

**Post-Hearing Questions for the Record
Submitted to Major General McKeague
From Senator Claire McCaskill**

**“Mismanagement of POW/MIA Accounting”
August 1, 2013**

1. Question. For Vietnam missing persons, remains are categorized as "further pursuit", which refers to missing persons for whom there's enough information to continue efforts towards a recovery, "no further pursuit", which means there is enough information to stop efforts towards recover, or "deferred", which means there isn't enough information to make a decision.-For Vietnam POW/MIAs, please provide the number of personnel who are categorized as "no further pursuit" and "deferred".

Answer. The Defense Prisoner of War Missing Personnel Office (DPMO) manages the official statistics for unaccounted-for servicemen on behalf of the Accounting Community. As reported on their website, 631 Vietnam War servicemen are included in the “No Further Pursuit” category and 91 are in the “Deferred” category as of June 20, 2013. These determinations are established collaboratively during quarterly casualty coordination conferences between DPMO, the Joint POW/MIA Accounting Command, and other members of the Accounting Community. The respective category may change when new information is received or when progress is made on a case. The next casualty coordination conference is tentatively scheduled in December 2013/January 2014.

2. Question. According to Department of Defense numbers approximately 6,000 missing personnel are in North Korea.- Have missing personnel from Korea been categorized similarly to Vietnam missing personnel?- Do we have an estimated number of missing from Korea that are recoverable? Of those, how many would require disinterment?

Answer. The categorization of unaccounted-for personnel from the Vietnam War is not used for unaccounted-for service members from the Korean War. The Defense Prisoner of War Missing Personnel Office (DPMO) manages the official statistics for unaccounted-for servicemen on behalf of the Accounting Community. As of August 15, 2013, DPMO estimates that of the current 7,907 Korean War servicemen who are unaccounted-for, there are 5,455 individuals whose remains may possibly be recovered.

The Joint POW/MIA Accounting Command (JPAC) estimates that the remains of up to 5,000 of the 7,907 total unaccounted-for lie north of the DMZ in the Democratic People’s Republic of Korea (DPRK). JPAC has conducted recovery operations in North Korea in the past (the last being in 2005), and maintains a “be prepared to” posture so as to expeditiously resume recovery operations should access be granted in the future.

In addition, there are currently 801 caskets containing the remains of Unknown servicemen from the Korean War buried at the National Memorial Cemetery of the Pacific (NMCP, and also known as the Punchbowl). There is also one casket which rests at Arlington National Cemetery in the Tomb of the Unknown Soldier, the remains of which originated from the Republic of Korea. JPAC (and its predecessor organization) have disinterred 65 Korean War caskets from

the NMCP containing remains representing 69 individuals, and has made 38 identifications to date.

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

Answer. The Joint POW/MIA Accounting Command (JPAC) does not have the authority to establish the recoverable/unrecoverable status of an individual, so we do not have a protocol for this process.

We do have the authority to close specific sites associated with a given case. The JPAC Commander can close a recovery site for compelling safety or limiting operational reasons. In addition, the JPAC Recovery Leader (an anthropologist from the Central Identification Laboratory who is responsible for the site excavation) can close a site when, in the Recovery Leader's scientific judgment, the site has been excavated to its reasonable limits. JPAC may only close the site, not the case. In other words, JPAC can determine that a specific location does not warrant further excavation, but the case remains "open" and the overall status of the individual remains unaccounted-for.

4. Question. Please provide a copy of JPAC's current guidelines regarding the approval of field missions.

Answer. Current guidelines regarding the approval of field missions are codified in sections 10.5 and 10.6 of the Joint POW/MIA Accounting Command's (JPAC) Standard Operating Procedure (SOP) document, dated October 26, 2011. The attachment entitled "SHSGAC-03-007_OpsGuidelines.pdf" provides an excerpt of those relevant sections from the JPAC SOP.

5. Question. Please detail how the number of JPAC's field missions resulted in enough recoveries to support JPAC's second laboratory in Omaha, Nebraska.

Answer. The decision to stand-up the Joint POW/MIA Accounting Command's (JPAC) laboratory annex at Offutt Air Force Base (AFB), Nebraska, was primarily driven by the NDAA 2010 requirement to build the capability and capacity to be able to identify a minimum of 200 individuals annually by Fiscal Year (FY) 2015. Although it was not directly tied to the number of field missions to be performed, JPAC's planned and programmed capacity growth did project deploying teams increasing from 24 to 34.

Currently, JPAC is averaging approximately 77 identifications annually. In order to increase capacity and capability to achieve a minimum of 200 annual identifications, JPAC's Central Identification Laboratory (CIL) would need to more than double both its scientific and lab-support staff as well as its physical laboratory space. While the JPAC facility currently under construction in Hawaii (FY2010 Military Construction Program) will provide an increase in analytical space, the building was designed prior to the FY2010 legislation and will not accommodate the required demand.

A laboratory annex in the Continental U.S. (CONUS) was also viewed to offer Information Technology Continuity of Operations Plan (COOP) benefits and as a means of mitigation in the CIL's challenges to recruit and retain trained scientists. First noted in a 1991

Government Accountability Office study of the lab, Hawaii's professional and geographic isolation does impede attracting and sustaining scientific talent. Exit interviews with departing scientific staff suggested that a CONUS facility, located in an area with moderate cost-of-living and quality university-level institutions, was desirable. After an analysis of basing alternatives, Offutt AFB was determined to meet all of the search criteria; with space available for renovation at a reasonable cost; a high degree of community support by the Offutt and Omaha communities, to include several universities.

6. Question. A large portion of JPAC's workforce is comprised of ORISE fellows. - Please provide a copy of JPAC's guidelines regarding the hiring of ORISE fellows.

Answer. The total number of personnel at the Joint POW/MIA Accounting Command (JPAC) is 584, of which 259 are civilians. Of that number, only 48 (8% of the total workforce and 18% of the civilian workforce) are full-time Oak Ridge Institute for Science and Education (ORISE) fellows.

The attachment entitled "SHSGAC-03-009-QFR_oriseprogram" describes the ORISE Program's eligibility features. All participants must abide by these guidelines to be in the program. The attachment "SHSGAC-03-009-QFR_JPACProposal.pdf" is a copy of the JPAC/ ORISE proposal, which details the program's requirements, functions and goals.

Once a position is advertised through the ORISE portal, eligible applicants can apply for the fellowship. An ORISE recruiter filters out applicants that do not meet minimum standards (based on the appointment qualifications) and forwards the approved applicants to JPAC for selection. The Central Identification Lab Director then selects the approved individuals based on the applicant's qualifications, as well as evaluations and recommendations of the lab managers

Exceptions can be made, but only with JPAC approval and concurrence from Oak Ridge Associated Universities, the program's administrators.

7. Question. A large portion of JPAC's workforce is comprised of ORISE fellows.-For the last five years, please provide the total annual amount that JPAC has paid to the ORISE program. Please break down this amount to separate administrative costs from the amount that each JPAC ORISE fellow receives as a stipend.

Answer. The total number of personnel at the Joint POW/MIA Accounting Command (JPAC) is 584, of which 259 are civilians. Of that number, only 48 (or 8% of the total workforce and 18% of the civilian workforce) are full-time Oak Ridge Institute for Science and Education (ORISE) fellows.

In this table, the information is broken out to delineate administrative costs by ORISE participant, particularly the aggregate "Burdens plus FAC." JPAC budgets at 18% per the agreement for overhead costs per participant. If participants do not use the full 18% burden, funds are moved back to JPAC at the end of the FY. The FY2013 overhead rates are coming under that amount and have averaged at just over 14%. Participants are paid a stipend, but there are no other fringe benefits (i.e. cost of living adjustments [COLA], medical, retirement, etc.) paid.

Table 1: Program cost summary for FY 2008-2013 provided by ORISE. JPAC does not track financial data, as this is managed by the ORISE program.

Fiscal Year	Stipend	Travel Foreign Participants	Travel Participant	Tuition & Fees	Other Participant Costs	Burdens Plus FAC	Total Participant Costs	Total Participants (FT= Full Time ST= Short Term)
FY 2008	820,402	-	3,253	-	14,539	146,910	985,103	27 (23 FT/4 ST)
FY 2009	1,105,257	-	3,679	-	33,858	186,566	1,329,360	33 (22 FT/11 ST)
FY 2010	1,127,746	17,056	12,175	2,100	48,427	191,396	1,398,900	36 (28 FT/8 ST)
FY 2011	1,384,211	1,506	97,095	-	33,000	224,105	1,739,917	49 (30 FT/19 ST)
FY 2012	2,139,838	26,740	91,021	-	42,613	461,417	2,761,628	64 (42 FT/22 ST)
FY 2013	1,992,800	22,326	177,681	-	100,404	236,529	2,529,740	77 (48 FT/29 ST)

For FY2013, the total overhead costs for ORISE participants averaged 14.65%, as follows:

- Office 1.35%
- Operations (Ops) 2.60%
- General & Administrative (G&A) 5.75%
- Fee .45%
- Safeguards and Security Tax (SST) 1.50%
- Federal Administrative Charge 3.00%
 - (As mandated by Section 3137 of the Strom Thurmond National Defense Authorization Action of 1999 (Public Law 105-261))

JPAC uses 30% as a planning factor for overhead administrative costs for federal civil service employees. However, the budgeting factor is much higher for forensic anthropologist positions as noted below.

- Series 0190 Forensic Anthropologist
 - Salary includes Supplement of 36.51%
 - COLA is 12.25%

Other benefits paid to federal employees such as medical, Thrift Savings Plan, and retirement costs vary depending on the employee's elected level of benefits. JPAC financial manager uses an average of elected benefits to be just under \$1,000 per employee.

8. Question. A large portion of JPAC's workforce is comprised of ORISE fellows.- How many ORISE fellows have been extended past the 5 year deadline since JPAC began participating in the program.

Answer. The total number of personnel at the Joint POW/MIA Accounting Command (JPAC) is 584, of which 259 are civilians. Of that number, only 48 (or 8% of the total workforce and 18% of the civilian workforce) are full-time Oak Ridge Oak Ridge Institute for Science and Education (ORISE) Fellows.

ORISE Fellows typically fulfill an appointment of 3 years at JPAC. The average appointment over the life of the program is 1.34 years, including all summer Fellows and visiting faculty.

There have not been any ORISE Fellows extended beyond the 5-year maximum period established by ORISE. Only one Fellow is anticipated to meet, but not exceed, the 5-year maximum when the participant's current term is complete in 2014.

9. Question. The GAO report was very critical of the dysfunctional, inefficient, and duplicative relationship between CIL and LSEL.-Please provide a breakdown of responsibilities between CIL and LSEL and where those responsibilities intersect when CIL and LSEL work together.

Answer. The Joint POW/MIA Accounting Command (JPAC) has critical Life Support Equipment (LSE) requirements which are fulfilled organically by 8 Life-Support Investigators (LSI) assigned to the Central Identification Lab (CIL)--4 active-duty military and 4 civilians who are also retired military. All 8 are formally trained in LSE recognition and maintenance, and all have exposure to legacy aircraft systems.

The primary role of JPAC LSIs is to assist JPAC teams in the recovery of aircraft crash sites. The LSI on a recovery team makes the field assessments of LSE that assist the JPAC Recovery Leader in directing the site excavation. Additionally, the LSIs select which items of LSE to bring back for further analysis. At the CIL, the JPAC LSIs sort, document, and analyze the material evidence to determine such information as the type of aircraft represented and the time frame of the loss. This analysis, typically completed within two weeks of returning from the site, provides feedback to JPAC planners and scientists in a timely manner and facilitates planning of future operations.

Following analysis by JPAC LSIs, all LSE from the Vietnam War is sent to the Life Science Equipment Laboratory (LSEL). Materials submitted to the LSEL may be given a priority status based on the projected timeline for remains identification. Cases not assigned a priority status can be worked at LSEL's discretion.

The primary responsibility of LSEL is to conduct analysis of LSE recovered from U.S. aircraft crash sites in Southeast Asia. The information LSEL generates from the material evidence serves to determine:

- a. How many individuals, if any, were aboard the aircraft at the time of the crash.
- b. If the aircrew members on board the aircraft could have survived the crash.
- c. If the recovered LSE is consistent with the particular U.S. military branch issue, aircraft, and time period associated with the presumed case.

Once the analysis is completed, LSEL produces and provides to the JPAC CIL a final report of findings. LSEL also develops and provides legacy aircraft training courses for JPAC LSIs and LSI augmentees.

10. Question. Although JPAC's budget requests and appropriations for the last five years have skyrocketed, the number of identifications has not similarly increased.-Please provide a breakdown of costs for a few representative missions where there are actually recoveries and identifications. Please detail how much of the cost is travel, logistics, and analysis.

Answer. The Joint POW/MIA Accounting Command's incremental growth, beginning in Fiscal Year (FY) 2012 as provided through DoD Resource Management Decision (RMD) 700C was programmed to increase capability and capacity as directed in the FY2010 NDAA. However, subsequent budget decisions within DoD, the Department of the Navy, and U.S. Pacific Command have hindered realization of those resource increases, as noted in Table 1.

Table 2: JPAC Funding Levels (Past 5 Years)

	FY09	FY10	FY11	FY12	FY13
RMD700C	N/A	N/A	N/A	\$102.7M	\$130.0M
Actual/ Projected	\$53.3M	\$65.0M	\$66.5M	\$97.9M	\$89.3M
Delta (Shortfall)	N/A	N/A	N/A	\$(4.8M)	\$(40.7M)

Funding details for four JPAC cases which yielded identifications from field operations are depicted in the following tables. Since JPAC only maintains financial records for the past five years, so as to present a more balanced representation of the cost variance for missions, the tables portray two categories of cases. The first category represents cases for which the field operation and identification phases occurred within five or fewer years of each other. The second category represents cases for which multiple field missions over several years were required to locate the site, resulting in a field operations to identification period which spans more than five years.

Of the four cases presented, two are from the Vietnam War and two are from World War II. Korean War cases were excluded from this cost breakdown because JPAC has not had access to North Korea (where most of the unaccounted-for remains are located) in the last five years.

Table 3: Vietnam Case 1645 (Category 1) involves a 3-person Group Remains identification, which was also the first identification for one of the 3 individuals represented. The other 2 individuals in this group had been previously accounted for. This example represents a case for which the recovery and identification period spans less than 5 years. Some of the cost estimates (*) represented in this table include costs derived by approximating one recovery team's share of larger annual sums.

VIETNAM CASE 1645, 2012 RECOVERY MISSION COST ESTIMATES	
TRAVEL/PER DIEM:	\$ 62,267
HOST NATION EXPENSES (LABOR, OVERHEAD, CONTRACTS, FEES, LAND COMPENSATION)	\$ 284,286*
SUPPLY/SERVICES:	\$ 3,748

HELICOPTER SUPPORT:	\$ 207,656*
TOTAL (2012 RECOVERY MISSION):	\$ 557,957

* Contains some fixed costs representing estimated share for one team based on portion of larger annual sums.

Table 4: Laos Case 0222 (Category 2) involves 6 individuals. This example represents a case for which the recovery and identification period spanned more than 5 years in with field operations in 2001, 2010, 2011 (3 missions). Fixed cost estimates (*) used in this table were derived by estimating one recovery team's share of annual lump sum amounts. Cost for prior-year missions estimated by subtracting the 2.5% Discount Rate from the 2011 mission cost for each year. Annual helicopter cost increases, while included in the above totals, typically exceeded 2.5% each year.

LAOS CASE 0222, 2011 RECOVERY MISSION COST ESTIMATES	
TRAVEL/PER DIEM:	\$ 48,000
HOST NATION (LABOR, OVERHEAD, CONTRACTS, FEES, LAND COMPENSATION etc.):	\$ 118,000*
SUPPLY/SERVICES:	\$ 36,700
HELICOPTER SUPPORT:	\$ 308,750*
TOTAL (One 2011 Recovery Mission):	\$ 511,450*
ESTIMATE FOR ALL 5 RECOVERY MISSIONS	\$2,440,248**

* Contains some fixed costs representing estimated share for one team based on portion of larger annual sums.

**Cost for prior-year missions estimated by subtracting the 2.5% Discount Rate from the 2011 mission cost successively for each prior year. Annual helicopter cost increases, while included in the above totals, typically exceed 2.5% each year.

11. Question. The Subcommittee has heard numerous workplace complaints regarding JPAC's management, including complaints of sexual harassment and discrimination.-Please provide the number of workplace complaints filed against JPAC in the last decade, including Equal Employment Opportunity and whistleblower retaliation complaints. Please also indicate how many are currently outstanding.

Answer. The Joint POW/MIA Accounting Command (JPAC) was established on October 1, 2003, and the earliest record of an EEO complaint was in 2005. JPAC does not have comprehensive records documenting complaints/investigations filed with the PACOM Inspector General (IG) or Department of the Navy Human Resources etc. The totals below represent the complaints made since 2005, of which JPAC is aware. The number of current/outstanding investigations is 7 EEO, 1 whistleblower, and 2 DoD IG.

a. Formal Equal Employment Opportunity (EEO): EEO complaints cover only civilian employees. These complaints often take over a year to investigate and resolve. The investigations are conducted by the Department of the Navy and the Joint POW/MIA Accounting Command (JPAC) does not control the pace of the investigation nor subsequent processing. Since 2005 formal complaints:

- 12 complaints
- 7 under investigation
- 5 closed

b. 1 Equal Opportunity (EO): EO is the military version of EEO

- 1 case, resolution: not substantiated.

c. Whistleblower: The Office of Special Counsel investigates whistleblower complaints. JPAC has one such investigation that was just commenced.

- 1 case just commenced and is being investigated

d. Grievances: Specific type of management complaint under Navy regulation.

- 4 involving 3 individuals and one group. Two individual grievance resolved by management action and one individual and the group grievance was found improperly filed (both later filed as IG complaints and resolved)

e. Department of Defense (DOD) IG Complaints: The DOD IG has jurisdiction over only certain types of complaints and do not provide JPAC visibility or status.

- 2 being investigated

f. Other: 1 ethics complaint against JPAC's Central Identification Laboratory, resolved, no violation substantiated.