

STATEMENT FOR THE RECORD

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HOUSE ARMED SERVICES COMMITTEE

MILITARY PERSONNEL SUBCOMMITTEE

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Chairman Wilson, Ranking Member Davis, thank you for your continued commitment to ensuring that families of service members who remain missing from our nation's conflicts get the answers they need. The Department of Defense is able to seek and recover the remains of our fallen heroes, and bring closure for the families, thanks to the authorities and appropriations that Congress has provided. We appreciate the Committee's continued engagement on this challenging issue.

The Department has a solemn duty to provide the families of the fallen with the fullest possible accounting of their loved ones. In 2009, Congress passed legislation requiring the Department to increase its personnel accounting capacity in order to account for at least 200 missing personnel annually beginning in FY 2015, but despite a strong commitment from leadership, when CAPE assessed progress since the legislation it was clear that fundamental reform was required to put us on a path to achieve this goal. In my testimony today, I will update the committee on the steps that CAPE recommended in order to reform an imperfect system and thereby better honor the sacrifices made by our service members and their families.

As this committee is very much aware, in July 2013, the Government Accountability Office (GAO) issued a report stating that a fragmented organizational structure undermined DoD's ability to accomplish its missing persons accounting mission. In response to this report, then-Deputy Secretary of Defense Ashton B. Carter tasked CAPE to do 4 things:

1. assess the current structure of the personnel accounting community and determine if the structure is effective and cost efficient;

2. determine how various components of the personnel accounting community support the identification process;
3. evaluate whether the 200 accounted-for goal is the optimal metric; and
4. provide recommendations for alternative organizational structures and processes to conduct the mission effectively.

Our study confirmed and expanded on many of the findings in the GAO report. In testimony today, I will highlight the four main recommendations of our study. We should

1. Fundamentally reform the organizational structure of the personnel accounting community;
2. Add a Medical Examiner as the lead authority for establishing a formal identification;
3. Re-scope the activities of the Central Identification Laboratory (CIL); and
4. Complement the total number of identifications goal with a broader range of appropriate metrics reflecting the full range of efforts initiated and executed by the DoD Accounting Community.

Organizational Structure

One of the key findings of the CAPE review is that the past-conflict accounting mission is complicated by the fact that it is conducted by so many organizations in DoD, including:

- the Defense Prisoner of War/Missing Personnel Office (DPMO);

- the Joint POW/MIA Accounting Command (JPAC);
- the Armed Forces DNA Identification Laboratory (AFDIL);
- the Life Sciences Equipment Laboratory (LSEL); and
- the Service Casualty Offices (SCOs).

Simply reading this long list of agencies and acronyms begins to convey how complex the personnel accounting system is. As both GAO and our study made clear, there is no single office or individual responsible for leading the accounting effort. The absence of a single, accountable individual has resulted in duplication of effort among organizations, which has driven inefficiencies and institutional conflict. Specific areas of duplication and inefficiency include:

- negotiations with other countries,
- research and analysis,
- life science equipment analysis,
- support staff,
- external communications, and
- contracting for genealogical histories.

In addition, numerous institutional conflicts within and among organizations in the community have led to mistrust, dysfunction, and unproductive behavior by individuals.

After conducting interviews with 26 government offices to gain a greater understanding of the personnel accounting mission and weighing the pros and cons of multiple organizational options, CAPE recommends unification of DPMO and JPAC into a single Defense Agency with a new name. The new organization should report to the Under Secretary of Defense for Policy and be civilian-led with a 2-star military deputy. We do not recommend the consolidation of the DNA laboratory, AFDIL, because of its substantial duties unrelated to the past-conflict accounting mission. However, we do call for a process in which AFDIL and similarly situated organizations accept tasking and case prioritization from the director of the new agency when they are performing their past-conflict accounting roles.

It is important that the new agency is appropriately resourced and supported by DoD to handle all legal, contracting, and operational support issues that will arise during the conduct of the personnel accounting mission. Under the proposed organizational structure the new agency does not report through a geographic combatant command, which would provide these services to a subordinate component.

Rely on a Medical Examiner for Identifications

Another key recommendation from our study is that a medical examiner be included in the identification process and be the final DoD authority for establishing a formal identification. Incorporating a medical examiner into the process would address legal issues that have arisen concerning the movement of remains from Europe to the United States and the interstate transfer of remains within the United States. This change would also create consistency between DoD processes in place for past conflict deaths and those for current deaths.

Re-scope the Responsibilities of the Central Identification Laboratory

Second, CAPE also recommends re-scoping the activities of JPAC's Central Identification Laboratory (CIL) to focus solely on skeletal and dental remains. Significant duplication has developed in activities conducted by the CIL and other organizations in the Accounting Community. In particular, research and analysis and life science analysis functions that are carried out within other parts of JPAC, DPMO, and LSEL, are also present in the CIL. Re-scoping the CIL to focus solely on skeletal and dental analysis would reduce redundancies, capitalize on specialization, and refine division of labor

Metrics

Dr. Carter also tasked CAPE to evaluate whether the “200 accounted-for goal is the optimal metric.” The National Defense Authorization Act (NDAA) for FY 2010 directs DoD to increase the capacity of the personnel accounting community to ensure that at least 200 missing persons are accounted for each year beginning in FY 2015. In FY 2013, DoD accounted for 60 personnel. While the reorganization proposals that come out of our report should help to accelerate the work of the accounting community, CAPE assesses that the Department is unlikely to achieve the 200 annual accounted-for goal on a sustained basis, even with increased resources.

Developing appropriate management metrics for complicated enterprises is a tough undertaking, so I did want to note some of the issues associated with using 200-accounted-for per year as the primary benchmark for evaluating the accounting community’s performance. The focus on absolute quantity of new identifications incentivizes the personnel accounting community to seek easier cases. It is likely to lead to an increase in disinterment and recovery missions, focused on WWII and Korea cases, which yield a higher probability of success and higher numbers of remains than more difficult missions associated with comparatively well-searched areas like

South East Asia. This will help to bring closure to more families, but also a higher percentage of older cases.

Second, the fact that only new identifications count toward the statutory metric deemphasizes important efforts by the CIL and AFDIL to determine whether previously unidentified remains are part of the remains of individuals who have already been identified. Such efforts are necessary, especially for cases involving co-mingled remains. The results of these activities are not currently captured in the statutory accounted-for metric.

Finally, a focus on the number of those who are annually accounted for as the only metric to be applied to the efforts of the DoD accounting community is too limited to reflect the output of the personnel accounting community in caring for the families of the fallen. It fails to consider the full range of efforts of the community, especially areas like historical and outreach work to inform relatives about the fate of their family members. The Department puts a significant amount of effort into this work, and continues to believe that it is an important part of the overall personnel accounting agenda.

In response to these issues, CAPE recommends the accounting community adopt and report a more diversified portfolio of output metrics – going beyond those required by statute – reflecting the full range of effort initiated and executed by the DoD personnel accounting community. A list of possible metrics for consideration is provided in the report. These include: the number of primary next of kin and other family notifications representing new information about the missing service member, the number of actionable new leads, and the number of missions executed and sites excavated.

Regardless of the specific metrics applied, DoD must improve transparency and reporting to the families, the public, and Congress on the personnel accounting mission. Perhaps most significantly, DoD must improve public awareness that the remains of as many as half of the unaccounted-for personnel are likely to never be recovered, primarily because they were lost at sea in ship sinkings or airplane crashes (the vast majority are from World War II).

Several members of Congress believe that an improved level of transparency is necessary in this mission area. For example, Senators McCaskill and Ayotte's January 10, 2014 letter to the Secretary of Defense states, "It is time that families are given honest answers about the chances of their loved ones being found, identified, and brought home." Also, the FY 2014 NDAA required the DoD to report to Congress on the number of missing persons considered unrecoverable.

To address these concerns, we recommend that the accounting community categorize cases for all conflicts as either active pursuit cases or non-recoverable, and inform family members of the case status that applies to their loved ones.

Finally, CAPE also identified a number of improvements for each of the personnel accounting organizations that were included in this review. They include: publishing a new DoD Directive that specifically addresses the new organization's roles, responsibilities, and interactions with other components of the accounting community; annual reporting requirements; instituting consistent policies and practices for annual events for all family members of missing service members, regardless of the conflict in which they served; and establishing a standard case management tool, or database, that is accessible, with appropriate restrictions and controls, to all parts of the accounting community, including families. These changes, along with others

identified in the report, should be implemented to improve business practices and mission effectiveness throughout the community.

Conclusion

In their report last year, the GAO stated that “Top-Level Leadership Attention [is] Needed” to address the personnel accounting issues. My assessment is that is exactly what has happened.

The CAPE study team has presented its findings to Secretary Hagel. Those findings informed the Secretary’s decisions to reorganize the community and improve business processes.

Subsequently, the Deputy Secretary asked Assistant Secretary Lumpkin to return in August with an implementation plan to achieve initial and final operating capabilities for the new agency along with other major milestones. Mr Lumpkin will lay out his plan in detail.

Chairman Wilson and Ranking Member Davis, you stated in your September 3, 2013, letter to the Secretary of Defense that you were not satisfied with the status quo. The Secretary is not satisfied either. The Department is duty-bound to honor the service of our fallen service members and to ensure that their families are provided with timely, accurate information about their loved ones.

Thank you for your continued support concerning this important mission. In closing, I would like to pass on my thanks to the CAPE staff who performed this study and who carried it through to conclusion even before my arrival. They did great work with the support and involvement of other players from throughout the personnel accounting community. They are committed to continued involvement to support Mr Lumpkin's reform effort and are actively participating in his implementation team.