



**STATEMENT FOR THE RECORD  
OF THE  
NATIONAL SECURITY COMMISSION  
THE AMERICAN LEGION**

**TO THE**

**SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT  
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE**

**ON**

**“MISMANAGEMENT OF POW/MIA ACCOUNTING”**

**AUGUST 1, 2013**

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A General Accountability Office report (GAO-13-619) was recently released regarding the mismanagement of the POW/MIA accounting community. It analyzed guidance and requirements, discussed accounting efforts and the structure of the community with community members, and surveyed accounting community members and related entities. The report describes its findings as mismanaged, inept, and wasteful.

According to GAO, the Department of Defense’s (DOD's) capability and capacity to accomplish its missing persons accounting mission is being undermined by longstanding leadership weaknesses and a fragmented organizational structure. Leadership from the Under Secretary of Defense for Policy (USD Policy) and U.S. Pacific Command (PACOM) have not been able to resolve disagreements among accounting community members, thereby impacting DOD's ability to meet the mandated goal of increasing its capability and capacity to account for 200 missing persons a year by 2015. DOD averaged 72 identifications annually in the decade ending in 2012.

GAO found the following areas of progress and continuing areas of weakness:

- In response to a 2009 direction from the Deputy Secretary of Defense, the accounting community has begun drafting a community-wide plan to meet the accounting-for goal, but as of July 2013 this plan had not been completed due to a fragmented approach to planning and disputes among community members. Without a community-wide plan, members have had varied success in obtaining resources to meet the goal.
- DOD is working to clarify its guidance, but roles and responsibilities for community members are not well defined. This lack of clarity has led to overlap in key aspects of the mission such as investigations.
- DOD does not have agreements with all combatant commands to conduct operations to find missing persons outside of PACOM's area of responsibility. Joint Prisoners of War, Missing in Action Accounting Command (JPAC) negotiated an updated agreement with European Command (signed in April 2013), but it has not negotiated similar agreements with the other four geographic combatant commands.
- While DOD has established criteria to prioritize recovery efforts for missing persons from the Vietnam War, it has not established criteria to prioritize potentially recoverable missing persons from other conflicts.

- DOD has not established mechanisms to sustain recent improvements in communication among community members.

The issue of POW/MIA accounting is deeply personal for the thousands of families across the country awaiting the return of their missing loved ones. These families have been very active in engaging these efforts and have suffered grief and uncertainty for decades.

If the results of this report are true, The American Legion finds this unacceptable. We, as a nation, owe it to the families of the missing to do everything possible to achieve the fullest accounting of our missing servicemembers. This effort should not be slowed by internal conflicts, bureaucratic bickering, and mismanaged taxpayer dollars. It is for these reasons that The American Legion passed resolution number 78, POW/MIA Policies, at our 2012 National Convention, to ensure the fullest possible accounting for all U.S. military personnel and designated civilian personnel missing and unaccounted for from our nation's wars.

GAO made nine recommendations to DOD, and DOD generally concurred with these recommendations. They include:

- examining options to reorganize;
- clarifying responsibilities for the accounting community;
- improving planning, guidance; and,
- criteria to prioritize cases; and
- sustaining communication.

In support of the nation's POW/MIA mission The American Legion has:

- Hosted POW/MIA updates during its annual Washington Conferences and National Conventions with speakers from the accounting community to include JPAC, Defense Prisoner of War and Missing Personnel Office (DPMO), and other accounting community offices.
- Participated in veterans service organizations meetings with DOD held specifically for the accounting community leadership.
- Raised community awareness through our 2.4 million members and our 14,000 posts.
- Adopted resolutions and advocated to Congress for full funding of the POW/MIA community
- Called upon Congress to continue to declassify all POW/MIA information (except that revealing intelligence sources or methods) in a form readily available to public review
- Called upon Congress to establish a joint standing congressional committee on POW/MIA affairs to ensure continued action by the executive branch in addressing the POW/MIA issue.
- Called upon the President and Congress to initiate or strengthen joint commissions with Russia, the People's Republic of China, and The Democratic People's Republic of Korea to increase their POW/MIA recovery efforts
- Called upon the President and Congress to take further favorable actions toward the Socialist Republic of Vietnam only after Hanoi provides the fullest possible accounting\* for POW/MIAs in Vietnam or in areas of Laos and Cambodia it controlled during the Vietnam War.

\*"Fullest possible accounting" is defined as turning over live prisoners, repatriating remains of those killed in action or who died in captivity, or providing a valid, conclusive report when neither is possible.

In conclusion, there are more than 83,000 Americans missing from past conflicts in Vietnam, Korea, the Cold War, the Persian Gulf, and World War II. The American Legion urges Congress to provide full funding, personnel, and any other required resources for all participants of the Department of Defense POW/MIA accounting community, and to ensure these funds not be redirected by DOD for any other purpose.

The American Legion remains steadfast in our commitment to the goal of achieving the fullest possible accounting for all United States military personnel missing and unaccounted for from our nation's wars. The American Legion again thanks the Committee for its attention to this matter. For additional information regarding this testimony, please contact Mr. Dean Stoline at The American Legion's Legislative Division, (202) 861-2700 or [dstoline@legion.org](mailto:dstoline@legion.org).

**NINETY-FOURTH NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION**

**Indianapolis, Indiana**

**August 28, 29, 30, 2012**

**Resolution No. 78: POW/MIA Policies**

**Origin: Maryland**

**Submitted by: Convention Committee on Foreign Relations**

**(As amended)**

WHEREAS, American servicemembers remain missing in action or otherwise unaccounted for from America's past wars and conflicts and reports indicate that in former enemy areas where Americans could still be alive, information has been deliberately and cruelly withheld; and

WHEREAS, The families of POW/MIAs suffer untold grief and uncertainty due to the lack of any accurate accounting, and often in spite of the heroic efforts of U.S. search teams; and

WHEREAS, The National Defense Authorization Act (NDAA) of 2010 called upon the Secretary of Defense to provide funds, personnel, and resources as the Secretary considers appropriate to significantly increase the capability and capacity of the Department of Defense (DOD), the Armed Forces, and commanders of the combatant commands to account for missing persons so that, beginning with fiscal year 2015, the POW/MIA accounting community has sufficient resources to ensure that at least 200 missing persons are accounted for under the program annually; and

WHEREAS, While the Department of Defense has increased funding and resources to the Joint POW/MIA Accounting Command (JPAC) to support the expanded mission as explained in the NDAA 2010, the military construction project for a new facility to meet the needs of JPAC has a funding shortfall of \$22.79 million, which will delay the ability to occupy the new building; and

WHEREAS, Advancements in science and forensic technology have caused specific locations of alleged remains of US service members to be recently identified by the U.S. Government; and

WHEREAS, New and promising identification techniques involving radiographic comparison and facial superimposition have drastically increased our ability to identify servicemen for whom DNA matching is not an alternative; and

WHEREAS, Each member of the DOD POW/MIA accounting community, which includes the Armed Forces DNA Identification Laboratory (AFDIL), the Defense POW/Missing Personnel Office (DPMO), the Life Sciences Equipment Laboratory (LSEL), and the service casualty and mortuary offices, plays a vital role in the mission to account for unaccounted for U.S. servicemen from our Nation's past conflicts; and

WHEREAS, DPMO is the agency responsible for the administration and policy for military personnel accountability; and

WHEREAS, This accounting effort should not be considered complete until all reasonable actions have been taken to achieve the fullest possible accounting; and

WHEREAS, The American Legion advocates for the full accounting of missing Americans, in every country, on every continent; and 2

WHEREAS, The American Legion believes U.S. Government POW/MIA operations are still inadequate, and the President's normalization of relations with Vietnam has not achieved substantially greater progress; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Indianapolis, Indiana, August 28, 29, 30, 2012, That The American Legion remains steadfast in our commitment to the goal of achieving the fullest possible accounting for all U.S. military personnel and designated civilian personnel missing and unaccounted for from our nation's wars; and, be it further**

**RESOLVED, That The American Legion urges the President and Congress to speak out on every occasion to expedite the return of those U.S. servicemen who remain Missing in Action regardless of location or era of loss; and, be it further**

**RESOLVED, That The American Legion urges the President and Congress to support legislation and policies that will use all reasonable resources to achieve the fullest possible accounting of all missing American servicemembers regardless of location or era of loss; and, be it further**

**RESOLVED, That The American Legion calls upon Congress to provide full funding, personnel, and any other resources for all members of the Department of Defense (DOD) POW/MIA accounting community, and to ensure these funds not be redirected by the DOD for any other purpose; and, be it further**

**RESOLVED, That The American Legion calls upon the Secretary of Defense to quickly fund the shortfall for the Joint POW/MIA Accounting Command (JPAC) construction project; and, be it further**

**RESOLVED, That The American Legion calls upon the President and Congress to continue to declassify all POW/MIA information (except that revealing intelligence sources or methods) in a form readily available to public review; and, be it further**

**RESOLVED, That The American Legion calls upon Congress to establish a joint standing congressional committee on POW/MIA affairs to ensure continued action by the executive branch in addressing the POW/MIA issue; and, be it further**

**RESOLVED, That The American Legion calls upon the President and Congress to initiate or strengthen joint commissions with Russia, the People's Republic of China, and Democratic People's Republic of Korea to increase POW/MIA recovery efforts; and, be it further**

**RESOLVED, That The American Legion calls upon the President and Congress to take further favorable actions toward the Socialist Republic of Vietnam only after Hanoi provides the fullest possible accounting for POW/MIAs in Vietnam or in areas of Laos and Cambodia it controlled during the Vietnam War; and, be it finally**

**RESOLVED, "Fullest possible accounting" is defined as turning over live prisoners, repatriating remains of those killed in action or who died in captivity, or providing a valid, conclusive report when neither is possible.**