the United States, for injury or disease contracted or incurred while such member is performing active duty for training, inactive duty training or traveling to or from such duty; (2) are disabled or die from disease or injury incurred or aggravated in line of duty during or enroute to or from inactive duty training; (3) are disabled or die from injury (but not disease) incurred or aggravated in line of duty during or enroute to or from active duty training.

However, members of the Reserves who have spent 20 years preparing both physically and mentally to defend our nation at a moments notice are not eligible for burial in the National Cemetery System.

Mr. Chairman, as you are well aware, similar legislation, H.R. 4368, which provided the burial benefits specified in H.R. 821 unanimously passed this subcommittee, the full committee and the full House of Representatives during the 102nd Congress.

Mr. Chairman, Reservists have served this nation admirably over the years. Today, reservists participate routinely in operations such as: "Just Cause" and "Kindle Liberty" in Panama; "Urgent Fury" in Grenada; and "Desert Shield/Desert Storm" in the Persian Gulf. Reservists also stand ready to assist Americans when a disaster hits home such as Hurricane Andrew -- after which we saw reserve forces maintaining law and order and providing humanitarian assistance in Southern Florida.

These instances that I have just noted are only a few of the ways in which Reservists serve our nation. I believe that this dedicated service must be acknowledged and Reservists provided the benefit of burial in a National Cemetery.

We should do as the members of the 102nd Congress did in recognizing that reservists who dedicate years to their country should be accorded burial rights in our national cemeteries. And, I would like to remind the Subcommittee of the comments of the distinguished Chairman of the Veterans Affairs Committee, Sonny Montgomery, who, one year ago yesterday, on the floor of the House urged passage of HR 4368--similar to today's HR 821. I would like to second Chairman Montgomery's statement of that day: "Mr. Chairman, I urge passage of this legislation."

Statement of the Honorable Jerry W. Bowen
Director, National Cemetery System
Before the House of Representatives Committee on Veterans' Affairs
Subcommittee on Housing and Memorial Affairs
June 10, 1993

Good morning, Mr. Chairman and distinguished Members of this Subcommittee. It is my pleasure to appear before you this morning to address the status of the National Cemetery System and to comment on H.R. 821, a bill to extend National Cemetery burial eligibility to persons with 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces. Let me begin this morning by saying, Mr. Chairman, that this Subcommittee has always been a supporter of the National Cemetery System and this support has been greatly appreciated. I look forward to working with you in the future on issues of concern to both of us.

You asked me to speak this morning on the operational needs of the National Cemetery System. Although I have been Director of the National Cemetery System for only a short period of time, I have had sufficient opportunity to meet with NCS area directors and several cemetery directors to discuss their views, recommendations, and concerns. I have been favorably impressed by the dedication and pride exhibited by these members of the National Cemetery System. It will be my privilege to serve with them in the years ahead.

One of our main goals is to make the benefit of interment in a national cemetery available to as many veterans as possible. We have 114 national cemeteries located throughout the United States and Puerto Rico. Fifty-nine are open for burial, while fifty-five are closed to the casketed interment of a first family member. Our newest national cemetery, San Joaquin Valley National Cemetery in northern California opened in June 1992.

As a result of the aging of World War II and Korean War veterans, the demand for cemetery grave space will increase in coming years. This increased demand for service requires that the National Cemetery System's carefully manage existing resources and identify future opportunities to acquire additional burial space. This will be accomplished in four ways: (1) extend the service period of open national

cemeteries through the development of available space for cremated remains; (2) acquire land through purchase or donation to keep existing cemeteries open; (3) encourage States to provide additional gravesites through participation in the State Cemetery Grants Program; and (4) establish, when feasible, new national cemeteries to serve the needs of the veteran population.

Progress has been made in planning for construction of cemeteries in large metropolitan areas currently underserved. Regarding the areas identified in VA's 1987 report to Congress under Public Law 99-576 as being most in need of a national cemetery, the needs of one area are met by the San Joaquin Valley National Cemetery, and final Environmental Impact Statements have been completed or are expected to be completed for the remaining nine areas by early 1994. Funding has been provided for land acquisition and master planning at four of these sites: Albany, Chicago, Cleveland, and Seattle, and master planning funds have been provided for Dallas. The second report to Congress required by Public Law 99-576 is currently under internal review.

Our projections indicate that 11 of the 59 open national cemeteries will close to first family member interment before the year 2000, with an additional 13 cemeteries closing before the year 2020 unless adjacent land is acquired. Those cemeteries which are projected to close are currently under internal review to determine the feasibility of extending their service life through acquisition of adjacent land. Four of the eleven cemeteries scheduled to close before the year 2000 (Florence, South Carolina; Fort Sam Houston, Texas; Biloxi, Mississippi; and Dayton, Ohio) have land acquisition in progress, and we are optimistic that we will be able to keep these cemeteries open into the 21st century. This effort will remain a priority.

You have asked me to speak specifically to our operational needs, particularly in light of the current restrained fiscal environment. There are three main operational goals: (1) having the personnel to do the job; (2) having the equipment to do the job; and (3) doing the job of maintaining and repairing what we have. How can we accomplish these goals with a budget that is essentially remaining level while our rate of burial increases? The 1994 budget submission includes an increase of 11 employees for the cemeteries. As you are aware, we have a backlog of equipment in need of replacement. By the end of Fiscal Year 1993, that backlog

will be reduced to \$5.8 million. The National Cemetery System requested sufficient funding in FY 1994 to maintain the progress already made against the backlog. Accordingly, we will have enough functioning equipment to serve the cemeteries. As for maintenance, we believe the additional FTEE, the strides that have been made in the equipment backlog to date, and that intangible--the dedication of our employees--will permit us to maintain our cemeteries in the dignified manner expected by those we serve.

I want to turn now to the issue of H.R. 821, which would extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces. VA has previously expressed opposition to similar proposals, noting that veterans benefits programs developed by Congress over the last four decades are generally not available to those individuals whose military service does not include actual active duty. We believe that extension of any veterans benefits to individuals who are prepared to serve on active duty, but have not actually done so, could have far-reaching implications. Considering the uncertainty of these implications, VA cannot endorse the expansion of eligibility for burial in a national cemetery for individuals whose military service does not meet the criteria established under current law.

At this time, there are more than one million individuals in the Selected Reserve and more than five hundred thousand in the Individual Ready Reserve. We cannot estimate the long-term costs since we do not know the percentage of reservists who would seek burial in national cemeteries. The issue for us is not just the up-front burial costs, but the costs of perpetual care and the depletion of limited grave space for veterans of active duty and their dependents. There are also other budgetary implications for NCS if our service population is expanded to include 20-year reservists. We would experience additional requests for headstones/markers and Presidential Memorial Certificates. In addition to the cost of materials, increased program workload could result in the need for additional staff. For these reasons, Mr. Chairman, the Department of Veterans Affairs cannot support H.R. 821.

This concludes my statement, and I would be pleased to address any questions you may have.

STATEMENT OF STEVEN DOLA
DEPUTY ASSISTANT SECRETARY (MANAGEMENT AND BUDGET),
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)
BEFORE THE SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES
ON THE OPERATION OF ARLINGTON NATIONAL CEMETERY

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

INTRODUCTION

I am pleased to be testifying before this subcommittee today on the operation of Arlington National Cemetery. I am the Deputy Assistant Secretary for (Management and Budget), Office of Assistant Secretary of the Army (Civil Works). Assisting me today is Mr. John C. Metzler, Jr., Superintendent of Arlington National Cemetery. We are appearing on behalf of the Secretary of the Army, who is responsible for the operation and maintenance of Arlington and Soldiers' and Airmen's Home National Cemeteries.

My statement covers the following topics:

- > Fiscal Year 1994 Cemeterial Expenses, Army, Budget;
- > History and Present Day Significance;
- > Eligibility;
- > Arlington National Cemetery Historical Society;
- > Funerals;
- > Fiscal Year 1994 New Construction;
- > Previously Funded Construction; and
- > Status of Public Laws 100-322 and 101-237.

FISCAL YEAR 1994 CEMETERIAL EXPENSES, ARMY, BUDGET

The budget request for Fiscal Year 1994 is \$12,738,000. The funds requested are sufficient to support the work force, to assure adequate maintenance of the buildings, and to acquire necessary supplies and equipment. The funds requested will finance operations at Arlington and Soldiers' and Airmen's Home National Cemeteries. Construction funds in the amount of \$4,193,000 are included in the budget for repair of the service complex, flagstone walks, roads, the roofs at the Soldiers' and Airmen's Home National Cemetery lodge and Arlington's lodge # 1, design for the next increment of the Columbarium, installation of heavy duty doors at the visitors center and conversion of the air conditioning system at the administration building. The Fiscal Year 1994 budget also includes funds to allow the Army to complete development of a new Master Plan, continue removal of old underground fuel storage tanks at Arlington, and to begin implementation of a graveliner program.

HISTORY AND PRESENT DAY SIGNIFICANCE

From its origin during the Civil War, Arlington National Cemetery has become a great national and military shrine. The 1,100 acre estate which comprises Arlington National Cemetery and the Fort Myer military reservation has a rich, historical background. It became the property of John Parke Custis in 1778 and descended to his son, George Washington Parke Custis, who built the handsome Greek revival mansion, now known as Arlington House. The grounds and house were owned by Robert E. Lee's family at the outbreak of the Civil War, when the house was taken over by the government for military purposes.

The establishment of the cemetery dates back to 1864. Over the years, representatives of all the Nation's wars and conflicts have been buried in Arlington National Cemetery. Among the more commonly known and deeply cherished memorials in Arlington National Cemetery are the Arlington Memorial Amphitheater and the Tomb of the Remains of Unknowns from World War I, World War II, Korea, and the Vietnam era.

The area designated as section 27 at Arlington National Cemetery contains the graves of former residents of Freedmans' Village and members of the U.S. Colored Troops, as well as other original burials at Arlington. This area of the cemetery is no longer active for burials. Consistent with guidance contained in the Conference Committee Report accompanying Public Law 102-389, the 1993 Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, we have redoubled our efforts to ensure that Section 27 receives the proper care all areas in the cemetery should receive.

During FY 1992 we have removed two large dead trees, raised branches and removed the dead wood from the remaining trees. We remove fallen branches and leaves from the grounds weekly, mow and trim the grass weekly, core-aerate the turf and spot hydroseed in the spring, apply turf fertilizer and broadleaf weed spray in the fall and spring, and apply limestone in the fall. Also during FY 1992 a crew was dispatched into the section to clean all of the upright grave markers with a power washer, identify all broken/damaged markers or markers that were no longer legible. Replacement markers are starting to arrive.

During FY 1993 we have begun to replace approximately 1,000 modern flat grave markers with marble upright headstones that are inscribed appropriately. This activity will proceed in stages and will require several years to complete. The entire infrastructure of the area will be reviewed as part of the Master Plan currently underway. An historic restoration of the original handwritten burial register is planned for during FY 1993. The area is now prominently mentioned in Arlington National Cemetery's brochure and has been added to the walking map. A commercially produced video which documents the history of Arlington and Section 27 and of the former residents of Freedmans' Village is now available to the public.

Arlington National Cemetery has become this Nation's principal shrine to honor the men and women who serve in the Armed Forces. It is a visible reflection of America's appreciation for those who have made the ultimate sacrifice to maintain our freedom. During Fiscal Year 1992, Arlington National Cemetery accommodated approximately 4 million visitors, making Arlington one of the most visited historic sites in the National Capitol Region. In addition to the thousands of funerals, with military honors, held there each year, hundreds of non-funeral ceremonies are conducted to honor those who rest in the cemetery. Thousands of visitors, both foreign and American, visited Arlington in Fiscal Year 1992 to participate in about 1,900 non-funeral ceremonies. I am proud to report that, after 51 years, the remains of Ignace Jan Paderewski, the Polish pianist, composer, and statesman, have been returned to his native Poland. A ceremony was conducted in Arlington in conjunction with that repatriation.

ELIGIBILITY

There has been no recent change in the interment eligibility criteria for Arlington National Cemetery. These criteria are stated in 32 CFR 553.15. The following categories of decedent are generally eligible:

- > Members of the Armed Forces who die while serving on active duty.
- > Former members of the Armed Forces who have retired with 20 or more years of active service or reserves.

> Honorably discharged veterans who have held certain high government positions.

> Honorably discharged veterans who have been awarded either the Medal of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Distinguished Service Medal, Silver Star or the Purple Heart.

> Honorably discharged veterans separated prior to October 1, 1949, for medical reasons with a service connected disability rated at 30 percent or more.

> Family members such as spouses and children also are eligible under certain circumstances.

In addition to the above, any honorably discharged veteran whose remains have been cremated is eligible for inurnment in the Arlington National Cemetery Columbarium.

FUNERALS

In Fiscal Year 1992, there were 2,962 interments and 1,277 inurnments; and 3,500 interments and 1,300 inurnments are estimated in Fiscal Year 1993.

Inurnment activities in the Columbarium continue to increase. In 1980, the first year of operation, there were 657 inurnments. Because of the advanced age of World War I and World War II Veterans, inurnments are now averaging approximately 1,300 per year. At this rate, all available space in the existing Columbarium will be exhausted in FY 1998. Funds in the amount of \$520,000 have been included in the FY 1994 Budget request to begin design of the next increment of the Columbarium.

At the end of Fiscal Year 1992, there were 192,368 used gravesites to accommodate 214,109 interments. The total gravesite capacity is 268,089, leaving 75,721 gravesites available. Current projections indicate that all available gravesites will be used by the year 2025. The Department of the Army is cognizant of this projected closing date and remains alert to such possibilities as may present themselves for expansion of the capacity of the cemetery.

ARLINGTON NATIONAL CEMETERY HISTORICAL SOCIETY

In September 1991, the Arlington National Cemetery Historical Society, a non-profit corporation incorporated in April 1990 under the laws of the District of Columbia, submitted a formal request for recognition as a private organization to operate on Arlington's grounds. Although the Army appreciates the laudable objectives of the Arlington National Cemetery Historical Society and the dedication of its individual members, we decided that at this time it would not be in the best interests of Arlington National Cemetery to recognize the society as an entity to operate on cemetery grounds.

FISCAL YEAR 1994 NEW CONSTRUCTION

Master Plan

Arlington must develop a new Master Plan. The Fiscal Year 1994 request includes \$500,000 to complete the plan which is estimated to cost \$1,000,000. The new plan will address projected improvements for the next 30 years, including expansion of the capacity of Arlington National Cemetery and development of out-year construction projects. The original 1967 Master Plan consisted of 28 projects. Of the 28, 25 projects are completed. The West Boundary wall project, which has been partially funded, is not completed. The two unstarted projects are, one, replacement of the Custis Walk; and, two, the development of 52 acres of land in the cemetery for burial purposes.

Removal Of Underground Fuel Storage Tanks

There are 14 known underground fuel storage tanks located throughout the cemetery. All of these tanks need to be tested to determine if they are still serviceable. Some of these tanks are no longer in use and need to be removed. During the removal process any soil that is contaminated will have to be removed and the area left clean. The Fiscal Year 1994 request provides \$350,000 to continue the process of evaluation and tank removal. Four tanks have been removed so far during Fiscal Year 1993.

Service Complex

A project is being requested to renovate Arlington National Cemetery's service complex. This facility is the staging area for the personnel who maintain the cemetery and the field equipment. The facility is over 20 years old and has not been upgraded. Electrical, heating and ventilating, air-conditioning and safety systems need to be installed; and the complex requires painting and minor repairs. The estimated cost of this project is \$600,000 and is included in the FY 1994 Budget request.

PREVIOUSLY FUNDED CONSTRUCTION

Marble Restoration Project

In Fiscal Year 1992, the President's Budget requested, and the Congress appropriated, \$4.8 million to repair rainwater leaks at the Memorial Amphitheater. In FY 1993 \$4.5 million was appropriated for a Marble Restoration project to be undertaken in conjunction with the Rainwater Leaks Repair project. The combined project is 60% design complete and contract award is forecast for September 1993. Work is scheduled to be completed in August 1995.

Facility Maintenance Complex

The new maintenance shops and warehouse facility requested in Fiscal Year 1991 is currently being designed and will replace buildings constructed in 1930. These were originally constructed as horse stables and converted to a cemetery maintenance facility in the late 1940s. They were not designed to house or service modern cemetery equipment; consequently, they are inadequate for those purposes. Moreover, the existing facility did not meet the current OSHA standards.

Recently, the concept design was reviewed preparatory to the initiation of final design. It was found that the available funds would not be sufficient to construct the required facility as presently designed. The concept design was therefore reexamined to identify and eliminate features whose utility no longer could be justified in light of their cost. The remaining features were prioritized, so as to enable us to proceed within the funds available with construction of a fully usable facility. The features not being proposed at this time would be deferred for later consideration, constituting a second phase of the project.

Construction of the new maintenance facility is forecast to begin in August of 1993. The facility maintenance complex will consist of work and storage areas for three divisions (Facility Maintenance, Horticulture, and Field Operations), in three separate buildings. There will be another building for warehouse operations and a building for the administrative functions associated with all of these operations. In addition, the project will include a vehicle storage area, as well as employee break rooms, locker and shower rooms, and meeting rooms. It will meet current building standards, and will be located so as to facilitate the efficient performance of the daily operations of the cemetery.

STATUS OF PUBLIC LAWS 100-322 AND 101-237

Public Law 100-322 authorizes the Secretary of the Army to provide graveliners for graves in Arlington National Cemetery. The FY 1994 Budget request includes \$190,000 to begin implementation of this program.

Public Law 101-237 requires the Secretary of the Army to designate an appropriate area within Arlington National Cemetery for the unmarked interment of ashes. We are pleased to report that an appropriate site within Section 27 of Arlington National Cemetery has been identified, a plan for the site has been developed, and the purchase of trees, shrubs and benches is underway. We also plan to complete a walkway through the site next year.

This completes my statement, Mr. Chairman. We will be pleased to respond to questions from the Subcommittee.

BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS AFFAIRS
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
JUNE 10, 1993

The American Battle Monuments Commission (ABMC) welcomes the opportunity to provide current information to the Subcommittee on its operations.

The principal functions of the Commission are to commemorate the achievements and sacrifices of the United States Armed Forces where they have served since April 6, 1917 through the erection and maintenance of suitable memorial shrines; to design, construct, operate and maintain permanent American military cemeteries in foreign countries; to control the design and construction on foreign soil of U.S. military monuments and markers by other U.S. citizens and organizations both public and private; and to encourage these organizations and individuals to maintain adequately the monuments and markers that they have erected.

Presently, ABMC administers, operates and maintains 24 permanent American military burial grounds and 69 memorial structures in fourteen foreign countries and the Commonwealth of the Northern Mariana Islands and four memorials here in the United States. These cemeteries, monuments and memorials are among the most beautiful and meticulously maintained shrines of their nature in the world. Few others anywhere combine such fitness of design, beauty of landscaping and memorial features and immaculate care. ABMC presently is in the process of establishing a Korean War Veterans Memorial in Ash Woods at the foot of the Lincoln Memorial and very recently also was charged with establishing a World War II memorial in the Washington, D.C. environs.

Interred in ABMC's cemeteries are 124,912 U.S. war Dead -- 30,921 of World War I, 93,241 of World War II, and 750 of the Mexican War. Additionally, 6,573 American veterans and others are interred in its Mexico City and Corozal American Cemeteries. The World War cemeteries and the Mexico City Cemetery are closed to further burials except for the remains of American War Dead still found from time to time in the battle areas. In addition to their burials, the World War I and II cemeteries together with 3 memorials on United States soil commemorate individually by name the 94,100 U.S. service personnel Missing in Action or lost or buried at sea during the two World Wars, the Korean War and the Vietnam War.

The care of these shrines to our War Dead requires a formidable annual program of maintenance and repair of structures, facilities, vehicles and equipment and grounds maintenance. This care includes upkeep of 131,000 graves and headstones; 73 memorial structures; 41 quarters, utilities and maintenance facilities; 67 miles of roads and paths; 911 acres of flowering plants, fine lawns and meadows; 3 million square feet of shrubs and hedges; and 11 thousand ornamental shrubs and trees. The estimated replacement cost of these structures and facilities is almost 1/3 of a billion. All of the plantings including the lawns and to some extent the meadows must be cultivated, cut and/or shaped, fed and treated with insecticides and fungicides at regular intervals during the growing season. Additionally, the plantings must be replaced when their useful lives are exhausted or they receive major storm or other damage. Much of this maintenance and care must be performed by casual labor as the cemetery staffs are not large enough to provide it adequately on a daily basis.

ABMC's budget authority for the current year is \$19,818,000. Its appropriation request and budget authority for fiscal 1994 is \$19,961,000, \$143,000 more than the current year. The expenses of the Commission fall into two categories, commemoration of the Armed Forces where they have served and care and maintenance of the shrines for which ABMC is responsible. Because of the large number of memorial structures, sculpture, buildings, headstones, flowering shrubs, ornamental trees, vehicles and equipment and the many acres of fine lawns and meadows, ABMC is very labor intensive. Last year, 82% of ABMC expenditures were to defray personnel salaries and benefits. The foreign governments where our installations are located annually decree cost of living increases for our foreign national employees averaging \$400,000.

On request, the following information and services are provided without cost to relatives and friends of those servicemen and women that are interred in ABMC cemeteries or commemorated individually by name on its Tablets of the Missing: name, location and general information about the cemetery, monument or memorial in which they are interested; plot, row and grave numbers if applicable; best routes and modes of travel in-country to these shrines; general information about accommodations in their vicinity; letters authorizing fee free passports for members of the immediate family travelling overseas specifically to visit an ABMC grave or memorial site; a black and white photograph of the headstone or section of the Tablets of the Missing where the name of the decedent is engraved mounted on a large color lithograph of the cemetery or memorial, together with a booklet describing the cemetery or memorial in detail; arrangement for floral decoration of a gravesite or section of the Tablets of the Missing where the name of the decedent is engraved utilizing funds provided by the donor; and provision to the donor of a color Polaroid photograph of the decoration in place, weather permitting.

Last year, ABMC completed the Guadalcanal American Memorial which is located on Skyline Drive overlooking Honiara, Guadalcanal in the Solomon Islands. It honors those servicemen who lost their lives during the Guadalcanal Campaign. The memorial was a joint project of ABMC and the Guadalcanal/Solomon Islands War Memorial Foundation. It consists of an inscribed four foot square pylon of red calca granite rising twenty-four feet above its base and four radiating directional walls. Inscribed on these walls are descriptions of the major battles towards which they point, Savo Island where four major naval battles took place, "Iron Bottom Sound" named for the many ships that lay on its floor, Edson's ridge commonly called "Bloody Ridge" for the fierce fighting in defense of Henderson Field that took place there, and Mount Austen where infantry units engaged a heavily intrenched enemy. The memorial was dedicated on August 7, last year. Attending the dedication were two members of ABMC who fought in that campaign; Colonel Badger, the Acting Secretary of ABMC; approximately 300 veterans of the 1st Marine Division and the Army Americal Division; and other Marine Corps, Naval and Army veterans of the campaign. General Raymond G. Davis, USMC(Ret) represented the President at the ceremony.

Public Law 99-572 was enacted on October 28, 1986 authorizing ABMC to establish a Korean War Veterans Memorial in the Nation's Capital utilizing funds obtained primarily through private donations. Since then, legislation was sought and enacted authorizing erection of the memorial on the Mall; a superb site for it was obtained in Ash Woods directly across the Reflecting Pool from the Vietnam Memorial; at the request of the Korean War Veterans Memorial Advisory Board (KWVMAB), a national competition was held to obtain a design concept; and the architecture/engineering firm of Cooper/Lecky was employed to assist in obtaining approval of the winning design concept by the Commission of Fine Arts, the National Capital Planning Commission and the Secretary of the Interior, as required by in the Commemorative Works Act, PL 99-652. Simultaneously, a fund raising campaign was conducted to raise at least \$15 million for the memorial, in addition to the \$1 million which was authorized to be appropriated by P.L. 99-572. With the assistance of the KWVMAB, \$7,772,000 has been raised in private contributions, \$5,820,000 from the sale of the commemorative coin and \$2,192,000 from investing available funds for the memorial in Government securities, for a total of \$15,784,000. Among its provisions, the Commemorative Works Act provides 7 years from the date of enactment of a memorial's authorizing legislation to obtain a building permit from the Secretary of Interior. That date for the Korean War Veterans Memorial is rapidly approaching. In order for ABMC to obtain a building permit, the following conditions must be met: the site and design be acceptable to the approving authorities; knowledgeable persons qualified in preservation and maintenance be consulted to determine the structural soundness and durability of the commemorative work in order to assure that it meets high professional standards; contracts for construction and drawings of the commemorative work be submitted to the Secretary of the Interior; and sufficient funds be available to construct the memorial. As the Korean War Veterans Memorial is being erected with funds obtained primarily through private contributions, 10% of the construction cost must be made available to the Secretary of the Interior to help defray future maintenance and repairs to the memorial. It is anticipated that all of these conditions will be met by October 28, 1993. At present, 95% of final design of the memorial has been completed.

A contract was let in February of this year for installation of utilities and soil stabilization in preparation for construction. This will take from 6 to 9 months. The target date for dedication of the memorial is July 27, 1995, the 42 Anniversary of the signing of the cease fire in Korea.

Last month, P.L. 103-32 was enacted authorizing ABMC to establish a World War II Memorial in the District of Columbia or its environs honoring members of the U.S. Armed Forces who served in World War II and to commemorate the participation of the United States in that War. The memorial is to be funded by private contributions and surcharges from the sale of three commemorative coins being minted this year by the U.S. Mint, a \$5 gold piece, a \$1 silver coin and a \$0.50 clad coin. There will be a surcharge of \$35 on each gold coin, \$8 on each silver coin and \$2 on each clad coin. After the minting costs are recovered, the first \$3 million in surcharges will go to the Normandy Foundation for a World War II Memorial Garden in Caen, France and the next \$7 million to ABMC for the World War II Memorial. After that, the surcharges will be split monthly between the two organizations with 30% going to the Normandy Foundation and 70% to ABMC. If all coins were to be sold, the total value of the surcharges would be \$22.5 million. By law, minting of the coins must cease on 31 December of this year.

This concludes my prepared statement. I will be pleased to respond to your questions.

STATEMENT OF
JOSEPH A. VIOLANTE
LEGISLATIVE COUNSEL
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
OF THE
COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
JUNE 10, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the more than 1.4 million members of the Disabled American Veterans (DAV) and its Women's Auxiliary, I thank you very much for this opportunity to express our views as part of your oversight of the Department of Veterans Affairs (VA) National Cemetery System (NCS) -- in particular, its operational needs in view of existing fiscal restraints.

Additionally, Mr. Chairman, you are focusing on the operation of the Arlington National Cemetery and the American Battle Monuments Commission (ABMC). You have also asked to receive testimony on H.R. 821, a measure extending eligibility for burial in national cemeteries to certain reservists.

At the outset, Mr. Chairman, the DAV wishes to commend you on this timely exercise of your oversight responsibilities.

Clearly, the efforts of this Subcommittee over the years have had a positive impact on the operations of the VA National Cemetery System. This impact was especially evident when the National Cemetery System became a separate line item in the VA budget. This welcomed action has greatly enhanced the management of NCS.

We applaud your continued interest to ensure that the ultimate benefit earned by former members of our armed forces is available for all those who will choose to have this meaningful interment of their mortal remains.

ARLINGTON NATIONAL CEMETERY

Mr. Chairman, the Arlington National Cemetery was begun in 1864 and has become a great national and military shrine. It is located, together with Fort Meyer, on the old Custis-Lee Estate grounds and covers much of this 1,100 acre site overlooking our nation's Capitol. It is a visible reflection of America's appreciation for those who have made the ultimate sacrifice to maintain our freedom.

Mr. Chairman, the budget that is allocated to Arlington National Cemetery pays for the operation and maintenance of not only Arlington National Cemetery but also for the Soldiers' and Airmen's Home National Cemetery. We spoke with the staff of Arlington and it appears that the requested amount is adequate to maintain services at both locations and meet their projected needs.

The Soldiers' and Airmen's Cemetery is located at the Soldiers' and Airmen's Home in Northwest Washington, D.C. It has only a limited number of interments each year but its 380 remaining gravesites will be used up within 12 years. The bulk of services occur at the Arlington site. Arlington National Cemetery has been experiencing more than 4,000 combined annual interments and inurnments for several years. It is projected that the Fiscal Year 1993 total will climb to 4,500.

The total developed gravesite capacity for Arlington entering Fiscal Year 1993 was 193,325 and 39,111 of these sites remain available. There is also additional undeveloped land which, when developed, would almost double the available sites. The in-ground interments are projected to cease during the year 2025.

There are also 20,000 niches in the Columbarium for cremated remains. There are currently 8,000 niches still available. These will also increase in the future when, probably in 1996, additional buildings will be erected.

Mr. Chairman, the Columbarium area is open to all honorably discharged veterans. However, because of the limited space available, the eligibility criteria for interments is limited to:

1. Members of the armed forces who die on active duty.
2. Those veterans who have a 20 year military retirement.
3. Those with a medical discharge before October 1, 1949 (and received at least a 30 percent VA disability).
4. Holders of the Purple Heart.
5. Those who received the Silver Star or a higher award.
6. Veterans who held certain high government positions.
7. Certain spouses and children of these veterans (they are interred in the same space as the veteran).

Mr. Chairman, future plans for possible expansion of the site include utilization of some of the adjoining area now occupied by Fort Myer. We hope plans can be formulated that will allow this hallowed area to remain available well-beyond the current projected closing date.

AMERICAN BATTLE MONUMENTS COMMISSION

The American Battle Monuments Commission (ABMC) was created in 1923. The ABMC has been responsible for the perpetual care of many of our most prized war memorials as well as the overseas remains of the 30,920 war dead from World War I; 93,240 from World War II plus 750 from the Mexican War of 1847. Even the missing in action are remembered. The names of our unrecovered missing comrades from all our wars are engraved on the Tablets of the Missing at the Commission's cemetery or monument closest to the location where they lost their lives. The ABMC has demonstrated expertise and excellence in its operations and we commend it most highly.

The ABMC has been charged with the task of coordinating the design and construction of the Korean War Memorial in Washington D.C. At the present time, the detailed design is about 90 percent complete. Sixteen of the nineteen statutes in the design have been approved. Over \$16.5 million has been collected thus far. There was a ground breaking ceremony held on Flag Day, June 14, 1992. The DAV looks forward to the day when we will finally pay proper tribute in our nation's Capitol to the men and women who fought in what, until now, has been referred to, regrettably, as the "forgotten war."

Mr. Chairman, on August 7, 1992, ABMC dedicated the Guadalcanal Memorial on Guadalcanal in the Solomon Islands. This memorial was dedicated to all Allied men and women who served in the Solomon Islands during World War II.

As you are aware Mr. Chairman, the mission of the ABMC has been recently expanded to include the building of the World War II Memorial. This recent legislation calls for a 12-member advisory board to be appointed by the President to promote the memorial, encourage donations, and advise the ABMC on site and design selection. It is hoped that the memorial would be constructed through private contributions and revenue derived from the sale of commemorative coins. We look forward to the day we can pay tribute to the men and women who fought and served our country during World War II.

H.R. 821

Mr. Chairman, current eligibility for burial in a National Cemetery requires that a veteran be discharged or separated from active duty under conditions other than dishonorable and have completed the required period of active service. Service

members who die on active duty are also eligible. Further, spouses and dependent children of eligible living and deceased veterans, as well as those of current and deceased armed forces members, may also be buried in a National Cemetery.

H.R. 821 would confer eligibility to burial in a National Cemetery to any Reservist who has earned credit for at least 20 years of service for retirement purposes.

Mr. Chairman, the DAV's legislative program is governed by mandates in the form of resolutions adopted by our membership at our annual DAV national convention. Since our membership has not adopted a resolution addressing the subject matter of providing National Cemetery eligibility for selected Reserve members, after twenty years of service, the DAV has no position regarding this measure.

VA NATIONAL CEMETERY SYSTEM (NCS)

Mr. Chairman, it has been nearly 130 years since President Lincoln signed into law a measure authorizing the purchase of land to inter the remains of individuals who die in military service while preserving the freedoms we enjoy today. In 1973, more than 100 years later, the VA operated only 21 cemeteries. Then Public Law 94-43, "The National Cemetery Act of 1973," established the basis for the current National Cemetery System by transferring 82 national cemeteries from the Department of the Army and placing them under the direction of the VA. In 1978 the VA established the National Cemetery System to administer the cemeteries and related programs.

Mr. Chairman, as of October 1, 1991, there are 26,629,000 living veterans who have, together with their spouses and dependent children, entitlement for burial in a National Cemetery. Fortunately for the NCS, the majority of those eligible for this benefit do not select it. The reasons vary from preference for a private cemetery to lack of an open National Cemetery within a reasonable distance from the veteran's family home.

Of these 26,629,000 veterans, there are 6,259,000 living ex-service members with peacetime service only. Living veterans with wartime service include: 65,000 World War I veterans, 8,469,000 veterans of World War II, 4,726,000 Korean Conflict veterans and 8,303,000 Vietnam Era veterans. Additionally, we now have a new group of Persian Gulf War veterans that numbered 264,000 at the beginning of this fiscal year. However, that number should rise since there were 2,038,341 servicemen and women on active duty at the height of the Persian Gulf War during mid-February of 1991.

Mr. Chairman, last year nearly 494,280 veterans died, while the NCS only interred 47,135 of those veterans. (Total internments for veterans and family members was 64,602.) This means that for every veteran interred in the VA system there were more than nine veterans who chose to have their remains placed somewhere else. Perhaps the NCS is not providing the service to veterans it should if the vast majority of veterans choose not to use one of the National Cemeteries as their final resting place.

There were about 218,660 Presidential Memorial Certificates issued in 1992. What rate of NCS interment usage should we strive for? The NCS processed requests for nearly 318,070 headstones or markers for burials, almost 271,000 of which went to veterans interred in private cemeteries outside the VA system. This seems to be the group that would most likely have

chosen to use a National Cemetery for interment if one had been more readily available.

During Fiscal Year 1994, NCS expects to inter 70,000 veterans and eligible dependents in national cemeteries, an increase of 1,600 over FY 1993; maintain 2,041,730 occupied grave sites, up by 54,320 over FY 1993; process 320,000 applications for headstones or markers, 12,000 more than projected for FY 1993; and issue 340,000 Presidential Memorial Certificates, an increase of 10,000 above FY 1993 estimates.

Mr. Chairman, at our most recent National Convention in Reno, Nevada, our delegates adopted a resolution (copy attached) seeking at least one open National Cemetery in each state.

We believe the goal of this resolution is reasonable and pragmatic in establishing useful burial options for our nation's veterans, and we encourage the VA to consider this resolution when considering their National Cemetery System requirements for the future. We use the following information in support of this mandate from our membership.

Since 1973, the VA has developed a regional concept of siting and administering National Cemeteries nationwide. Currently, there are 114 cemeteries in the National Cemetery System and 33 soldiers lots and plots. Of that number, only 59 National Cemeteries are still open for burial in Fiscal Year 1993. Ten more new cemeteries will be added in this decade. Information made available to us indicates that at least 26 of the VA's current open National Cemeteries are scheduled to close during the next 23 years. That is an average of more than one per year. Unfortunately, this is occurring at the same time our World War II veteran population experiences its peak years of need. The peak number of veteran deaths, 611,000, will occur during Fiscal Year 2008. Will the NCS be prepared for them?

Projected National Cemetery Closures

Listed In Order of Projected Closing
(Fiscal Year 1991 - Fiscal Year 2000)

Additional acreage acquisitions can defer closing date

- | | |
|---------------------------------|-------------------------------|
| 1. New Albany, IN...1991-closed | 11. Quincy, IL..... 1995 |
| 2. NMCP, HI.....1991-closed | 12. Ft. Sam Houston, TX..1997 |
| 3. Memphis, TN.....1992-closed | 13. Dayton, OH.....1998 |
| 4. Fort Hudson, LA..1992-closed | 14. Biloxi, MS.....1998 |
| 5. New Bern, NC.....1992-closed | 15. Springfield, MO.....1999 |
| 6. Alexandria, LA...1993 | 16. Natchez, MS.....1999 |
| 7. Hampton, VA.....1993 | 17. Salisbury, NC.....2000 |
| 8. Nashville, TN...1993 | |
| 9. Wood, WI.....1995 | |
| 10. Florence, SC....1995 | |

Mr. Chairman, as we understand it, the National Cemetery System continues to operate and make plans based on a revised regional concept designed to implement the "75/75 rule." This rule calls for locating cemeteries in proximity to our nation's population centers so that 75 percent of all eligible veterans will live no more than 75 miles from an open National Cemetery by the year 2000.

Previous DAV testimony before this Subcommittee has expressed our views that a National Cemetery System policy based solely on the regional concept is unrealistic, especially in view of the fact that by the year 2000 more than one-half of our nation's veterans will reside more than 100 miles from an open National Cemetery. We believe that the regional concept is less than optimally effective, since by design, burial space is located many miles from at least 25 percent of the veterans' families increasing to over 50 percent by the year 2000.

Mr. Chairman, the vast majority of Americans, we believe, prefer to inter the remains of family members close to their homes, even the 75 miles would be a burden to many families who live 55, 60 or 70 miles from the cemetery. But that burden is nothing compared to the situation that exists in some western states where many veterans live four, five, six or seven hundred miles from a National Cemetery. Even in the northeastern state of Maine we have a situation where veterans' families must travel several hundred miles to the nearest open National Cemetery. We must keep in mind that only 39 states have a National Cemetery and many of those are closed to new burials.

Mr. Chairman, we understand it takes nearly seven years to complete a cemetery project from the conception stage, through the environmental impact study, land acquisition and construction. This is a fairly rigid time frame. The VA also reports that even if they add the proposed ten new cemeteries, there will still be about 20 fewer cemeteries open by the year 2020. Therefore, it seems vitally important that the VA undertake a review and modification of existing regional policy that will permit the National Cemetery System to serve all those veterans entitled to burial in the NCS.

We believe the present regional concept should be promptly and carefully reviewed by the VA with an eye toward developing a strategic plan to site future National Cemeteries to accommodate the trends of our aging veteran population and projected closure of existing National Cemeteries. Additionally, we believe it important that Congress take prompt affirmative steps to fully fund new National Cemetery sites. We believe these steps are vital, Mr. Chairman, in order for the National Cemetery System to offer eligible veterans and their families realistic, effective burial options in the future.

Mr. Chairman, in addition to the site location problems, there are several other statistics that bear on the current and future needs of the National Cemetery System.

In Fiscal Year 1984, the NCS maintained 1,552,101 graves with an average wage grade FTEE of 820 and interred 47,021 remains. The VA is now proposing for Fiscal Year 1993 to maintain 1,989,828 graves while conducting 65,000 interments with a wage grade FTEE of 819.

Mr. Chairman, from 1984 to 1993, interment and gravesite maintenance workloads have increased by 28.2 percent and 38.9 percent respectively, while the wage grade FTEE will have declined during the same period.

The wage grade FTEE represents the workers doing the actual burials, upkeep, maintenance, etc. The FTEE total (including white collar workers) for the NCS, in Fiscal Year 1993 is 1,291, one less than Fiscal Year 1992. We understand that even this figure is somewhat deceptive since the years of budget cuts before this year often forced temporary hires and other stop gap measures. The actual annual full-time FTEE has been below the authorized level for years. We need more, not fewer, FTEE for the NCS, particularly at the wage grade level.

Interments are not static. They have already increased from 47,021 in 1984 to 64,602 last year. There are projected to be 70,000 interments in Fiscal Year 1994 with a rapid increase to 107,000 projected interments per year by the year 2010. The numbers are projected to begin a decline after 2010.

Mr. Chairman, we cannot ignore these figures. If we fail to plan properly and if we deny appropriate, necessary funding, our cemetery system will be beyond salvation.

We need to fully implement the Burial Operations' Support System (BOSS) and other NCS computer systems and ensure that at least one system is capable of direct communication with the VA regional office (benefit) system and VA hospital (medical) system. VA reports that funding for BOSS will be reduced in 1994, because most of the equipment will have been purchased in 1993.

Mr. Chairman, there are other steps that can be taken to ease the NCS burden. For example, there are states that have special state cemetery provisions for veterans. This is not the same as having your final resting place in a National Cemetery. However, pending the advent of an open National Cemetery in every state, we support the NCS State Cemetery Grants Program.

For the past fifteen years, Public Law 95-476 has provided the VA with authority to make grants providing up to 50 percent of the costs associated with development, expansion or improvement of a state-owned veterans' cemetery. The VA has provided grants in 19 of the 25 states -- plus the territory of Guam -- that have state veterans' cemeteries.

Mr. Chairman, earlier this year this Subcommittee heard testimony on the proposed amendment to Title 38, United States Code, Section 2408(b)(1) and (2), to increase the Federal share to 65 percent of the total grant and to reduce the states' share to 35 percent. DAV believes that this increased grant to the states will encourage more states to participate in the program. The potential for increased state participation in this program, pending the advent of an open National Cemetery in every state, will provide a final resting place relatively close to a veteran's home and family. Perhaps the VA can take action to see that more states avail themselves of this benefit.

Mr. Chairman, a significant number of veterans are cremated each year. In Fiscal Year 1991 over 13,000 cremated remains (cremains) were handled by the NCS. At the start of this Fiscal Year only six of the 113 National Cemeteries had Columbaria. There are plans to expand that number as the budget allows. Meanwhile, the vast majority of cremains are buried. Some cemeteries have a garden niche program, others use a regular burial space. The erection of Columbaria in our National cemeteries should be speeded up. It is possible to increase the life span of certain open cemeteries and open some closed cemeteries by allowing the Columbaria option for those veterans who choose cremation.

Mr. Chairman, the DAV was proud to be able to make a monetary donation to the National Cemetery System and encourage volunteers to lend their time and skill when possible to their nearest National Cemetery. We encourage others to donate time or money to the NCS. The NCS does have a gift fund. Donations will be considered a gift to the federal government for tax purposes and used within the cemetery system.

Most National Cemeteries have had to severely cut back, or eliminate, many routine maintenance and upkeep items. While awaiting the proper funding for these items, volunteer hours can help keep the VA from falling further behind. During Fiscal Year 1990, the three NCS regions had a combined total of 148,281 volunteer hours. That is the equivalent of more than 70 new FTEE and saved the NCS well over \$1 million in salary expense.

Volunteers have helped the NCS with many jobs. They have painted road dividers, planted trees, mulched flower beds and done similar chores that have allowed the diminished NCS staff to spend more time on jobs that require their special skills.

Mr. Chairman, the DAV understands the reality of budget constraints, but of all the rights that our veterans have earned, surely the right to a decent burial and care of their remains is something this government can afford. Additional

funding is vital if the System is to provide meaningful, dignified service to our nation's veterans and their families.

Mr. Chairman, we stress that veterans have earned this entitlement. If space is available, the NCS cannot refuse to inter the remains of entitled veterans in a National Cemetery. All NCS costs relate to activities it is obligated to perform. Yet funding is provided under a discretionary account. To avoid future inadequate funding we feel that all NCS activities should be funded from a mandatory spending budget account.

Mr. Chairman, as you know all equipment has a certain useful life. It can be repaired for a while, but there comes a point where it becomes cheaper to sell or discard old equipment and buy new, rather than to keep wasting dollars in repair and downtime maintaining obsolete equipment. The NCS has over 8,000 major pieces of equipment in inventory with a value of over \$22 million. Through an extensive maintenance program, this equipment longevity has been extended an average of five years beyond its scheduled replacement date. To keep this system productive, let's keep the equipment useful.

Mr. Chairman, let's "fix what's broke" before buying another band-aid. We appreciate your Subcommittee recommending additional funds to "fix" the system last year. The movement of the NCS to a line item in the VA budget and the addition of a one-time \$10 million addition to the NCS allocation allowed much progress to be made. However, the backlog of equipment and deferred items has only been reduced -- by about one-half -- not eliminated. We must continue to ensure that the NCS backlog is brought down to zero. Then we can take steps to ensure the budget is reasonable to run the NCS on an annual basis.

The operation of the National Cemetery System has been adversely affected by the prior budgets and the proposed Fiscal Year 1994 budget only keeps the NCS even with inflation. There are no "extras." This is illustrated by the anticipated \$3.1 million backlog in equipment replacement, which will grow to \$5.8 million by the end of Fiscal Year 1994. Currently, there is no progress being made in reducing this backlog. Money is also needed to finish the previously deferred maintenance and repair projects.

The Independent Budget, which the DAV helped author, recommends for Fiscal Year 1994 an appropriation of \$80 million; a \$9.3 million increase above the Fiscal Year 1993 appropriations. This increase will not fund all NCS equipment and maintenance needs, nor will it fund the optimal number of employees. It will enable NCS, however, to move towards its goal of meeting the burial needs of American veterans and their families.

Mr. Chairman, previously we viewed those terrible photographs of Riverside National Cemetery. Thanks to the emergency funds you provided, the Riverside problem was solved. But we must continue to fully fund the NCS so that we will never need to face another shameful series of events that would allow one of our National Cemeteries to become a virtual "potter's field."

The National Cemetery System should be the crown jewel of the VA. Our National Cemetery System is charged with maintaining the honor of our fallen comrades in perpetuity. These cemeteries live on as a lasting sign of a grateful nation's final gift to those who served her so well in her times of need. Last year we began to take positive steps to create a polished gem out of the NCS. Let us continue to strive to make sure this jewel will forever shine like the precious diamond it should be.

That concludes my testimony, Mr. Chairman. I will be pleased to respond to any questions you or the Subcommittee members may have.

RESOLUTION NO. 213

TO PROVIDE FOR A NATIONAL CEMETERY IN EVERY STATE

WHEREAS, there are many states and regions of the United States without National Cemetery facilities; and

WHEREAS, federal and state land ideally suited for cemetery development is available in many states; and

WHEREAS, veterans should be entitled to burial in a National Cemetery reasonably close to their homes; and

WHEREAS, VA's current policy of regionalization does not always ensure that eligible deceased veterans can be interred close to their families; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in Reno, Nevada, August 2-6, 1992, supports legislation to provide for at least one open National Cemetery in each state to ensure that all veterans may be buried in a National Cemetery reasonably close to their homes.

* * *



SERVING
WITH
PRIDE



Statement
of
Michael F. Brinck
AMVETS National Legislative Director
before the
House Veterans Affairs Subcommittee
on
Housing and Memorial Affairs
regarding the
National Cemetery System

June 10, 1993

A M V E T S

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Mr. Chairman, thank you for inviting AMVETS to testify today on the National Cemetery System.

Since its earliest beginnings during the Civil War when the War Department directed commanding officers to follow the Quartermaster General's regulations for the burial of soldiers and related record keeping, the National Cemetery System (NCS) has provided the nation's last service to its veterans. Today's system of national cemeteries, soldier's plots and national parks ironically comprise a living memorial to the dead Americans who chose to answer their country's call to service in uniform.

The NCS workload is a direct reflection of the aging veteran population. As stated in the Independent Budget, the average age of the veteran population is 23 years older than the general population and over half of all veterans are older than 56. Of the nearly 27 million living veterans, there are now 35 thousand WWI vets, 8.5 million WWII vets, 4.7 million Korean War vets, and 8.3 million Vietnam vets.

Since President Lincoln established the first 14 sites in 1862, the National Cemetery System has grown to 114 national cemeteries. But NCS now estimates that only 49 national cemeteries will remain open to casket burial by the year 2000 if new sites are not added. To respond to a 1987 survey on cemetery requirements, NCS has started development or identified sites in areas that will serve over 4 million veterans and their families. Site selection is also underway in high need areas that will enable VA to serve another 2.4 million veterans and their families. Obviously with 27 million veterans plus eligible dependents, this is still not enough because the system currently has grave sites for less than 1% of those eligible.

AMVETS notes that NCS plans to bring all nine remaining proposed cemeteries on line by May 2000. A review of the planning schedule is interesting in that it offers a clear example of how long it takes the federal government to complete a project. The development schedules for the nine remaining regional cemeteries at Albany, Chicago, Cleveland, Dallas/Ft. Worth, Detroit, Miami, Oklahoma City, Pittsburgh and Seattle average 35 months from

initial site advertisement to the Secretaries signed record of decision, and 68 months from that decision to formal dedication of the new cemetery. It now takes nearly 9 years to bring a new cemetery on-line. We urge NCS to redouble its efforts to acquire properties adjacent to existing facilities whenever appropriate and possible to speed the addition of new burial sites. The new projects will also help meet VA's goal of an open national cemetery within 75 miles of 75% of America's veterans and will go a long way toward meeting AMVETS' goal of an open national cemetery in every state. We are deeply disturbed at DoD's decision not to sell Ft. Sheridan, Illinois to VA for use as a new National Cemetery. We understand that VA was not able to meet the appraisal value and that the Army will sell to a commercial interest. Unfortunately, this is another case of DoD not wanting to acknowledge its debt to its own former employees.

AMVETS fully supports the grant program for state veterans cemeteries because studies have shown that most veterans prefer to be buried near their home. Since its beginning in 1981, the grant program has awarded 70 grants totalling over \$33 million to 17 states and the territory of Guam. 1992 saw grants to Tennessee, North Carolina, Illinois, Delaware, Hawaii, Maryland, Montana and Nevada that will provide honored final resting places for thousands of veterans and other eligible. We fully support legislation that would increase VA's share of the cost to a maximum of 65% to encourage states to fund additional sites.

Mr. Chairman, as you know, AMVETS participated in preparation of the Independent Budget (IB) for the Department of Veterans Affairs. This year the IB recommends a total GOE appropriation of \$80 million compared to the administration's request of \$70.5 million. We also recommend 55 new FTEE compared to the six in the President's budget.

We are gratified to see \$37.4 million in major and minor construction funds for the next year as well as \$5.2 million for grants to state veterans cemeteries. We fully support the IB recommendation to build at least two new National cemeteries each year to reach a goal of at least one open National Cemetery in each

state. While the regional mega-cemeteries concept will provide progress towards that goal, we are concerned that VA not lose sight of the veterans community's desire to be buried near home. To many veterans, the lack of a reasonably close national or state veterans cemetery effectively deprives them of what for many is the only benefit they get from VA.

NCS estimates increases in all areas of responsibility for the next fiscal year. With about 1321 employees, NCS's total acreage will hit 10,585; interments will reach 70,000; over 54,000 new gravesites will be added for a total of 2,041,730 under NCS care; headstone requests will increase by 12,000 to reach 320,000 in FY 94; issuances of Presidential Memorial Certificates will rise to 362,000, an increase of 32,000. That works out to 8 acres and 1581 graves to maintain, 53 interments, 248 marker requests to process, and 274 certificates to issue per FY 93 FTEE. We are concerned that within the equipment budget, while replacement equipment is receiving increased funding levels, additional equipment is severely reduced. We urge the administration and Congress to make every effort to provide NCS the tools to do the job at a time when demand for their services is continuing to increase.

Mr. Chairman, AMVETS would like to congratulate the NCS on its outreach program to inform veterans of the entitlement to burial benefits. The 1987 national survey of veterans revealed that one third of all veterans were unaware of their right to be buried in a national cemetery or receive payments for burial in state or private cemeteries. NCS has initiated an aggressive program to get the word out and to highlight the availability of burial sights in National Cemeteries. We heartily endorse increased use of National Cemeteries for public ceremonies connected with commemorating events of all wars but especially WWII and Korea, since those are the groups of veterans who will form the majority of near-term interments.

Another NCS program worthy of mention is the Burial Operations Support System (BOSS). While we support automation of the administration of the NCS, we feel compelled to caution that NCS should provide liaison with the VBA automation project to ensure

all appropriate interfaces will be available to integrate with the larger system.

Mr. Chairman, AMVETS was gratified by chairman Montgomery's favorable reply to our letter concerning a proposal by part of the funeral industry to shift the costs of grave liners from VA to the veterans survivors. We conducted a random poll of funeral homes in the DC area and found that a graveliner similar to that provided by the VA would cost from \$250 to \$700 if purchased by the families from funeral homes. VA states it pays an average of \$127 for a graveliner.

Mr. Chairman, we recently observed Memorial Day to honor those who have died in service to the nation. National holidays are fitting tribute, but they are fleeting events that occupy a calendar commemorating many of our nations important ideals and history as well as some less important happenings. But a cemetery of should be viewed a permanent tribute not only to those resting there, but also to the principles for which they wore the uniform and died. These principles are the true occupants of each grave and part of our legacy to our children lies beneath each marker. Let us continue to provide our veterans and the principles they served a fitting place of honor. That completes our statement.



PARALYZED VETERANS
OF AMERICA
Chartered by the Congress
of the United States

STATEMENT OF
CLIFTON E. DUPREE, ASSOCIATE LEGISLATIVE DIRECTOR
PARALYZED VETERANS OF AMERICA
BEFORE THE
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
OF THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
CONCERNING
OVERSIGHT OF THE NATIONAL CEMETERY SYSTEM (NCS)

June 10, 1993

Mr. Chairman and Members of the Subcommittee, on behalf of Paralyzed Veterans of America (PVA), thank you for inviting us to testify today. PVA appreciates this opportunity to present our views concerning oversight of the Department of Veterans Affairs' (VA) National Cemetery System (NCS). Your efforts to seek justification for what National Cemetery System's long range plans should be are also appreciated. Mr. Chairman, PVA supports the proposal to create burial eligibility to members of the Selected Reserve who have served at least 20 years, provided they have served on active duty for at least two years.

For over two hundred years, this nation has provided suitable final resting places for the men and women who served in our Armed Forces. This tradition must be protected and continued. To do otherwise would break a long-standing national commitment and demean the sacrifices of our veterans.

The National Cemetery System (NCS) has a threefold mission: first, to provide, upon request, interment in any national cemetery with available grave space for the remains of eligible deceased servicepersons and discharged veterans (together with their spouses and certain dependents), and to permanently maintain these graves; second, to mark the graves of eligible persons in national and private cemeteries, upon proper application; and third, to administer the State Grant Program for aid to states in establishing, expanding or improving state veterans' cemeteries.

The State Veterans' Cemetery Grants Program makes grants to any state to assist such state in establishing, expanding, or improving state-owned veterans' cemeteries. The primary purpose is to assist the states in providing gravesites for veterans in those areas where national cemeteries cannot fully satisfy the burial needs of veterans. States receive financial assistance in the form of a grant that provides up to 50 percent of the costs associated with the development, expansion or improvement of a state-owned veterans' cemetery.

To qualify, title to the proposed State site must be vested in the State, and the cemetery must operate solely for the benefit of those persons eligible for burial in a national cemetery. Grants are made on the condition that the cemetery shall conform to standards and guidelines relating to site selection, planning, and construction as prescribed by the Department of Veterans Affairs. Since the establishment of this program over eleven years ago, a total of \$40.6 million has been appropriated.

We do encourage the efforts to expand the grant programs for state veterans' cemeteries, however, these efforts alone will not adequately provide for the final needs of all veterans. A combined federal/state effort is helpful, but it should be the primary responsibility of the federal government to provide a final resting place for all eligible veterans who have served in defense of this nation. It is important to remember that entitlement to burial in a National Cemetery may be the "only" veterans' benefit used after honorably serving our nation.

It is only fitting that veterans of this nation be laid to rest near their family and loved ones. PVA continues to advocate for the location of a VA cemetery in every state, and for a national cemetery within reasonable driving distance of each major veterans population center.

Mr. Chairman, the FY 1994 Independent Budget requests an appropriation of \$80 million or an increase of \$9.3 million over FY 1993, and funding for fifty-five additional FTEs. This increase will not fund all NCS equipment and maintenance needs, nor will it fund the optimal number of employees. It will, however, enable NCS to move toward its goal of meeting the burial needs of American veterans and their families.

Consisting of 114 national cemeteries, NCS has interred nearly one million veterans and their eligible dependents and has processed more than five million headstone and marker applications since its inception in 1973.

The National Cemetery System is experiencing a steady workload growth. During FY 1994 NCS expects to achieve the following: inter 70,000 veterans and eligible dependents in national cemeteries, an increase of 1,600 over FY 1993; maintain 2,041,730 occupied grave sites, 54,320 more than in FY 1993; process 320,000 applications for headstones or markers, 12,000 more than projected for 1993; and issue 362,000 Presidential Memorial Certificates, an increase of 32,000 above FY 1993 estimates.

Equipment replacement backlogs within NCS continue to be a major concern. By the end of FY 1993, NCS anticipates a \$3.1 million backlog in equipment replacement, which will grow to \$4.8 million by the end of FY 1994. Additionally, NCS must implement critical maintenance and repair projects to maintain NCS's infrastructure of 400 buildings and 100 miles of roads.

The Senate Appropriations Committee found "that VA tends to reduce the NCS budget when other activities experience a shortfall." The Appropriations Committee established a separate NCS appropriation account. Previously, the NCS had been included with Veterans Benefits Administration and General Administration under General Operating Expenses (GOE).

Although establishing a separate NCS account may prevent internal transfers, it will not affect the Administration's NCS appropriations requests, which for years have been inadequate. The National Cemetery System needs the stable and rational funding mechanism that only a mandatory spending account can provide.

PVA continues to support having mandatory spending accounts fund all costs associated with providing benefits. These include the cost of acquiring sufficient cemetery space, constructing cemeteries and maintaining them properly.

NCS also has the demonstrated expertise to plan effectively, so that it can provide burial entitlement efficiently and with dignity. If Congress funds NCS activities through a mandatory spending account, it will eliminate the budgetary problems that produced the current equipment backlog.

PVA would like to thank the Administrators of the Arlington National Cemetery and the members of the American Battle Monuments Commission for their efforts to provide excellent support services to the veterans of this nation.

We encourage this Committee to engage in aggressive oversight of the National Cemetery System and, by so doing, ensure that the veterans who have served this nation will be given the appropriate honors which should be bestowed upon them. Mr. Chairman, such concern has enabled VA to become increasingly responsive to the burial needs of veterans. That concludes my testimony. I will be pleased to answer any questions.



NCOA

Non Commissioned Officers Association of the United States of America

225 N. Washington Street • Alexandria, Virginia 22314 • Telephone (703) 549-0311

STATEMENT OF

*RICHARD W. JOHNSON
EXECUTIVE DIRECTOR OF GOVERNMENT AFFAIRS*

BEFORE THE

*SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS AFFAIRS
U. S. HOUSE OF REPRESENTATIVES*

ON

NATIONAL CEMETERY SYSTEM OVERSIGHT

JUNE 10, 1993

Mr. Chairman, the Non Commissioned Officers Association sincerely appreciates this opportunity to share with the committee its views on oversight of the National Cemetery System (NCS) and H. R. 821, a bill that would allow the burial of retired and retirement eligible reservists in National Cemeteries. NCOA fully supports the passage of H. R. 821 and continues to be satisfied with the operation of the NCS. However, NCOA remains concerned about the equipment backlog that exists within the cemetery system and the pace of new cemetery construction. Additionally, NCOA is concerned with the effect the provisions of the Omnibus Reconciliation Act of 1990 (OBRA90) are having on some veteran families. Hopefully NCOA's observations on these issues will prove helpful to the committee.

H.R. 821

NCOA is extremely grateful to the committee for action taken last year to make retired and retirement eligible reservists eligible for burial Flags and grave markers. The committee acted generously on this issue but stopped short of granting these deserving reservists burial in a National Cemetery which would provide full recognition of their service to this Nation. We urge the committee to grant that recognition this year.

The character of reserve service in the armed forces has changed significantly in recent years. Reservists are no longer stay at home weekend warriors. They are now an integral part of the armed forces. And with each passing day, their service becomes more critical and important to the security of the United States.

As the armed forces are reduced in size from 2.1 million to 1.2 million people, the roles and missions of today's active community are passed to reserve components. Army Reserve and National Guard now constitute 83 percent of Army heavy lift helicopters and 40 percent of attack helicopter units; 56 percent of infantry battalions; 58 percent of hospitals; 51 percent of artillery battalions; etc. The Navy relies on reserve units to provide all of its heavy airlift, composite aircraft, strike rescue, harbor protection and shipping control. In addition naval reserve units are responsible for 93 percent of cargo handling, 83 percent of sealift, 68 percent of construction, 47 percent of hospitals and much more. The Air National Guard and Air Force Reserve provide 100 percent of weather reconnaissance and 92 percent of tactical interceptor aircraft for the continental United States. They also provide more than 40 percent of airlift, tanker, and cargo crews. While less dependent on reserve components than the other services, the Marine Corps gets half its reconnaissance support and 40 percent of its tank support from reserve components. Moreover, these numbers continue to grow daily as active force reductions continue.

These numbers are impressive, but they also tell a significant story. Reservists are no longer practice brigades who work on plastic models and march with wooden rifles. They are operational units. Pilots no longer fly circles in the sky to maintain proficiency, they now fly missions--many times to foreign countries delivering badly needed supplies. Inactive reserve pilots flew missions to Saudi Arabia and Kuwait during Operation Desert Storm. Their planes were loaded, repaired and refuelled by inactive reservists and guardsmen. All the Air Force medical evacuation missions were flown by reservists. Yet this is only a small part of the story. Every weekend, in every corner of the globe, reservists are loading the ships, maintaining the equipment, flying the airplanes, etc. that are necessary to the day to day operations of the armed forces.

Mr. Chairman, NCOA fully supports H.R. 821 and urges its passage.

NCS OVERSIGHT

As noted in our opening remarks, NCOA has two concerns within the oversight area of the National Cemetery System. The first pertains to the pace of construction of new national cemeteries.

By the year 2000 the VA projects it will have 123 national cemeteries. Only 114 of those facilities currently exist. It also projects that 67 of those facilities will be closed to the

burial of casketed remains. Eighteen existing cemeteries will close between now and the year 2000. Thus, unless the Department becomes more aggressive in its cemetery construction program it potentially will have only 47 fully operational facilities at the turn of the century.

Since 1987, the NCS has had a priority list of ten cemetery priority sites that would nearly double the number of veterans served by the NCS. Last year the VA indicated it would ask for construction money for four of those facilities in FY 1994. They include Albany, Chicago, Cleveland and Seattle. Yet no cemetery construction money was requested this year. In 1987 it was projected that the last of the ten cemeteries on the priority list would open next year. To date, only one has been completed. Only one other is near land acquisition. According to the VA's own schedule, it takes 3.5 years to open a cemetery after the land has been acquired.

Mr. Chairman, it must be possible to do something to speed the acquisition and construction process without compromising the contracting efforts of the VA. We urge the committee to take a serious look at the timetable for construction of each proposed new national cemetery. We further urge the committee to take such action as may be necessary to assure the timely completion of these projects.

The second area of oversight concern held by the association pertains to the equipment backlog that has existed for several years. It was the hope of the Department of Veterans Affairs to reduce the equipment backlog to \$2.6 million by the end of the year. Unfortunately, NCOA has recently been informed that an equipment backlog of \$5.8 million will be carried forward with no relief projected in Fiscal Year 1994.

Mr. Chairman, service life extension and maintenance have made it possible for the VA to stretch the useful life of some equipment far beyond what was expected. However, even with the best maintenance such equipment will only last so long. When equipment fails, without replacement, manpower must make up for the failure. Thus automated tasks must be done manually. That takes longer; longer means less efficient; less efficient means loss of production and that means financial loss. NCOA urges the committee to take positive action to retire the equipment backlog.

OBRA90

Under the provisions of OBRA90, many veterans benefits previously extended to remarried and former spouses were terminated. Among them was the benefit of burial in a national cemetery. NCOA generally supports the provisions of OBRA90 in this regard. Still, its sweeping provisions have created some inequity.

For example, NCOA last year assisted the family of a woman whose minor daughter had been buried at Ft. Snelling National Cemetery. The woman had requested to be buried with her daughter but OBRA90 prevented that because subsequent to her daughter's death she had divorced the veteran. Interment was denied. It was only after NCOA interceded directly with the Secretary that burial was authorized 43 days after the woman's death.

As previously stated, NCOA supports the overall thrust of OBRA90, but not to the degree that it separates families in life or in death. While NCOA recognizes that the Secretary does by law have the authority to grant a waiver in individual cases, such waivers require extraordinary effort on the part of grieving families at a time of great distress. More often than not, such waivers are denied.

Mr. Chairman, according to the VA only about 200 waivers per year are requested under similar circumstances. In the case cited above, the family's request for waiver was routinely disapproved on the basis of eligibility criteria at the lowest level and at the NCS. NCOA doubts that the 200 waivers requested by families were acted upon by the Secretary without the direct forceful intervention of significant external others (Congress, Associations,

etc.). NCOA urges Congress to authorize burial in these cases unless specific objection is expressed by the veteran.

CONCLUSION

Mr. Chairman, NCOA sincerely appreciates the opportunity you have provided us to discuss the pace of construction of national cemeteries, the equipment backlog and the unfortunate effects of OBRA90. NCOA also appreciates the attention given to H.R. 821. Again, NCOA urges the passage of this bill.

Thank you.

STATEMENT OF
DENNIS M. CULLINAN, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

VA NATIONAL CEMETERY SYSTEM, ARLINGTON NATIONAL CEMETERY
AND THE AMERICAN BATTLE MONUMENTS COMMISSION

WASHINGTON, D.C.

JUNE 10, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the 2.2 million members of the Veterans of Foreign Wars of the United States I wish to thank you for inviting us to participate in today's important hearing. The VFW remains committed to the proposition that all veterans should have convenient access to a national cemetery so that they are not denied this final veterans' benefit. Also under discussion today will be the operation of the Arlington National Cemetery and the American Battle Monument Commission. We will, of course, be pleased to comment on these important areas as well.

The National Cemetery System (NCS) was established in 1973 pursuant to Public Law 93-43. NCS carries out four main activities. It inters deceased veterans and deceased active members of the armed forces, their spouses, and certain dependents in national cemeteries that have available grave space and permanently maintains these grave sites; it provides headstones for these burials in national cemeteries and private cemeteries; it administers grants to states for state veterans' cemeteries; and it prepares and issues Presidential Memorial Certificates to surviving family members and others who request them.

At recent Congressional hearings as well as articulated in the Independent Budget for VA, the VFW has complimented NCS management on a job well done. We now do so once again. NCS, however, has not been without problems. One only need recall the deplorable conditions at Riverside (California) National Cemetery of a couple of years ago. Riverside National Cemetery, due to a lack of equipment and maintenance dollars, was unable to cope

with unexpected heavy rains that reduced its appearance to that of a virtual pauper's field.

To stop the VA practice of reducing NCS funding due to budget cutbacks in GOE, Congress established a separate budget line item of the National Cemetery System. This welcomed action has greatly enhanced the management of NCS.

Equipment replacement backlogs within NCS continue to be a major concern. By the end of FY 1993, NCS anticipates a \$3.1 million backlog in equipment replacement, which will grow to \$4.8 million by the end of FY 1994. Additionally, NCS must implement critical maintenance and repair projects to maintain NCS's infrastructure of 400 buildings and 100 miles of roads.

In accordance with the Independent Budget the VFW recommends an appropriation for FY 1994 of \$80 million, or an increase of \$9.3 million over FY 1993 appropriation. This increase will not fund all NCS equipment and maintenance needs, nor will it fund the optimal number of employees. It will, however, enable NCS to move towards its goal of meeting the burial needs of American veterans and their families.

Also under discussion today is legislation introduced by Congressman Bonilla, H.R. 821, which would authorize burial in a national cemetery for certain members of the reserve component of the Armed Forces who have not performed sufficient active-duty service to be deemed a veteran. As in the past, the VFW continues to assert that while being a member of the Armed Forces Reserve is an important part of our national defense equation, it is not equivalent to serving on active duty. As you know, members of the Reserve who have served on active-duty for 180 days or longer (90 days in the case of the Persian Gulf War) are already deemed veterans for the purpose of VA benefit determinations, and are eligible for burial in a national cemetery as well as the full array of VA benefits and programs that are authorized for veterans under Title 38. Basically, this bill would provide burials in the national cemeteries for individuals who have not

served on active duty in the Armed Forces other than for training purposes. Thus, we continue to oppose this proposal.

With respect to the Arlington National Cemetery, the VFW continues to view this as a well run cemetery and compliments its management. We do note, however, that Arlington is rapidly running out of burial space, and we recommend that a portion of the Fort Myers land adjacent to Arlington be turned over to it so that more veterans may be properly buried there. The VFW also views the American Battle Monuments Commission as being very well run and of unquestionable importance in memorializing the sacrifice and accomplishments of America's veterans. We can only ask that it continue to service in this capacity so admirably.

Mr. Chairman, once again, on behalf of the entire membership of the Veterans of Foreign Wars, I wish to thank you for inviting us to take part in today's hearing. Germane resolutions are appended to my statement, and I will be happy to respond to any questions you may have.

Resolution No. 720

PROVIDE FOR AN OPEN NATIONAL CEMETERY IN EVERY STATE

WHEREAS, there are many states and regions in the United States without an open veterans cemetery; and

WHEREAS, federal and state land ideally suited for cemetery development is available in many states; and

WHEREAS, veterans should be entitled to burial in a veterans cemetery reasonably close to their homes; and

WHEREAS, Department of Veterans Affairs current policies of regionalization and state grants do not always ensure that eligible veterans can be interred close to their families; now, therefore

BE IT RESOLVED, by the 93rd National Convention of the Veterans of Foreign Wars of the United States, that we support legislation which would provide at least one open national cemetery in each state to ensure that all veterans may be buried reasonably close to their families.

Adopted by the 93rd National Convention of the Veterans of Foreign Wars of the United States, held in Indianapolis, Indiana, August 14-21, 1992.

Resolution No. 720

Resolution No. 636

RESTORE ELIGIBILITY AND INCREASE BURIAL AND PLOT ALLOWANCE

WHEREAS, all veterans who have served their country honorably and faithfully are entitled to a decent burial and final resting place; and

WHEREAS, the amount payable by VA as a burial allowance (\$300) and the amount payable as a plot allowance (\$150) have remained constant for many years in spite of the inflationary spiral; and

WHEREAS, Public Law 97-35 effective October 1, 1981 restricted the eligibility for the \$300 burial allowance, greatly reducing the number of veterans who previously qualified; and

WHEREAS, Public Law 101-508 enacted in November 1990, added insult to injury by reducing the number of veterans who would have otherwise been eligible for the \$150 plot allowance; and

WHEREAS, these restrictive measures enacted over time were intended purely as a cost savings without regard to intrinsic value of this final honor which was bestowed by a grateful nation; now, therefore

BE IT RESOLVED, by the 93rd National Convention of the Veterans of Foreign Wars of the United States, legislation be enacted to (1) increase both the VA burial and plot allowance to a level reflecting the inflationary impact of the intervening years, (2) restore entitlement to the VA burial allowance to those categories of veterans eliminated by Public Law 97-35, and (3) restore entitlement to the VA plot allowance to those categories of veterans eliminated by enactment of Public Law 101-508.

Adopted by the 93rd National Convention of the Veterans of Foreign Wars of the United States, held in Indianapolis, Indiana, August 14-21, 1992.

Resolution No. 636

STATEMENT OF JOHN R. VITIKACS, ASSISTANT DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION
BEFORE THE SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
JUNE 10, 1993

Mr. Chairman and Members of the Subcommittee:

The American Legion appreciates the opportunity to comment on national cemetery matters. Before we begin our testimony, we wish to welcome Mr. Jerry W. Bowen as Director of the National Cemetery System. Mr. Bowen appears to be an excellent choice to head the National Cemetery System (NCS). The American Legion will work with Mr. Bowen and the NCS staff to provide high quality and dignified service as a final tribute to our nation's veterans.

Mr. Chairman, the manner in which the National Cemetery System is operated is very important to The American Legion. Recent data shows that NCS interments have increased from 36,400 in 1973 to 64,602 in FY 1992. FY 1992 marked the tenth straight year of increases in the burial rate. In the first ten years of VA's administration of NCS (1973 through 1982), burials averaged 38,679 per year. In the second decade, burials rose to an annual average of 55,120. The increase is expected to continue until the year 2010 as the World War II veteran population ages.

Currently, there are 114 national cemeteries. As of September 1992, 53 were closed, having reached capacity for casket burials. Most closed cemeteries can accept cremation burials and all of them can inter the spouse or eligible children of a family member already buried. NCS expects another 12 national cemeteries will close by the year 2000, but efforts are underway to forestall four closures by acquiring adjacent property (see attachment).

A recently completed study of future expansion requirements of NCS was conducted by the Logistics Management Institute (LMI) and has not yet been released for review. This effort was the result of the mandated follow-up to the June 1987 study (PL 99-576), conducted by NCS, which identified ten areas for expansion. Of the ten areas recommended in the 1987 study, the San Joaquin Valley National Cemetery in northern California, opened in August 1992, is the only location that is now operational. Environmental impact studies have been completed in five other locations, yielding preferred sites for the establishment of potential new national cemeteries. The recently completed LMI study is intended to provide NCS with data and guidance for long-range strategic planning through the year 2020.

The new LMI study is based on 1990 census data. Significant progress has been made in choosing preferred cemetery sites for five large population areas listed in the 1987 NCS study. These are Albany, NY; Chicago, IL; Cleveland, OH; Dallas, TX; and Seattle, WA. We are confident that these locations will be listed as priority areas in the new LMI study and in the opinion of The American Legion, these five locations must be maintained for future NCS expansion. Considering so much effort, energy and resources have already been expended toward choosing preferred cemetery sites for these five areas, we believe it is logical and prudent to carry these projects through to completion.

Mr. Chairman, the issue of where to expand NCS is a matter that needs to be resolved and funded. Little debate is necessary to suggest that the current alignment of national cemeteries is not sufficient to adequately serve the veteran community. The President's budget proposal for FY 1994 requests, only \$500,000 in design funds for NCS. Of the five areas with completed environmental impact studies, the proposed FY 1994 design funding would permit only one location to

undergo design and planning. The question then is "which one should be done first"? A minimum of \$2.5 million is necessary to accomplish design and planning for the five locations already studied. In order to open and operate a new national cemetery, an initial start-up investment of \$2 million is required, a construction appropriation of approximately \$10 million per cemetery is necessary, with annual maintenance and operations cost of \$1 million each.

The American Legion believes that VA must build new national cemeteries, expand existing national cemeteries, and make a larger commitment to expanding the State Grants Cemetery Program. The Legion recommends the recently completed LMI study should be released as soon as possible so that a full review of the report can be accomplished.

The American Legion supports H.R. 951, which would change the formula for the State Grants Cemetery Program from the current 50/50 VA-state alignment to the proposed 65 percent VA/ 35 percent state funding share. Also, we support the proposal to provide a \$150 plot allowance for every veteran burial in a state veterans' cemetery. We believe this proposal would encourage states to participate in the State Grants Cemetery Program and to help offset rising expenses. In the long-run, both of these proposals will save VA resources.

The American Legion also supports H.R. 821, a bill to provide full burial benefits to National Guard and Reservist retirees. We believe the federal government should recognize the service provided to the nation by these individuals by providing more than just headstones and burial flags as a final tribute. Building new national cemeteries would resolve the concern of VA that a new category of veterans cannot be considered due to restricted resources and limited grave space.

Mr. Chairman, the President's budget proposal for NCS for FY 1994 would be \$161,000 less than the current year level of \$70.6 million. In spite of the funding decrease, overall staffing is proposed at 5 FTEE above current year levels. The President's FY 1994 budget proposal would not permit NCS to reduce the current aging equipment backlog of \$5.8 million. It is anticipated that this cumulative backlog will be maintained throughout FY 1994.

Lastly, Mr. Chairman, The American Legion believes VA needs to move ahead and settle the issue of where to locate new national cemeteries. The Legion believes a careful review of the recent LMI study is necessary to chart the course of future NCS expansion. Too much time has already been lost in preparing to meet the increasing burial demands of this nation's veterans.

Mr. Chairman, that concludes our statement.

NATIONAL CEMETERY SYSTEM
Projected Cemetery Closures (1)

National Cemetery Closures through end of Fiscal Year 2000.

	<u>Cemetery</u>	<u>Estimated Closure</u>
1.	Alexandria, LA	Sep - 1994
2.	Quincy, IL	Nov - 1994
3.	Florence, SC *	May - 1995
4.	Wood, WI	Sep - 1995
5.	Natchez, MS	Nov - 1997
6.	Dayton, OH *	Sep - 1998
7.	Ft. Sam Houston, TX *	Sep - 1998
8.	Springfield, MO	Jan - 1999
9.	Woodlawn, NY	May - 1999
10.	Salisbury, NC *	Sep - 2000
11.	Camp Butler, IL	Sep - 2000
12.	Little Rock, AR	Sep - 2000

(1) Projected cemetery closures are based on estimated depletion of all known full casket (developed and undeveloped) gravesites.

* Land acquisition in progress

STATEMENT BY
COLONEL CHARLES G. SCHREIBER (RET.)
DIRECTOR, LEGISLATIVE ACTIVITIES
of the
NATIONAL GUARD ASSOCIATION OF THE UNITED STATES
to the
HOUSING AND MEMORIAL AFFAIRS SUBCOMMITTEE
of the
HOUSE VETERANS' AFFAIRS COMMITTEE

10 June 1993

INTRODUCTION

It is a pleasure to appear before this committee on behalf of the National Guard Association of the United States (NGAUS) and of the men and women of the National Guard. The active and retired members of the National Guard are individuals who, by their service to this country, have demonstrated their commitment and patriotism.

Events over the past few years have reinforced the need for the citizen-soldier to be available in the first line of defense of this nation. During DESERT SHIELD/DESERT STORM over 74,000 Army and Air National Guard personnel were called to active duty. They represented the more than one-half million men and women who, during their career in the Guard, have been willing to answer the call when the country needed them.

ACTIVE DUTY REQUIREMENT

Each of the veterans benefit programs established in Title 38, U.S.C. has a specific criteria for eligibility. In addition, Section 3103A, Title 38, U.S.C., establishes an overall active duty service criteria for entitlement or eligibility to any and all of the programs.

For many years, eligibility for most veterans benefits required 180 consecutive days of active duty. In 1981, the requirement was changed to 24 consecutive months of active duty for all benefits. In either case, only a small percentage of National Guard members have completed that amount of consecutive active duty days/months within a 20 year career, with the exception of prior service personnel, individuals who served in a conflict or war, or Active/Guard and Reserve (AGR) personnel.

The National Guard association appreciates the action of the full Veterans' Affairs committee in passing legislation in 1992 that provided VA Home Loan eligibility for Guard and Reserve members with six or more years selected reserve service, and for grave markers and a burial flag for those members who achieve twenty years of service for retirement.

The National Guard Association requests that the Committee consider one additional benefit in recognition of the sacrifice and dedication of those members of the Guard and Reserve who complete 20 or more years service. That benefit is eligibility for burial in national cemeteries, and federally supported state cemeteries, as approved by the House last year.

The privilege of burial in a national cemetery is a special benefit that is revered and must be earned. Let me outline some of the reasons why the National Guard Association feels that career Guard and Reserve members have earned this privilege.

NATIONAL GUARD SERVICE

Until the early 1970s, and the development of the Total Force Policy, there were few requirements or opportunities for extended periods of active duty for National Guard members. With the increased integration of the National Guard into the total force under that policy, training and school requirements have greatly expanded. In addition, the Guard is taking on more missions to support the active forces with humanitarian assistance missions, peace keeping missions and possible call-up for world wide contingencies. Members of the selected reserve have had to balance those demands with the constraints on their availability because of their civilian career.

Through the course of a career in the National Guard, an individual has a continuous requirement to be available within hours for mobilization and deployment, not just for major mobilizations but for any level of conflict. National Guard personnel have been involved in operations from Just Cause in Panama, to Operation Desert Storm, to flying relief missions in war-torn Bosnia and even supply missions to republics of the former Soviet Union.

As Operation DESERT SHIELD/DESERT STORM demonstrated, the National Guard and Reserve no longer perform just a reinforcing role. The requirement to train to the same standards as their active service counterparts and the receipt of state-of-the-art

equipment has brought about a significant increase in professional training requirements. The days when a member trained for only 39 days a year -- one weekend a month and two weeks in the summer -- are long gone. Currently, officers average 80-100 days a year and non-commissioned officers 50-75 days a year to support their units in maintaining readiness.

EXISTING POLICY

We recognize there are legitimate reasons to differentiate between active duty service and selected reserve service for eligibility for many of the benefits administered by the Department of Veterans' Affairs. That same differentiation exists in programs administered by the Department of Defense.

We are not proposing a basic change in the definition of a veteran. We are only proposing that we recognize the service of Guard and Reserve members who have completed a full career of 20 or more years, without having completed a continuous active duty period of 24 months. The current policy excludes all short periods of active duty and all periods of active duty for training, regardless of purpose. Such a policy ignores the many day-to-day operational missions performed for the Services by members of the National Guard and Reserve. While these missions clearly provide training and experience, they also fulfill an operational need of the services and are identical to the mission being performed by active duty personnel. We believe the system should recognize that 20 years or more of career selected reserve service to this nation is at least equivalent to 24 months of active duty service.

BURIAL IN NATIONAL CEMETERIES

The Department of Defense 6th Quadrennial Review of Military Compensation (6th QRMC) examined the burial issue in 1987, and its final report recommended that National guard and Reserve members who have completed a 20 year career and are eligible for retirement should be authorized burial in national cemeteries.

The 6th QRMC report cited mobilization vulnerability and preparedness as the justification for its recommendation. The cost estimates provided in the 6th QRMC report indicated an estimated increase of 365 burials per year with an annual budget increase of approximately \$123,000. A more recent cost estimate was presented in House Report 102-548, which indicated the projected budget authority and outlay costs for this benefit would be less than \$500,000 a year through Fiscal Year 1997.

As a result of service in support to Operations DESERT SHIELD and DESERT STORM the Department of Veterans' Affairs incurred an obligation to over 200,000 members of the National Guard and Reserve, who now meet the full definition of veteran. They will be eligible for burial in national cemeteries. All members of the National Guard were prepared to serve their country and it was by happenstance that a particular unit was or was not called.

SUMMARY

The National Guard Association of the United States recognizes and commends the Congress for its continuing support of the members of the National Guard and Reserve commensurate with their integral role in the Total Force. We are especially appreciative of your willingness to allow us testify here today.

We recognize that the burial issue has other than budget constraints. The Department of Veterans' Affairs, in correspondence with the Association in 1990, stated that the cemetery system could not support the existing eligible population. They cited the reduced availability of burial spaces for all veterans at that time, based on limited cemetery properties and the growing demand generated by the large group of aging World War II, Korean War and Vietnam War veterans. They concluded by stating that granting this change in law would not provide a tangible benefit to the National Guard community.

Since that time, additional individuals are now eligible as a result of Operation DESERT SHIELD/DESERT STORM. This will add to

the requirement for revised estimates and long-term planning for the national cemetery system. We respectfully submit that one of the considerations in this planning should be the eligibility of 20-year career Guard and Reserve members.

It may be true that burial space in cemeteries operated by the Department of Veterans' Affairs will not be readily available. However, current statute and policy do not restrict just availability to national cemeteries. They apply to state cemeteries, which are built or supported partially through federal funding. This additional restriction places an even greater restriction on Guard and Reserve members.

We strongly recommend that this committee support changes to statute and regulation that would extend the eligibility for burial in national cemeteries and state cemeteries funded in part by federal funding. These changes would have no affect on the Department of Defense budget and would have minimal effect on the budget of the Department of Veterans' Affairs. Extension of these benefits would send a powerful message of recognition and appreciation for dedication and sacrifice, on behalf of the defense of this nation, to the men and women of the National Guard and their families.

STATEMENT OF
MICHAEL P. CLINE (RET)
MASTER SERGEANT

EXECUTIVE DIRECTOR

BEFORE THE
HOUSE VETERANS' AFFAIRS COMMITTEE

ON

BURIAL BENEFITS

FOR NATIONAL GUARD MEMBERS

10 JUNE 1993

Mr. Chairman and Distinguished Members of the Committee:

It is a pleasure to appear before this committee on behalf of the Enlisted men and women of the Enlisted Association National Guard of the United States (EANGUS). During Operations Desert Shield and Desert Storm active and retired members of the National Guard demonstrated their commitment and patriotism to our Country.

EANGUS would like to thank Congressman Sangmeister for holding hearings that will benefit the National Guard and Reserve Component Soldier and Airman, and we appreciate the opportunity to appear before this committee.

National Cemetery System

One year ago, EANGUS testified that funding and staffing for the National Cemetery System (NCS) was short of required levels. At that time a recommendation was made to establish a separate appropriation for the operation and maintenance of national cemeteries rather than permitting the resources for the cemeteries to be mixed with the General Accounting Expense appropriation. Although this has been successfully accomplished throughout the National Cemetery System, major and minor construction funding for the NCS must continue to keep pace with current and future requirements. The additional FY 1992 & 1993 funding for the NCS has been effectively utilized in the purchase of needed equipment, supplies, and services.

Mr. Chairman, funding for major and minor NCS construction has never been sufficient. Major construction funding has averaged approximately half of required funding.

A shortage of required major construction funding continues to impair the minor construction funding program. Many major projects which could be funded under one contract provided adequate monies were available, have to be reduced to minor projects, and can only be completed over a several-year period. This process is more costly and time-consuming than providing sufficient funds in one budget. Necessary minor projects have to be continually delayed so that higher priority projects can receive some of the available funding. National Cemetery System officials have to annually

consider which major and minor projects can slip and still provide the NCS the ability to bury individuals. New gravesite development has been the philosophy pursued by OMB in recent years. As existing cemeteries get older and new acreage is added to the system, the need for repairs and maintenance also grows.

We believe this Subcommittee can greatly assist the NCS in obtaining the required level of major and minor construction funding by annually reviewing VA's funding request sent to OMB, and compare that figure, along with the proposed project list, with the final administration proposal.

Recommendation for Expansions of the NCS

We further encourage existing military installations that are scheduled to be closed to also be released to the VA. Land is usually wide open on bases, so very little construction would have to be done. Some bases have as many as three or four golf courses, areas that are already maintained within peaceful surroundings. They are easily accessed by pre-existing roads and require low maintenance because irrigation systems, maintenance systems & maintenance crews are already in place. Playgrounds and/or athletic fields also could be utilized for gravesites.

EANGUS also encourage states to establish their own military cemeteries under the VA guidelines. The existing regional system may not be accessible and we believe that the families of loved ones of those veterans who have served our Nation proudly should be near the cemetery where their loved ones are interred and that People living in the Southwest should not have to travel 800 miles to visit the nearest national cemetery.

The American Battle Monuments Commission (ABMC)

The principle functions of ABMC are to commemorate the achievements and sacrifices of members of the United States Armed Forces who have served their country since 1917 through the erection and maintenance of suitable memorial shrines; to design,

construct, administer and maintain permanent American military burial grounds in foreign countries; to control the design and construction on foreign soil of U.S. military monuments and markers by other U.S. citizens and organizations, both public and private; and to encourage these organizations and individuals to adequately maintain the monuments and markers erected by them. These veterans include many National Guard members.

Caring for shrines to our War Dead requires an annual program of maintenance, repair and improvement of facilities, vehicles and equipment, grounds maintenance, and the care and replacement of vegetation. Also included is upkeep of graves and headstones, memorial structures, quarters, utility and maintenance areas, miles of roads and paths, shrubs and ornamental trees. Because of austere appropriations as a result of our Country's decreasing annual budget, ABMC has developed an unfunded backlog of repairs, maintenance and improvement projects over the past 8 years.

H.R. 821 Burial Benefits
for 20 year Veterans of the
National Guard & Reserve

I am sure you are aware that our Association represents the Enlisted men and women of the Army and Air National Guard. We feel that legislation such as this will improve the lives of our members. EANGUS requests that this committee acknowledge the dedicated service of members of the National Guard by granting them the privilege of burial in National Cemeteries. Offering more benefits to these dedicated "citizen soldiers" makes them feel that all their sacrifices are recognized. These incentives help boost the morale of our Guard members, motivating them to be more dutiful and responsive to their respective military occupations. Whenever a Force is highly motivated, it will be better prepared to face assigned tasks. Any time a part of our Armed Forces is better prepared for duty, the security of our Nation is further solidified.

Two 1/2 years ago our Reserve Component Forces were engaged in combat in the Middle-East. These Selected Reserve "citizen soldiers" volunteered and served shoulder-to-shoulder with active duty members of our Armed Forces in various combat operations. It must be stressed that when the call for action came, our Selected Reserve Forces answered with resounding readiness; 99.9% reported; 94.7 deployed. Operation Desert Storm is clear evidence that the Total Force strength shown in the Persian Gulf would not have been possible without our Selective Reserve soldiers/airmen. 1 year ago 10,000 California National Guard members were engaged in an equally dangerous situation, urban warfare in the streets of Los Angeles; The Guard proved its value once again.

ACTIVE DUTY REQUIREMENTS

Mr. Chairman, much of the controversy about extending Veterans' Benefits to National Guard members has centered around the amount of time an Active Duty Soldier serves his country compared to that of the Reserve Component Soldier. EANGUS hopes to clarify perceived misconceptions regarding inconveniences experienced between active duty soldiers & Reserve Component soldiers.

Burial benefits focus on the inequity between Active Duty time served in order to be eligible for burial benefits and the amount of time a Reservist or Guardmember spends on active duty over a twenty year period of service, without becoming eligible for the same benefit.

Section 3103A, Title 38, U.S.C., establishes an overall active duty service criteria for entitlement or eligibility for any or all veterans' benefit programs. In addition, many of the programs have a specific criteria for eligibility.

Until 1981, eligibility for veterans' benefits required 180 consecutive days of active duty. In 1981, the requirement was changed to 24 consecutive months of active duty for all benefit programs, except for individuals who served in a conflict or war. Under either criteria, with the exception of prior service person-

nel or Active/Guard and Reserve (AGR) personnel, only a small percentage of National Guard and Reserve members would have completed that amount of consecutive active duty days/months within a 20 year career.

Any honorably discharged Active Duty member of the Armed Forces who has served a minimum of 2 years is eligible for burial benefits. From the moment active duty personnel complete basic training, they begin to accrue time towards receiving benefits. Active duty soldiers are allowed to count individual training days that were spent attending schools during their enlistment. Active Duty personnel also receive credit for time served while attending schools that are required by their respective Force to properly train them in their military specialty.

The major injustice of the whole system is that Selected Reserve Soldiers do not accrue time for their active duty service for training. Their active duty time only counts towards retirement pay for service over and above twenty years. This amount cannot be collected until age 60.

Information just obtained from the Department of Defense indicates that the average Enlisted National Guard member spends approximately 60 days a year on active duty. An additional 6 months is spent on active duty to complete initial and advance phases of basic training, just like the Active Duty Soldier. During a twenty year enlistment, Guardmembers are required to attend specialty schools which average from 270 to 360 days of Active Duty for training.

20 Year Enlistment

Basic training/Advance Schools	180	180
A.D. training days x 20 year service	1200	1200
9 months to 12 months additional A.D. training	<u>360</u>	<u>360</u>
Total	1650	1740

An average of 4.52 years to 4.77
years of Active Duty training.

The average Active Duty Soldier spends approximately 220 days a year on Duty - (Based on 30 days leave - weekends off - Holidays - other medical and personal time off) for a total of 440 days of actual service on Duty during a two year enlistment period.

Both Active Duty and Reserve Component Soldiers must be available for military service 365 days a year. 60% or more of Reserve Component Soldiers are already eligible for burial benefits due to prior service or for other reasons. That leaves only 40% or less of all Selected Reserve members who would possibly benefit from a change in the law as it now stands. Testimony given previously before the House Veterans' Affairs Subcommittee by a representative of the American Cemetery Association stated that, "According to VA figures, less than 15% of veterans eligible for burial in a National cemetery choose National Cemetery System interment." The 6th QRMC reported that the increase in the estimated number of burials for eligible members of the Selected Reserve would be at a rate of approximately 365 per year or 0.5 percent of the current amount of burials. The Veterans' Administration has estimated that to implement the QRMC recommendation, it would only have to increase its budget by approximately \$123,000 annually. Cost estimates presented in House Report 102-548, filed by the House Veterans' Affairs Committee, indicates that the projected budget authority and outlay costs will be less than \$500,000 a year for FY 1993 through FY 1997. This budget estimate includes the provision in H.R. 4368 of the 102nd Congress to provide a burial flag. Therefore, giving the 20 year Reserve Component Soldier a proper Military burial is not an unreasonable demand.

SUMMARY

The Enlisted Association of the National Guard applauds the efforts of the House Veteran's Affairs Committee for its continuing support of the Enlisted Men and Women of the National Guard and Reserve component.

It is not the intent or desire of EANGUS to solicit Veteran Status for members of the Selected Reserve who have not earned that distinction by definition of Title 38, U.S.C. However, it is not an unreasonable request to pay recognition to those who have dedicated more than a 1/4 of their lives to the service of their country by providing for interment in a National Cemetery. We urge this committee to pass this legislation. Extension of these benefits will send a strong message of recognition and appreciation for the sacrifices made by our Enlisted Men and Women of the National Guard & Reserve, who for more than 356 years have dedicated their service to the Defense of our great Nation.

- END -

THE NATIONAL CONCRETE BURIAL VAULT ASSOCIATION, INC.

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STATEMENT OF NATIONAL CONCRETE BURIAL VAULT ASSOCIATION BY JERRY J. BROWN

SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS

HOUSE COMMITTEE ON VETERANS' AFFAIRS

JUNE 10, 1993

The National Concrete Burial Vault

Association ("NCBVA") was founded in the 1930s, and is made up of concrete burial vault manufacturers from the United States and Canada. Our association represents the national franchisors as well as a host of independent grave liner companies. We thank the Members of this Subcommittee for your continued involvement with and oversight of the National Cemetery System. The National Cemetery System is a source of pride, sacrifice, tradition and profound national awareness. Programs within the jurisdiction of this Subcommittee are critical to preserving and perpetuating the quintessential concept of memorializing the lives and deeds of Americans who have died in the service of our nation.

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These are crucial times for our National Cemetery System. As we enter the mid 1990s, many of our World War II and Korean War Veterans will be approaching their late 60s and early 70s. A decade or so later the Vietnam era veterans will follow. Over the last few years we have witnessed a decline in veterans' burial benefits. Laws such as the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) have taken away benefits, and this will almost certainly lead to an increased reliance and strain on the National Cemetery System.

Part of this Subcommittee's focus today relates to the needed resources required to efficiently and effectively operate the National Cemetery System. Our association members manufacture grave liners used in the National Cemetery System. Their use is mandated pursuant to Section 504 of Public Law 101-237 (103 STAT. 2094) in that, effective January 1, 1990, the government must provide "a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket." The use of grave liners within the National Cemetery System goes a long way in conserving these resources and indeed, their use makes economic good sense. Particularly, concrete grave liners, like those manufactured by our members, are dependable and proven and this translates into better value.

The NCBVA is currently working with the Department of Veterans Affairs to develop and implement minimum performance standards for all types of outer burial receptacles, as further assurance of their quality and to promote the use of standard specifications on sizes, design and construction, workmanship and materials. Most importantly, the purpose of any outer burial receptacle is to eliminate both short and long term maintenance on the part of the cemetery. The 5,000 pound Center Load Pressure Test, which we propose as the main criteria for performance, regardless of material, represents 99% of the possible load

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conditions that might occur during the interment process. Thus, the test is a simply administered indicator of an outer burial receptacle's ability to perform load requirements under cemetery conditions. The receptacles should withstand changes in the water table and pressures from the freeze-thaw cycle where applicable. Receptacle designs must be able to withstand the dynamic, differential and impact loads and stresses which are exerted upon a unit during the interment process. Such loads and stresses include compaction of the backfill soil, excavation of adjoining gravesites, as well as the pressures and forces exerted by normal cemetery excavation, compaction and maintenance equipment.

As the NCBVA has in past testimony before this Subcommittee, we continue to support the fundamental position of requiring outer-burial receptacles for interments within the National Cemetery System, which corresponds with over 90% of the nation's public, private and denominational cemeteries, for the following reasons: (i) promotes fiscal responsibility by keeping grave maintenance costs down, (ii) promotes safety, (iii) addresses health and environmental concerns (particularly the use of burial vaults), specifically those pertaining to potential subsoil and groundwater contamination, and (iv) the use of grave liners enhances cemetery aesthetics.

However, we are acutely aware that these programs have costs and that this Subcommittee and the Department of Veterans Affairs operate under certain budget restrictions. Available resources and funding can stretch only so far and we realize that there are other important veterans' programs and that there may not be enough to do what we really want to do with respect to veterans' burial benefits. One area that we feel should be examined for potential savings within the National Cemetery System relates to the free grave liner program.

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There is an inherent contradiction and fundamental unfairness associated with the VA grave liner program. During a time of tight fiscal restraints, the program's capital and administrative costs which for all active National Cemeteries for fiscal year 1993 is estimated at approximately \$5,266,000, a large expense for a small percentage of veterans that benefit. The free grave liner provided for interments at all National Cemeteries promotes an imbalance in the veteran's death benefits system. The overwhelming majority (90%) of veterans that die each year are buried in public, private or denominational cemeteries (where outer burial receptacles are required) and the next-of-kin is responsible for all burial costs. Thus, the remaining 10%, who have access to the National Cemetery System receive, at no cost to the next-of-kin: (i) grave space, (ii) grave liner, (iii) opening and closing of the grave, (iv) perpetual care of the grave, and (v) a grave marker.

The NCBVA recognizes the principal of equal benefits for equal service and the tradition of providing burial at no cost in national cemeteries, however, when we consider today's budgetary realities and the fact that only 10% of veterans who die each year choose a National Cemetery for burial, we feel that the freeing of those funds currently used for the grave liner program for use elsewhere within the veterans community could benefit all parties involved, the Department of Veterans Affairs, the National Cemetery System, veterans and the membership of our organization. The acquisition of grave liners by the National Cemetery System has been accompanied through the bidding and awarding of government contracts, which have a duration of between one and three years. The grave liners supplied under these contracts represent less than 1% of the annual revenues of our industry. Eliminating the program could lead to some increased revenues, but would more importantly eliminate the burden of government contracting.

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The NCBVA continues to support increased veterans benefits, but also feels a responsibility to work with the Committee, the Department of Veterans Affairs, and the National Cemetery System in making any required reductions in the provided benefits as equitable and fair as possible.



AMERICAN CEMETERY ASSOCIATION

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Stephen L. Morgan, CCE
Executive Vice President

June 4, 1993

The Honorable George E. Sangmeister
Chairman
Subcommittee on Housing and Memorial Affairs
Committee on Veterans' Affairs
U.S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Sangmeister:

The American Cemetery Association appreciates your invitation to testify at the Subcommittee hearing on June 10, 1993, concerning the operational needs of the National Cemetery System in view of existing fiscal restraints. We understand that you are also seeking comment on H.R. 821, a bill which would extend eligibility for burial in national cemeteries to reservists with twenty years of service. Therefore, we respectfully submit our views and request that this letter be made part of the hearing record.

The American Cemetery Association ("ACA") represents over 2,000 members including private, religious, and municipal cemeteries. For many years the ACA has expressed concern over the expansion of the National Cemetery System in the absence of studies projecting the significant long-term costs for maintaining gravesites in perpetuity. ACA has also expressed its opposition to the growing disparity in burial benefits for veterans choosing interment in national/state veterans cemeteries and those choosing burial in private or religious cemeteries.

The 1990 Veterans Benefits and Services Reconciliation Conference agreement significantly curtailed the eligibility of veterans to receive the \$150 plot allowance. In particular, wartime veterans who were not otherwise receiving VA compensation or benefits were no longer eligible for the plot allowance unless they are interred in

The Honorable George E. Sangmeister
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state veterans cemeteries. The Conference agreement also eliminated the marker reimbursement allowance.

The justification given for these cutbacks was the need to reduce the federal deficit, a goal never achieved. The curtailment of the plot allowance only resulted in the discrimination against veterans and their families who chose, for personal or religious reasons, to be interred in non-governmental cemeteries.

The VA Benefits Administration Chief of Staff, Mr. Harold F. Gracey, acknowledged this disparity in his March 4, 1993 testimony before this Subcommittee. Commenting on H.R. 951, now incorporated into H.R. 949, which would extend plot allowance payments to state veterans cemeteries which inter any veteran, Mr. Gracey stated, "...this modification of the eligibility criteria for the plot allowance would unfairly discriminate against peacetime veterans buried in private cemeteries, who are not eligible for a plot allowance, and would further exacerbate the existing disparity between veterans buried in state and private cemeteries." (Emphasis added).

The National Cemeteries Act of 1973, P.L. 93-43, created the National Cemetery System and became the basis for the current administration of veterans' burial benefits including the plot allowance and a \$300 burial allowance. This law established a balance between the obligation of the federal government to provide burial benefits and to respect the veterans' freedom of choosing a final resting place.

Thus, eligible veterans could choose between interment in a national or state cemetery, or where convenience of location, existing family burial sites, or religious considerations were important factors, receive benefits to facilitate interment in private, religious, or municipal cemeteries. The Omnibus Reconciliation Act of 1981 abolished the \$300 burial allowance to wartime veterans not otherwise receiving compensation or pensions. The 1990 budget agreement, referenced above, continued the erosion of equitable burial benefits.

The ACA estimates that Congress has effectively disqualified approximately 70 percent of the veterans originally entitled to receive these burial benefits. We also believe that such discriminatory criteria may force a reliance on national cemeteries by veterans which will ultimately drive up the overall cost of providing any form of burial benefits and place fiscal demands on the National Cemetery System which were never intended.

For example, the one-time payment of the \$150 plot allowance served about 85 percent of veterans applying for burial benefits prior to its curtailment in late 1990. However, burial in national cemeteries entails an ongoing and continually

The Honorable George E. Sangmeister
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Page 3 of 3

escalating cost to the federal government and taxpayers to provide maintenance and related cemeterial services indefinitely. The anticipated cost savings through curtailment of the plot allowance wrongly assumed that affected veterans will not collect such benefits through a much more costly method of entering the National Cemetery System instead.

H.R. 821, which extends national cemetery benefits to twenty-year reservists, only exacerbates this disparity in benefits and will further burden the overall fiscal demands on the NCS. In the event that burial benefits are extended to qualified reservists, the plot and marker allowances should be included as cost-efficient options.

For these reasons, the ACA urges the Subcommittee to recommend the restoration of the plot and marker reimbursement eligibility requirements to pre-1990 standards, and to restore funding for these basic veterans benefits in a fair, equitable manner. We believe such action will reduce the long-term operating costs of the NCS including the interminable expenses of maintaining in excess of one million gravesites in perpetuity.

We also recommend the formation of a blue-ribbon commission of government and private sector experts to study the issues involved in providing a fiscally sound burial policy for our nation's veterans. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen L. Morgan". The signature is fluid and cursive, with a large, stylized "S" and "M".

Stephen L. Morgan, CCE
Executive Vice President

SLM:mws

WRITTEN COMMITTEE QUESTIONS AND THEIR RESPONSES

CHAIRMAN SANGMEISTER TO DEPARTMENT OF VETERANS AFFAIRS

CONGRESSMAN SANGMEISTER

Question 1a: VA's 1987 Report to Congress identified 10 sites to establish new national cemeteries. I understand that the Department contracted for a second follow up Report to Congress with Logistics Management Institute (LMI). As required by Public Law 99-576, the second report should have been released to Congress earlier this year. What is the delay in having the follow up report released and delivered to Congress?

Answer: The report, prepared by the Logistics Management Institute, has been completed. We are now taking the demographic information from this study and preparing it in conjunction with our overall policy concerning new cemetery construction. The last NCS policy was formulated in November 1990 by the previous secretary, and the current administration is reviewing the feasibility of that policy. The LMI study will give us some data to help formulate a new policy, which will be incorporated into the report to Congress.

Question 1b: Please provide for the hearing record an update on the status of each of the 10 sites identified in the 1987 report and indicate what actions including an estimated time frame are still needed in the environmental, design and construction process.

Answer:

No. California: The San Joaquin Valley National Cemetery opened in June 1992. The cemetery is located in Gustine, California.

The following sites are in various stages of planning. Funding for further construction progress will be requested in future budget requests, subject to the availability of resources and system-wide priorities.

Albany: EIS process completed in September 1992 with the selection of a 200-acre site 1/2 mile north of the Saratoga Battlefield. Site has been surveyed, and title policy received. VA Real Property Management Staff is reviewing several real estate issues associated with the property. VA has selected LA Group of Saratoga, NY to prepare the master plan. Appraisals have been received and preliminary title and Offers to Sell are under review. EIS, planning, and site acquisition funding was approved in the 1988 and 1991 major construction budgets.

Chicago: EIS process was completed in October 1991 with the selection of Fort Sheridan. Secretary of Defense declined VA's offer to purchase approximately 160 acres of land at Fort Sheridan for \$6.9 million. Secretary Brown announced that VA was ending its efforts to use part of Fort Sheridan as a national cemetery. VA is pursuing preparation of a supplemental EIS that will review and update demographic data on the sites included in the original EIS, screen other potential sites, and consider property located at the Joliet Arsenal. EIS, planning, and site acquisition funding was provided in the 1988 and 1991 major construction budgets.

Cleveland: EIS process completed in January 1993 with selection of a site in Guilford Township, Medina County. VA has begun the property acquisition process, and has obtained legal description and ordered a property survey. Title work and appraisal will be ordered upon completion of the survey. VA has interviewed A/E firms for master planning and Phase I design. EIS, planning, and site acquisition funding was provided in the 1988 and 1991 major construction appropriations.

Dallas/Fort Worth: EIS process completed in October 1992 with selection of a site at Mountain Creek. While funding has been provided for master planning, funds have not yet been approved for land acquisition. VA has nevertheless gone forward by selecting an A/E firm to prepare a master plan.

Detroit: Funds were made available in the 1992 budget for completion of an EIS. The contract to conduct the EIS was awarded in February 1993. Advertisements for suitable properties (160-200 developable acres) were placed in local newspapers and 45 sites were offered. Of this total, 11 were eliminated as not suitable, while another 17 were withdrawn by the owners. During the last week of April 1993, a VA Site Selection Board visited the remaining 17 sites, which were determined suitable for cemeterial operations, and has prepared recommendations as to which sites should be included in the EIS.

Miami (South Florida): Funds were made available in the 1992 budget for completion of an EIS. Following advertisements for property, 10 sites were identified as suitable. A VA Site Selection Board has recommended the top five of these, based on factors of cost, economic

impact, and suitability for cemetery operations. A contract to conduct the EIS has been awarded.

Oklahoma City: Funds were made available in the 1991 budget for completion of an EIS. From 58 sites offered in response to VA public solicitation, 3 sites were selected for inclusion in the EIS. The contract for conduct of the EIS was awarded in July 1992. Following preliminary drafts and VA review, the draft EIS was distributed to the Congressional delegation and other interested parties, and filed with the EPA in February 1993. The preliminary final EIS will be submitted to VA for review by June 28, 1993, and the Site Selection Board will recommend the preferred alternative for inclusion in the final EIS.

Pittsburgh: Funds were provided in the 1991 appropriation for completion of an EIS. From a total of 45 parcels of land offered in response to public advertisement, 22 sites were identified as suitable. A VA Site Review Board investigated the sites and recommended eight for further evaluation. Following award of the EIS contract and initial site investigations, the Site Selection Board has recommended five sites for inclusion in the EIS. These sites have been approved for inclusion in the EIS and the consultant instructed to proceed with the EIS.

Seattle: EIS process was completed in April 1992 selecting Tahoma as the site for the new national cemetery. VA began the acquisition process to purchase the 160+ acres from the Washington State Department of Natural Resources. The State made a formal Offer to Sell in January 1993. Following review of the appraisal, The Secretary of VA formally accepted the State's Offer to Sell. The offer will now be ratified by the State of Washington Executive Board during their July session. VA will take necessary steps for closing and final title review following ratification. These actions will be completed by September 1993. VA has also announced the award of a contract to prepare the master plan to a Bellevue, Washington A/E firm. EIS, planning, and site acquisition funding was approved in the 1988 and 1991 major construction budgets.

Question 1c: Many of the veteran groups have testified that VA must do more to expedite the processes involved in site selection, environmental assessments and construction to establish new national cemeteries. What recommendations do you have that would streamline and shorten the number of years to build new national cemeteries?

Answer:

We have continued to learn from our experiences in establishing new national cemeteries and therefore, have streamlined the process with each new effort. The primary issues and recommendations associated with means to shorten the time frame are as follows:

- **Site selection** - Updated veteran demographics and designation of a 75 mile service radius have served to focus on specific areas where a site is desired.
- **Environmental assessments** - In all instances, establishment of a new national cemetery requires preparation of an Environmental Impact Statement (EIS). Satisfying requirements of the National Environmental Policy Act does take blocks of time that are beyond our control. VA has standardized Statement of Tasks for EIS consultants and these consultants have become acquainted with the VA process. These improvements help reduce the timeline.
- VA's **Construction Methodology** has, also, served to make the process more efficient through the steps of master planning, design development, contract documents, and actual construction. In the future, the process of design-build may be applied to new cemetery development.

Question 2a: Design funds in the FY 94 budget total only \$500,000. If VA still plans to move forward with establishing new cemeteries in Albany, Cleveland, Chicago, Seattle and Dallas how will these funds be spent? Do you expect to request design funds in FY 95 and beyond for the other cemeteries?

Answer: If we proceed with these five cemeteries, the acquisition process will probably allow serious consideration of design at Seattle. Land at Tahoma will be acquired in March 1994 if current timetables hold. This will give us six more months in the fiscal year to award a design contract. There is enough flexibility in the design fund also to allow us to fund Albany and Cleveland if other events fall into place. As for Dallas, funds are not currently available for us to purchase the land at the Mountain Creek site. We are proceeding with some master planning from appropriated master plan funds to identify more accurately the portion of land that we specifically need at the site. We cannot go ahead with the design award until we have monies available to purchase the land. The Department of Defense rejected VA's offer to purchase 160 acres at Fort Sheridan for \$6.9 million for the establishment of a national cemetery in the Chicago area. Therefore, a supplemental EIS will need to be prepared that will review and update demographic data on the sites included in the original EIS, screen other potential sites, and consider property located at the Joliet Army Ammunition Plant (JAAP). VA plans to request design funds for Chicago following a decision on the ultimate site.

Question 2b: I understand that the Appropriations Subcommittee for VA-HUD and Independent Agencies has recommended adding \$22 million to VA's Major Construction Projects account for the advance planning fund, the design fund and for site acquisition for additional medical, cemeterial and regional office projects. If enacted with the \$22 million addition, does NCS plan to request design, site acquisition or construction funds for any of these five new cemeteries.

Answer: If enacted with the \$22 million addition earmarked for the design, site acquisition or construction of specific projects, NCS will comply with the intent of Congress as quickly as possible. If the \$22 million addition is enacted without being earmarked for specific projects, NCS will submit design, site acquisition or construction plans for these five new cemeteries for consideration in the VA's overall major construction program.

Question 3: I alluded in my opening statement that the Administration's FY 1994 budget for NCS is essentially static. With a baseline of \$70.5 million how does NCS plan to prevent a decline in services to veterans and in the physical appearance of our cemeteries as workloads continue to increase? Would lawn maintenance be curtailed (grass cut once every 7 days vs. 5 days, one vs. two applications of fertilizer/pesticides), repair and replacement of equipment further delayed, or minor construction projects be eliminated? Would burials be delayed as cemeteries reduce the number of interments performed on a daily basis?

Answer: The requested level of \$70.5 million represents a level that will be sufficient to prevent any decline in the operations of NCS. Total FTEE within NCS increased by five. These five, as well as an additional six FTEE acquired by reducing NCS Central Office employment, have been directed to field operations. Other savings result from decreased requirements for the Employee Compensation payment to the Department of Labor and from reductions in planned spending for replacement equipment. The revised replacement equipment funding level will permit NCS to maintain the progress achieved through 1993 against the replacement equipment backlog, but it will not permit further progress to be made in 1994.

Question 4: Extending the life of currently open national cemeteries needs to be closely examined. With 55 national cemeteries closed and more than 10 scheduled to close before the year 2000, how has VA determined its plans to acquire additional land for gravesite expansion at existing national cemeteries? Please provide a listing with an estimated acquisition time for the hearing record?

Answer:

In February 1992, the National Cemetery System completed Phase I of a study to identify national cemeteries where contiguous undeveloped land existed that would be suitable for cemetery use. All open national cemeteries that were projected to close before the year 2000 were considered.

Phase II of the study, completed in September 1992, further analyzed the identified open national cemeteries by giving consideration to veteran demographics, the proximity of other open national cemeteries and the projected longevity of their open operations, and the estimated cost per developed gravesite if the land were to be acquired and developed.

The study recommended active pursuit of land acquisition at Barrancas, Camp Butler, Florence*, Ft. Bliss*, Ft. Gibson*, Jefferson Barracks and Woodlawn National Cemeteries. The study recommended against actively pursuing land acquisition at Beaufort, Culpeper and Hampton National Cemeteries.

*Land acquisition is currently in progress.

The National Cemetery System has not established a time frame for acquisition of land at the remaining open national cemeteries recommended for expansion.

Question 5: The FY 94 budget states that the equipment backlog will be reduced to \$5.8 million at the end of FY 1993 and that an additional \$3 million is scheduled for new replacement in FY 1994. If this is the case, and considering the current budget climate, it appears that increases will continue to mount in the area of equipment backlog. If so, how does NCS plan to address this concern?

Answer: By the end of 1993, the backlog of equipment in need of replacement will be reduced to \$5.8 million. With the need to reduce the Federal budget deficit, the National Cemetery System has requested only sufficient funding in 1994 to maintain the progress already made against the backlog; no further progress will be made that year.

Question 6: Recent VA budgets have included funding to support the implementation of a Burial Operations Support System (BOSS) and to update and convert the Automated Monument Application System (AMAS). Does the FY 94 budget contain adequate funding for these systems?

Answer: The National Cemetery System has adequate resources to support both BOSS and AMAS. Validation testing has already started on BOSS at Quantico National Cemetery. Installation will begin at the national cemeteries before the end of fiscal year 1993, and the system will be fully operational by the start of fiscal year 1995. AMAS redesign efforts in fiscal year 1994 will consist solely of preliminary analysis and study of design alternatives. Funding for software development and hardware will not be required before fiscal year 1995.

Question 7: In your testimony, you state VA's opposition to H.R. 821, legislation to extend eligibility for burial in national cemeteries to Reservists and National Guardsmen with 20 years of qualified service. Considering the Administration's proposed cutbacks for the Reserves and National Guard, would the impact of H.R. 821 be altered for VA to change its position? Would your cost estimate be revised from last year's testimony?

Answer: As noted in my opening statement before the Committee, VA continues to oppose H.R. 821. Aside from the philosophical issue that the term veteran has historically been defined as one who once served on active duty, we are concerned with the practical aspects of implementing the bill should it pass. We already have concerns over accommodating the aging World War II veteran population. Setting up competition, if you will, for national cemetery space between those who served on active duty, perhaps even during a period of war, and those who did not, will not be easy to administer. The bill provides burial in a national cemetery to those who are qualified to receive retirement pay after serving 20 years in the Reserves or National Guard; we do not think our cost estimates are affected as we cannot project how many of a reduced number of Reserve or National Guard will remain for 20 years. Our figures are based on the best estimates available.

Question 8: I would also like to follow up on two issues the Subcommittee addressed last year. I would appreciate updated information on the issue of traffic congestion and the Drive Through

Program at the National Memorial Cemetery of the Pacific as well as a status report on VA's negotiations with the Department of the Interior to secure a long-term water contract for the San Joaquin Valley National Cemetery in Northern California.

Answer: I recently spoke with the cemetery director at the National Memorial Cemetery of the Pacific. He has worked closely with members of Senator Akaka's staff, local veterans groups and other concerned organizations to reach an acceptable compromise that will accommodate visitors while maintaining the dignity of the cemetery. The drive-through program will continue. The National Cemetery System also funds two contract security guards/traffic controllers to ensure the safety of visitors and to regulate the flow of traffic. In addition, plans are underway to establish a pilot program for a limited guided walking tour that will emphasize the history and tradition of our Nation's most visited national cemetery. We are working with veterans service organizations on a proposal to establish the tour as a non-profit venture at no cost to the National Cemetery System. We hope to implement this test by the beginning of 1994.

The Director of San Joaquin Valley National Cemetery and the Contract Repayment Specialist-Water Contracting for the U.S. Bureau of Reclamation in Sacramento have coordinated a contract for water service between the two agencies. The term of the contract is for 25 years with unlimited renewals and up to 450 acre feet of water per year. (325,853 gallons = 1 acre foot). Costs are approximately \$55.47/acre foot for water (including the cost to transport), and \$500/month for administrative costs. Anticipated usage for this cemetery is 50 acre feet/year.

Question 9a: A review of section 2337 of Public Law 100-180, provides authority for the Secretary of the Army to transfer not less than 200 acres of land at the Joliet Arsenal to VA for use as a national cemetery. I would interpret the law to provide continuous authority for the Army to convey land at the Joliet Arsenal to VA and this transfer authority could still be used today. Does VA's Office of General Counsel agree with this position?

Answer: On June 28, 1993, the Office of the General Counsel provided an opinion in response to our initial request for advice on use of Public Law 100-180 § 2337 to transfer land from Joliet Army Ammunition Plant (JAAP) to VA. That opinion indicated that the language of the statute contains no time limit and continues to authorize the land transfer. In the event that JAAP is closed, the base closure requirements of 10 U.S.C. § 2687 will apply to the transfer. Also, the transfer must be in accordance with applicable environmental requirements.

Question 9b: As other sites (Grant Park, Cissna Park and Joliet) are now under consideration, I would appreciate your outlining VA's planned actions to reach a new Record of Decision, including a time frame for the steps involved to build a new national cemetery in northeastern Illinois.

Answer: The following actions are occurring or planned regarding the effort to build a new national cemetery in northeastern Illinois:

- A contract is being negotiated with the environmental impact statement (EIS) consultant who prepared the original Chicago EIS for preparation of the *supplemental* EIS (SEIS).
- VA real property staff are screening the Chicago region to determine if any other viable properties (300 acres or more) are available. So far, no suitable sites which are affordable have been identified.

- Veteran population and demographics have been updated for the Grant Park and Cissna Park sites for their further assessment within the SEIS.
- A VA site board is being formulated to oversee the SEIS preparation.
- Public Law 100-180 which provides authority for the Secretary of the Army to transfer land at the Joliet Army Ammunition Plant to VA has been reviewed by the Office of General Counsel. General Counsel will provide further advice, as needed, in interpreting any applicable transfer requirements.
- It could take up to ten months to complete the SEIS. However, all efforts are being directed to expedite this process wherever possible.
- Following the SEIS, a new Record of Decision will be rendered by the Secretary of Veterans Affairs.
- In FY91, \$1,506,000 was appropriated for master planning and land acquisition for the Chicago area national cemetery.
- Funding for continued construction planning will be requested in future budget requests, subject to the availability of resources and system-wide priorities.
- A new national cemetery could be constructed and open as early as 1997, if all events listed above take place on schedule.

