



**STATEMENT OF
GERARDO AVILA, DEPUTY DIRECTOR
MEB/PEB & DOD BOARDS
VETERANS AFFAIRS AND REHABILITATION DIVISION
THE AMERICAN LEGION**

BEFORE THE

**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
HOUSE COMMITTEE ON VETERAN'S AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES**

ON

“HONORING HEROES: MEMORIALIZING OUR NATION’S VETERANS”

JUNE 7, 2018

**STATEMENT OF
GERARDO AVILA, DEPUTY DIRECTOR, MEB/PEB & DOD BOARDS
VETERANS AFFAIRS AND REHABILITATION DIVISION
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
HOUSE COMMITTEE ON VETERAN'S AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
"HONORING HEROES: MEMORIALIZING OUR NATION'S VETERANS"**

JUNE 7, 2018

Chairman Bost, Ranking Member Esty and distinguished members of the Subcommittee on Disability Assistance and Memorial Affairs (DAMA); on behalf of National Commander Denise H. Rohan and the 2 million members of The American Legion, the largest patriotic service organization for veterans, serving every man and woman who has worn the uniform for this country, thank you for the opportunity to testify regarding the Department of Veterans Affairs (VA) National Cemetery Administration (NCA).

BACKGROUND

NCA's mission is simple: to honor veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their services and sacrifice to our nation. This veteran-centric mission can be traced back to President Abraham Lincoln, who famously stated, *"To care for him who shall have borne the battle and for his widow, and his orphan,"* which is now the mission of the entire Department of Veterans Affairs.

On July 17, 1862, President Lincoln signed legislation (Omnibus Act Public Law 165¹) authorizing the President of the United States the power to purchase lands and establish national cemeteries to bury soldiers who died in the service of the country. In 1973 Public Law 93-43 authorized the transfer of 82 national cemeteries from the Department of the Army to the Department of Veterans Affairs, essentially creating and establishing the NCA.

NCA operates 135 national cemeteries, 33 soldiers' lots, along with monument sites in 40 states and Puerto Rico. Under its current purview, NCA is responsible for perpetuity care of 4.5 million interred veterans, veterans of every war and conflict, and family members. NCA also provides funding to establish, expand, improve and maintain 105 veteran cemeteries in 47 states and territories including tribal trust lands, Guam, and Saipan. For veterans not buried in a VA national cemetery, NCA provides headstones, markers or medallions, to commemorate their service². During fiscal year 2017, NCA conducted over 171,000 interments in National and State

¹ Omnibus Act Public Law 165: <https://www.cem.va.gov/cem/history/timeline/timeline-1862.asp>

² Arlington National Cemetery Report to Congress: <https://www.arlingtoncemetery.mil/Portals/0/Docs/Public-Notices/ANC-Capacity-Planning-Congressional-Report-Apr-2017.pdf>

cemeteries, provided more than 361,000 headstone and markers, 13,000 bronze medallions, and 670,000 Presidential Memorial Certificates³.

NCA's SATISFACTION SURVEY

NCA's yearly customer satisfaction survey consistently receives ranks in the mid-nineties, the results of the latest survey ranked it 99% on cemetery appearance, 96% on quality of service, and 99% of responders say they would recommend it to other veterans⁴. The American Legion has engaged our membership and we regularly hear veterans echo the sentiments found in the NCA yearly satisfaction survey. We frequently receive calls complimenting the level of professionalism displayed by NCA employees when rendering final respects to their loved one, which is undoubtedly during a very difficult and emotional time.

The families often share with The American Legion that NCA is surprisingly well-managed, understanding, and extremely helpful, which is quite contradictory to the expectations they had considering NCA is a division of the Department of Veterans Affairs, the second largest bureaucracy in the federal government. Having a process that is easy to navigate is appreciated by families and veterans.

NCA INITIATIVES

In an effort to provide a higher level of quality service and improve customer satisfaction, NCA has implemented new initiatives and continues its efforts to provide a burial option to veterans within 75 miles from their home. NCA estimates that 92% of all living veterans currently have this option available to them, provided by a national or state cemetery⁵.

Furthermore, 2018 marks the 40th anniversary of the Veterans Cemetery Grants Program (VCGP) which has been instrumental in providing gravesites for veterans in areas that is not supported by NCA or a state cemetery. VCGP is designed to complement NCA's 135 national cemeteries across the country. It helps states, federally recognized tribal governments or U.S. Territories establish new veterans cemeteries, and expand or improve existing veterans cemeteries. To date, nearly \$800 million has been granted to establish, expand or improve cemeteries to provide a final resting place for veterans and, in certain cases, their families⁶.

There are two NCA initiatives that we have chosen to highlight. They are the Veterans Legacy Program and the Pre-Need Eligibility Determination initiative.

- The Veterans Legacy Program (VLP) is a grant-based partnership with local universities which allows them to conduct genealogy research on veterans buried at NCA cemeteries. One of the goals of the program is to carry the legacy of service and veterans forward by educating the community and the nation of the sacrifice made by these selfless heroes. It is said that we die twice: when we physically take our last breath; and when people don't

³ 2017 NCA Annual Report: https://www.cem.va.gov/pdf/NCA_YIR_FY2017.pdf

⁴ ACSI Report, January 31, 2017: <https://content.govdelivery.com/accounts/USVANCA/bulletins/184ee83>

⁵ NCA FY 2017 Year In Review Report: https://www.cem.va.gov/pdf/NCA_YIR_FY2017.pdf

⁶ National Cemetery Administration: <https://www.cem.va.gov/cem/grants/>

remember our names. The Veterans Legacy Program is an important step to ensure that veterans are never forgotten.

- The Pre-Need Eligibility Determination initiative makes it easier for veterans and their families to plan ahead for difficult situations. The Pre-Need Eligibility Program is helpful in minimizing delays when trying to finalize a veteran's final wishes. Veterans are typically involved in this process, allowing them to dictate and share their desires.

AMERICAN LEGION ENGAGEMENT & RESOLUTIONS

Ensuring veterans receive the postmortem respect they deserve is a priority of The American Legion. In 1962, The American Legion created and established the Graves Registration and Memorial Affairs Committee, now known as the National Cemetery Committee, an internal committee designed to focus on these important issues impacting all veterans. The American Legion maintains a professional staff dedicated to formulate and recommend to our National Executive Committee, through the Veterans Affairs & Rehabilitation Commission, policies, plans and programs as they relate to the Department of Veterans Affairs, National Cemetery Administration, and the internment of veterans, active duty servicemembers and their dependents.

In response to issues and concerns, The American Legion created and passed two resolutions at our 2016 National Convention in Cincinnati, Ohio. Through Resolution No. 237, The American Legion supports legislation to amend Code of Federal Regulation 38-632 and specify that VA recognize accredited representatives be authorized to apply for headstone, markers or medallion, in the absence of next-of-kin⁷. This common-sense resolution was created because we have seen a number of cases where a deceased veteran was not able to receive a grave marker or have a replacement issued due to damage, simply because a relative did not make the request. This sometimes happens because there is no next-of-kin available or aware.

The American Legion also created and passed Resolution No. 9, allowing us to support the transfer of land from the Bureau of Land Management to the NCA to expand the Black Hills National Cemetery in South Dakota, to ensure ample land and space for future expansion⁸.

Two weeks ago, on May 25th, President Trump signed legislation transferring approximately 200 acres to expand the cemetery. The passing of this legislation confirms the commitment and obligation we have to honor the memory of those that have served the United States of America in uniform.

CONCERNS

The American Legion is not aware of any obstacles to access for any veteran wishing that their final resting place be a cemetery operated by the NCA. That stated, we do receive inquiries and

⁷ Resolution No. 237 Authorization to Apply for a headstone, Marker, or Medallion
<https://archive.legion.org/bitstream/handle/20.500.12203/5561/2016N237.pdf?sequence=1&isAllowed=y>

⁸ Resolution No. 9 Black Hills National Cemetery Expansion
<https://archive.legion.org/bitstream/handle/20.500.12203/5741/2016N009.pdf?sequence=4&isAllowed=y>

concerns on two topics: the issuing of NCA headstone or markers for veterans buried in private cemeteries; and wait times when calling the scheduling office in St. Louis, MO.

1. The current policy authorizes NCA to issue a headstone or marker for any unmarked grave. For graves that are marked with a private marker, NCA will provide a headstone or marker for veterans who died on November 1, 1990 to present. Veterans who died prior to this date, can be provided with a medallion to commemorate their veteran status. The American Legion firmly believes there should not be inconsistency or discrepancy between veterans based on era of service, and our members are in favor of having NCA headstones replace the private markers, if the veteran or veteran's family prefers.
2. Shortly after a veteran passes away, it is incumbent of the family to contact NCA and begin the process of burial planning, regardless of the location of the cemetery (private or NCA operated). Coordinating funeral arrangements may be overwhelming and many people, who have gone through the process, have expressed their concerns about the amount of time spent waiting for an NCA representative to speak with them on the phone. Once the family makes contact, the process, as described, is great. The American Legion is concerned with the long wait times family members and veterans are enduring to speak to an NCA representative during this emotional period.

It is our sincere hope that VA, NCA and this committee take a closer look, identify and make the necessary corrections to the discrepancy between veterans who are authorized a headstone or marker at private cemeteries and those who are not, and eliminating the wait times at the scheduling office.

CONCLUSION

Chairman Bost, Ranking Member Esty, and distinguished members of this veteran-centric committee, The American Legion thanks you for the opportunity to elucidate the position of the 2 million veteran members of this organization.

Ensuring that those who have selflessly raised their right hand in defense of this nation receive the honorable and respectful final resting place they deserve is a priority of The American Legion, and by action of this committee, we can see that it is for you as well.

For additional information regarding this testimony, please contact Mr. Matthew Shuman, Director of The American Legion's Legislative Division at (202) 861-2700 or mshuman@legion.org.