

CHARRTS No.: SHSGAC-03-018
Senate Committee on Governmental Affairs
Hearing Date: August 01, 2013
Subject: Mismanagement of POW/MIA Accounting
Witness: Maj Gen Winfield
Senator: Senator McCaskill
Question: #18

Question: During the hearing, JPAC and DPMO stated that the Under Secretary of Defense for Policy, Dr. James Miller, is conducting a review regarding the implementation of GAO's recommendations for the accounting community, including the possibility of consolidation. - Please provide a copy of Dr. Miller's report. If the report is not yet available, please provide a timeline for when it will become available.

Answer: Dr. Miller fully embraced the recent findings in the Government Accountability Office report about the longstanding challenges in accounting for missing persons, concurring in eight of their recommendations, and concurring in part in the ninth. He recently asked the Joint Staff for assistance in implementing three of the recommendations: developing a memorandum of agreement between the Life Sciences Equipment Laboratory and JPAC; formalizing communication procedures between JPAC and the Military Departments' casualty offices; and developing and implementing a coordination mechanism between the U.S. Pacific Command and other commands where JPAC is likely to operate. Dr. Miller's office is leading the implementation of the other six recommendations.

Additionally, Dr. Miller requested that the Deputy Secretary of Defense task the Director, Cost Assessment and Program Evaluation (CAPE) to lead a review of the personnel accounting community. On August 26, 2013, the Deputy Secretary of Defense tasked the Director, CAPE, to lead a review of the current structure of the community and determine if that structure is effective and cost efficient; determine how each component of the community supports the identification process; evaluate whether the "200 accounted-for goal" is the optimal metric; and provide recommendations for alternative organizational structures and processes to conduct the mission effectively. I expect this report will be available in early 2014, and I look forward to briefing the Committee on the findings of this review – along with a progress report on the implementation of the recommendations from GAO.

Question: #19

Question: According to GAO, DPMO has not conducted an analysis to determine exactly how many World War II-era personnel can reasonably be recovered. - Please provide an analysis of exactly how many World War II-era personnel can reasonably be recovered.

Answer: The Department of Defense (DoD) has not yet extrapolated the geographic data from the paper files of each of the approximately 73,670 service members who are "unaccounted-for" from

World War II and, to date, cannot provide a complete analysis of recoverability. Of the 73,670 missing service members, DPMO estimates that approximately 39,800 were lost over water, and it is unlikely those remains could be recovered. As recommended by the GAO, we are working to establish criteria that can be used to prioritize efforts to recover missing persons.

Question: #20

Question: Please provide a copy of DPMO guidelines regarding the protocol for determining when to notify a family that a POW/MIA is unrecoverable.

Answer: The term “unrecoverable” is not generally used by the personnel accounting community nor is it a determination made by DPMO.

In October 1994, DoD initiated a comprehensive review of each case involving an American serviceman or civilian who was “unaccounted-for” as a result of U.S. involvement in the war in Southeast Asia. DPMO, the Joint Task Force-Full Accounting, and the U.S. Army’s Central Identification Laboratory worked together to review all the information developed on each case since the loss incident and to prescribe future actions for achieving the fullest possible accounting.

As a result of the detailed analysis for each missing service member from the Vietnam-era, analysts developed three analytical categories to determine the next steps to investigate a case: “Further Pursuit,” “Deferred,” and “No Further Pursuit.” If all useful investigative leads are exhausted and an analysis of existing information provides no clear evidence that the remains are recoverable, then a case can be recommended for the category of “No Further Pursuit.”

Following completion of this review in July 1995, families of “unaccounted-for” service members from the war in Southeast Asia received a letter informing them of the results of the review. The letter explained the efforts that had been made regarding the case and the justification for classifying the case in one of the three analytical categories. The letter also explained that for cases placed in the “No Further Pursuit” category, the analytical determination could be changed if new leads are discovered. Indeed, that has happened in approximately 35 cases. Cases of “unaccounted-for” service members are continuously analyzed. If analytic efforts indicate that we have exhausted all leads on a case from the war in Southeast Asia and an analytic determination is made that the case should move into the “No Further Pursuit” category, the Deputy Assistant Secretary of Defense (DASD) for POW/Missing Personnel Affairs informs the family by letter.

Notifications of families concerning missing personnel from the Korean War and World War II are governed by provisions of Public Law 77-490, as amended. In accordance with this law, during the Korean War, the family was sent a letter from the appropriate military department following the establishment of a presumptive finding of death. Korean War Individual Deceased Personnel Files contain a service-specific *Finding of Death of Missing Person* form, which established the fact of death but not the date. The date of death in the file was determined by the appropriate military department and is a presumptive date allowed by statute, usually a year and a day from the loss-incident date. However, early in the war, many cases of missing U.S. Army soldiers the Army

Adjutant General made continuances of the person's missing status until after the 1953 Armistice, at which time a presumptive finding of death was made and the family was notified of that finding.

World War II Individual Deceased Personnel Files usually contain a notification that the service member was missing, followed by a finding of death report. In some cases, an American Graves Registration Service Board of Officers convened and declared the individual non-recoverable, following an extensive search for the missing person's remains. If such a finding was rendered, the family received a letter informing them of the board's decision.

While recovering and identifying remains is one of our most important missions, the Department also focuses on keeping the families of our missing informed. To this end, the Department is continuously updating families in person, and/or via letter, telephone call, or e-mail about our efforts to account for their loved ones. We contact more than 5,000 families per year to provide them detailed information on our efforts to account for their loved ones. Approximately 1,800 of these family members are contacted through our family update program. Under this longstanding program, the personnel accounting community hosts six to eight meetings throughout the country each year to personally brief families. These engagements are an open and honest dialogue, and address all aspects of a missing service member's case – including the feasibility of recovery.

In legislative proposals submitted to Congress for Fiscal Year 2013 and Fiscal Year 2014, the Department sought specific authority to make periodic briefings to families of missing personnel a mission of the DASD for POW/Missing Personnel Affairs. We thank the Senate for supporting this proposal and are hopeful that it will be enacted into law. While we endeavor to increase the Department's capability and capacity to make 200 identifications a year, we recognize that we may never be able to recover all of our missing service members, but we can help their loved ones better understand the circumstances of their loss and our efforts to account for them.

Question: #21

Question: There seems to be disagreements between the accounting community and the military services about whether disinterments are appropriate to count toward the accounting goal.

Answer: While there are issues that may need to be resolved between the accounting community and one of the military services regarding disinterments, we believe service members accounted-for as a result of identification of remains that were previously buried as an unknown and disinterred support the accounted-for goal expressed in the National Defense Authorization Act for Fiscal Year 2010. In Fiscal Year 2013 DoD approved 32 requests for disinterments. All these disinterments were done with the concurrence of the relevant military service.

Question: #22

Question: Does the Department of Defense have current guidelines in place on when disinterment is appropriate? If not, will the community-wide plan address the role of disinterments in accounting?

Answer: The Department of Defense (DoD) is operating under procedures developed by a disinterment working group led by the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)) that permit disinterment of unidentified remains buried as unknowns. To implement these procedures, DoD has developed an internal process, involving all DoD stakeholders, to review and approve disinterment requests submitted by the Joint POW/MIA Accounting Command (JPAC). The USD (P&R) is drafting a DoD Instruction that will provide formal DoD guidance on the disinterment of unidentified remains buried as unknowns. In Fiscal Year 2013 DoD approved 32 requests for disinterments.

It is anticipated that the community-wide plan will address the role of disinterments in accounting.

Question: #23

Question: Does the Department have an estimate on the total number of recoveries that could be made for each conflict if disinterment were used?

Answer: The Department has not made official estimates of how many missing could be accounted-for through the disinterment of unknown remains. However, the potential for each covered conflict varies. There are more than 8,000 unknowns interred in U.S. Government cemeteries from WWII. We do not have an accurate estimate of how many of these we may be able to identify. At the present time, there are 801 unknowns from the Korean War interred in the National Military Cemetery of the Pacific, whose files are being examined by the Central Identification Laboratory at JPAC, and one unknown located in the Tomb of the Unknown at Arlington National Cemetery. There are no unknowns from the Vietnam War.