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PREVENTING STOLEN VALOR: CHALLENGES AND SOLUTIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE AND FOREIGN OPERATIONS

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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PREVENTING STOLEN VALOR: CHALLENGES AND SOLUTIONS

WEDNESDAY, FEBRUARY 29, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE AND FOREIGN OPERATIONS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. Jason Chaffetz (chairman of the subcommittee) presiding.

Present: Representatives Chaffetz, Platts, Labrador, Tierney, Clay, Quigley, and Braley.

Also present: Representatives Issa and Cummings.

Staff present: Thomas A. Alexander, senior counsel; Michael R. Bebeau, assistant clerk; Adam P. Fromm, director of Member services and committee operations; Mitchell S. Kominsky, counsel; Sang H. Yi, professional staff member; Nadia A. Zahran, staff assistant; Jaron Bourke, minority director of administration; Devon Hill, minority staff assistant; Peter Kenny and Carlos Uriarte, minority counsel; Paul Kincaid, minority press secretary; and Mark Stephenson, minority director of legislation.

Mr. CHAFFETZ. The committee will come to order.

I would like to begin this hearing by stating the Oversight Committee Mission Statement.

We exist to secure two fundamental principles. First, Americans have the right to know that the money Washington takes from them is well spent. Second, Americans deserve an efficient, effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers because taxpayers have a right to know what they are getting from the government.

We will work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring them genuine reform to the Federal bureaucracy. This is the mission of the Oversight and Government Reform Committee.

I want to welcome everyone to this hearing which we have entitled Preventing Stolen Valor: Challenges and Solutions. I would like to welcome Ranking Member Tierney, members of the subcommittees, members of the audience and especially the chairman of our full committee, Mr. Issa of California.

The National Security Subcommittee has a long history of overseeing matters affecting the treatment of our troops and veterans.

Under both Republican and Democratic leadership, Members have worked side by side to help ensure the best care for our wounded warriors. Last May, we addressed the lengthy transition of wounded warriors from the Department of Defense to the Department of Veterans Affairs. Today, we will address the impact of those who lie about military service for their own personal gain. We also looked at whether the Federal Government has the ability to track, store and locate personnel records and to the extent they are accessible.

As a Nation, we honor those who wear the uniform and defend our freedom. In recognition of their service, we bestow medals and citations. Some are awarded on a routine basis such as a Good Conduct Medal. Others such as the Congressional Medal of Honor and the Distinguished Service Cross are reserved for the most heroic acts of sacrifice.

Sadly, there are some who claim awards even they were not earned. According to the VA's Inspector General, there were 78 arrests from stolen valor investigations between January 1, 2010 and September 30, 2011. These arrests generated over $10 million in restitution and roughly $5.4 million in administrative savings and recovery of taxpayer dollars.

In some cases, stolen valor has involved "renting" the military service of legitimate veterans. The purpose of renting is to obtain access to government services and programs reserved for truly disabled servicemen. These actions are despicable and must be prevented.

It was recently discovered that a government contractor set up a construction company with a disabled veteran as the figurehead. This company fraudulently obtained $3.4 million in preferential contracts issued by the VA.

Last year, I was approached by someone claiming to have earned the Silver Star, a Distinguished Service Cross and a Purple Heart. Shortly after presenting the medals to him at a town hall meeting, I learned that he may have falsified his paperwork and potentially lied about his awards. My office is not alone. As Mr. Sterner will attest, there are more than a few Members of Congress who have been publicly victimized.

Unfortunately, this behavior is not a recent phenomenon. Indeed, it has been a problem since our Nation's founding. In 1782, General George Washington proclaimed, "Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished." As a founding father and war hero, he recognized the importance of protecting the valor.

In that same spirit, Congress acted in 2005 to impose fines and imprisonment for those who falsely represent themselves. The Stolen Valor Act, however, is currently under review by the U.S. Supreme Court in *U.S.* v. *Alvarez.* While that case is certainly open for discussion, its merits are not the focus of today's discussion.

Rather, we will concentrate on the Federal Government's effort to track, store and access military records. Do we have the proper systems in place? What portion of the overall data is digitized and searchable? Are the data easily acceptable to those who need to know? Are the Federal Government's efforts cost effective? Can we do it faster, cheaper and more efficiently?

I hope that our discussion today will answer these questions and bring us closer to finding a solution. Preventing stolen valor is critical to preserving the dignity of the honors bestowed upon our men and women in uniform.

We have people who want to employ those who have served in our military and done so with honor. I worry that those people have no way of verifying whether or not these medals are true. I am not talking about some guy trying to impress some girl in a bar somewhere. I am talking about someone who legitimately wants to hire somebody and all things being equal, wants to do it for someone who has served their nation. I worry that there is no mechanism to find that out, that it is convoluted at best, there isn't the coordination that needs to happen and consequently, we have people abusing the system.

I like what President Ronald Reagan said, "Trust but verify." There needs to be a way to go through this verification process. That, to me, is the heart of what we are trying to do here in this hearing.

I look forward to hearing from the panel. I appreciate all of your efforts: your patriotism, your commitment to this issue and your being here.

Now I would like to recognize the ranking member, the former chairman of the full committee, Mr. Tierney from New York, for the purpose of an opening statement.

Mr. TIERNEY. Thank you, Mr. Chairman, and thanks to all the members of this extensive panel I see before us here today.

The topic of stolen valor is timely and important. In the past, Congress has acted to defend recipients of military service awards and to punish those who misappropriate the honors and prestige of the awards for their own personal, professional benefit. The Stolen Valor Act of 2005 makes it a crime to falsely represent oneself as a service award recipient and provides for jail time up to 1 year depending on the award falsely claimed.

Though the question before us today, as the chairman rightly notes, is not whether or not those who commit acts of stolen valor should be exposed and punished, instead the question this subcommittee should be asking is whether and how the Federal Government can do a better job of maintaining and assessing service records to verify awards in order to protect the public, including Members of Congress, from this type of fraud.

As we assess the scope of this problem of false representation of valor and any proposed solution, I think we should probably focus on three key points. First, the awards verification process must be factually accurate. This means that any official response from the Department of Defense must rely on official records, must rely on examination of the entire record and that any proposed list or data base must be comprehensive.

Second, the awards verification process must be responsive. Since the purpose of the system is to help confirm awards of valor to the public, I believe the responses must be timely to limit the possibility of fraud.

Last, the awards verification process must be cost effective. In this climate of budget cuts and economic insecurity, it is important that any system for confirming military awards provide the most

accurate and timely responses at the lowest cost to the taxpayer. To that end, I would just note that the National Personnel Records Center contains 60 million official military personnel records.

The approximate cost of responding to a personnel records request, which can involve the reconstruction of the record, is $33 per record. As we look to ways to improve the current system, I suggest we start by looking at the Department of Defense in a decentralized way that they respond to these requests.

Although the National Personnel Records Center previously served as the one stop shop for verifying military personnel records, that doesn't seem to be the case anymore. With the advent of electronic records systems in the 1990's, the service departments began developing their own data bases.

I think it is instructive that look out at the panel here this morning and I see six people from the Services here testifying when we probably only need one if we had any kind of centralization on this. I think that probably speaks to a lot of issues with our military today but we do seem to be decentralizing and probably duplicating a lot of activities at considerable expense.

Today, each of the Service departments has a different relationship with the National Personnel Records Center which leads to different processes and procedures to verify records. I would like to hear each of the witnesses tell me why they think that is the best way to proceed or if they think we ought to change that and how we might go about changing it so we don't end up with a situation. We have to determine whether or not we can have a more consistent, uniform system that would improve both responsiveness and efficiency.

Last, I want to briefly thank Mr. Sterner for his personal contribution. I understand that the data base you have worked on has assisted law enforcement in stolen valor investigations and even assisted members of the public. I thank you for that.

I thank all of you for your interest in the topic, thank all of you for your testimony here today and I look forward to our discussions.

Mr. CHAFFETZ. Thank you, Mr. Tierney.

I will now recognize the chairman of our full committee, the gentleman from California, Mr. Issa, for 5 minutes.

Mr. ISSA. Thank you, Mr. Chairman.

What we are going to do here today, as both the chairman and ranking member pointed out, is going to deal with the accuracy and the efficiency of the records so that, in fact, we have a better, more consistent and easier to access data base for confirmation.

As a Member of Congress, if I didn't say the name Wes Cooley here, I wouldn't be reminding people that we have had people who either ran for or got elected to Congress who flat lied about their service careers, either exaggerated medals, combat service or in fact, didn't serve at all. That is one of the problems we have, there is not enough transparency to the entire public for honorable service.

At the risk of being inaccurate, I will carefully say I have two honorable discharges and two DD214s. I will say no more because, in fact, my service was not special, I was not awarded medals for valor. In fact, it is important that all of us understand that we be-

stow well-earned special rights, privileges and places of honor on behalf of those who served honorably.

I think this committee has a special obligation. The ranking member, in his opening statement, included the word efficiency. This committee certainly wants efficiency. If it costs $33 or $300 a record to get it right, our choice is get it right or dishonor those who served and gave so much.

Just yesterday, I had the honor of meeting with Dwight David Eisenhower's granddaughter, Susan Eisenhower. President Eisenhower, one of our very few five-star generals in history, President of the United States for 8 years, is buried in a Navy Valor coffin with one row of medals by his choice.

Those who serve honorably, those who serve at the highest levels, for the longest time and with the greatest valor, all of the above, usually tell less about what they did. They don't feel the need to brag in bars about their service in Nam. They often don't get enough credit for what they have done.

This committee takes a special pride and obligation in making sure those who don't talk enough and don't exaggerate are honored appropriately and never again do we find false medals being awarded by Members of Congress, false medals being worn by individuals or in fact, people claiming special positions for hire or contracting because of a claimed service which they did not do and did not earn.

Mr. Chairman, I think there is no more important hearing we will hold than to make sure we hold accountable those who would lie about their service and bring such a questionable honor on those who do.

I have no special right to talk on service. My service was just mediocre by my own statements. I came, I served, I was enlisted and I was fortunate enough to get a college education and be commissioned, but I served with an awful lot of great people. Some of them are buried at Arlington. All of them gave a great deal. They hold a special place in my heart.

Mr. Chairman, I want to thank you for holding this hearing and for national security, including getting it right for our veterans.

I yield back.

Mr. CHAFFETZ. Thank you. Thank you for your service.

To all those who have served, thank you. That is the heart of this hearing.

I would now like to recognize the ranking member of the full committee, Mr. Cummings for 5 minutes.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

I thank you for calling this hearing today to examine the problem of fraudulent claims of military service awards and decorations. As you know, in 2005, Congress passed the Stolen Valor Act to make it a crime for anyone to falsely claim the receipt of a congressionally authorized medal or decoration.

When this legislation was considered in Congress, it passed the House unanimously. Although the statute has since been challenged in court, I think we can all agree that Congress should do everything it can to ensure the integrity of our military awards and decorations.

As we consider potential solutions, I think it is important to understand the scope of the problem. For example, in his written testimony, Mr. Nierle states that the Department of the Navy has received only two requests from law enforcement agencies for verification of military awards since 2008. Similarly, Mr. Herbert, the Director of Officer and Enlisted Personnel Management at the Department of Defense states in his testimony that "limited frequency of such claims helps to inform the way forward."

I look forward to hearing from the panelists today about the scope of the problem so that we can ensure that Congress and the Executive respond appropriately.

Now, I would like to yield to Mr. Clay the balance of my time.

Mr. CLAY. I thank the ranking member for yielding.

Mr. Chairman, I appreciate the opportunity to introduce Mr. Levins.

As St. Louis' Congressman, I am proud to represent the National Personnel Records Center. Director Levins and his excellent work force of National Archives employees perform critically important services. The men and women who have served our country in uniform and as Federal civilian workers count on Mr. Levins and his staff to fulfill more than 25,000 requests for records each year. They do so professionally and properly while upholding the highest traditions and standards of the National Archives.

I want to say unequivocally that I believe Archivist David Ferriero has an exceptional leader in Director Levins. Moreover, the Archives employees at NPRC are doing an outstanding job and I give them my thanks and thanks to this committee and the chairman.

I yield back.

Mr. CHAFFETZ. Thank you.

Does any other Member wish to make an opening statement? Very good.

Members will have 7 days to submit opening statements for the record.

I will now recognize our panel. I want to make sure I get each of your names proper.

Mr. Hebert is the Director of Officer and Enlisted Personnel Management, Office of the Under Secretary of Defense for Personnel and Readiness. Colonel Jason Evans is the Adjutant General of the U.S. Army. Colonel Karl Mostert is Director of Awards and Decorations for the U.S. Air Force. Mr. James Nierle is the President, Board of Decorations and Medals, Department of Navy. Mr. Scott Levins is Director for Military Records at the National Personnel Records Center. Mr. Joseph Davis is the director of public affairs for Veterans of Foreign Wars. Mr. Doug Sterner is the curator of the Military Times Hall of Valor.

We thank you again for the time and effort of you all being here.

Pursuant to committee rules, all witnesses will be sworn before they testify. Please rise and raise your right hands.

[Witnesses sworn.]

Mr. CHAFFETZ. Thank you. You may be seated.

Let the record reflect that the witnesses answered in the affirmative.

In order to allow time for proper discussion, please limit your verbal testimony to less than 5 minutes. We have a rather large panel and we would like to get to the questioning. We will submit your entire statement into the record and if you have additional materials you would like to add later, please submit those to the committee within 5 days.

We will now recognize our first witness, Mr. Hebert, for 5 minutes.

STATEMENTS OF LERNES HEBERT, DIRECTOR, OFFICER AND ENLISTED PERSONNEL MANAGEMENT, OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, U.S. DEPARTMENT OF DEFENSE; COLONEL JASON EVANS, ADJUTANT GENERAL, U.S. ARMY; COLONEL KARL MOSTERT, DIRECTOR, AWARDS AND DECORATIONS, U.S. AIR FORCE; JAMES NIERLE, PRESIDENT, BOARD OF DECORATIONS & MEDALS, U.S. DEPARTMENT OF NAVY; SCOTT LEVINS, DIRECTOR, MILITARY RECORDS, NATIONAL PERSONNEL RECORDS CENTER; JOSEPH DAVIS, DIRECTOR, PUBLIC AFFAIRS, VETERANS OF FOREIGN WARS; AND DOUG STERNER, CURATOR, MILITARY TIMES HALL OF VALOR

STATEMENT OF LERNES HEBERT

Mr. HEBERT. Thank you, Chairman Chaffetz, Mr. Tierney and distinguished members of the committee.

I am honored to come before you this morning to address concerns regarding the fabrication of military service records and awards by those who fraudulently seek to obtain personal and professional benefit and the mechanisms available to verify such claims.

Before I proceed with my formal statement, I would offer to you two points. First, I am convinced that everyone in this panel and in this committee are equally committed to the protection of our veterans and our serving members and equally committed to the recognition of their service, valor or not. It is that service that makes the Nation what it is.

As many of us have served, both in the committee and on this panel, it is our right and our privilege to protect those who follow.

That being said, although the Department of Defense is not responsible for prosecuting criminal offenses under the Stolen Valor Act, the military departments do provide verification of claims to military decorations and awards based on requests from the Department of Justice, the States Attorneys General, law enforcement agencies and Members of Congress.

Each military department does have the authority to prosecute and discipline currently serving members who fraudulently claim military decorations and awards. While even one false claim is too many, the limited frequency of such claims does help to inform the way forward.

Regarding the Department's ability to maintain data bases to track and access service records, each military service currently maintains digitized official military personnel records which include the Certificate of Separation on Discharge and documents detailing military decorations and awards conferred.

A limitation of these files is that the conversion began in the 1990's and wasn't completed for all services until 2004. Official military personnel records that have not been digitized are maintained in the National Personnel Records Center or National Archives. To enhance access to these digital files, the Defense Personnel Records Information Retrieval System was launched in 2002, providing a portal through which authorized government agencies may access the military departments' official military personnel records.

Some of the agencies that currently have access include the Department of Veterans Affairs, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of Labor and the Federal Aviation Administration. Over the past few years, there has been significant increase in the use of this system. Last year alone, over three-quarters of a million inquiries were fielded.

This system provides fast and efficient means of verifying military decorations and awards with regard to fraudulent claims. However, limitations inherent in such an automated system don't allow us to determine the purpose for which the inquiry was done, whether it was to verify awards or decorations or to verify employment or service because the scope of the information provided in the system is so broad, it allows law enforcement agencies to verify a broad variety of questions that might come up.

While the Defense Personnel Records Information Retrieval System provides access to digital files, each military service, along with the National Personnel Records Center, must individually process requests for verification of military decorations for service members whose records only exist on paper or microfiche.

Regardless of the age or type of record being verified, each military department provides priority responses to requests from law enforcement organizations or Members of Congress. Naturally, verification of paper and microfiche records is more time consuming as these records must be located and manually reviewed to determine decorations and awards conferred.

Verification of these records is not always definitive. There was a fire at the National Personnel Records Center in 1973 that destroyed approximately 16–18 million Army and Air Force records.

Although the military departments receive many requests for verification of military decorations, very few of these requests have been identified as specifically tied to fraudulent awards with regard to the Stolen Valor Act.

The Department's "Report to the Senate and House Armed Services Committees on a Searchable Military Valor Decorations Data base," in March 2009 details the issues associated with making this information public. The Department determined that the utility of a publicly accessible data base is limited by the need to protect personal privacy and the lack of a means to account for all decorations. The omission of even one individual from this data base can inadvertently harm a veteran, the same person it was designed to protect.

The Department concluded that protection of the individual was paramount and therefore, opted to use tiered levels of review and the government accessible data base I have described. While only more recent records benefit from current technology, the alter-

native would require digital conversion of up to 60 million service members' personnel records at a substantial cost. Given the limited number of inquiries the Department receives each year, allowing records professionals to verify older records on a case by case basis has proven to be an effective process.

That is not to say there is not room for improvement. The Department recognizes every system we have has room for improvement with regard to efficiency and effectiveness.

Each witness here today will further address their respective organization's decorations and awards process.

I thank you for the opportunity to come before you today and for your continued support of our military members and their families.

[The prepared statement of Mr. Hebert follows:]

Chairman Chaffetz, Congressman Tierney and distinguished members of the committee, I am honored to come before you this morning to address your concerns with:
the fabrication of military service records and awards by those who fraudulently seek to obtain personal and professional benefit; the Department's ability to maintain adequate databases to track and promptly access Official Military Personnel Files (service records); and the extent to which service records are made available to those seeking verification.

As the Director of Officer and Enlisted Personnel Management under the Office of the Under Secretary of Defense for Personnel and Readiness, my office is responsible for Decorations and Awards policy and for policy regarding the Department of Defense (DD) Form 214, "Certificate of Release or Discharge from Active Duty." The DD Form 214 includes the member's period of military service and decorations and awards conferred upon the member during that service. My office also authored the report to the Senate and House Armed Services on a "Searchable Military Valor Decorations Database," dated March 2009. My intent is to provide a brief synopsis of that report's findings as it relates to this subject.

The Department shares your concerns regarding the fabrication of military service records and awards records by those who fraudulently seek to obtain personal and professional benefit. As you are probably aware, in accordance with title 18 U.S.C., §704, often referred to as the Stolen Valor Act, anyone who:

"falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both."

Although the Department of Defense is not responsible for prosecuting criminal offenses under the Stolen Valor Act, the Military Departments do provide verification of claims to military decorations and awards based on requests from the Department of Justice, State Attorneys Generals, law enforcement agencies and members of Congress. Each Military Department has the authority to prosecute and discipline currently serving members who fraudulently claim military decorations and awards. While even one false claim is too many, the limited frequency of such claims does help to inform the way forward.

Regarding the committee's interest in the Department's ability to maintain adequate databases to track and promptly access service records, each Military Department is responsible for maintaining and accessing official military personnel records. The Military Department witnesses here today should be able to further address their respective Services' military decorations and awards records and the timeliness of responses for verification of award of military decorations with regard to fraudulent claims.

Each Military Service currently maintains digitized official military personnel files, which include the DD214 and documents detailing military decorations and awards conferred; however, each Military Service migrated to digitized records at different periods:

Army – Oct 17, 1992

Navy – Jan 1, 1995

Marines – Jan 1, 1999

Air Force – Oct 1, 2004

Official military personnel records that have not been digitized are maintained at the National Personnel Records Center (NPRC) or the National Archives.

Authorized government agencies that need to access the Military Department's digitized official military personnel records may do so through the Defense Personnel Records Information Retrieval System. Some of the agencies that currently have access include: The Department of Veterans Affairs; Federal Bureau of Investigations; Department of Homeland Security; Department of Labor; and the Federal Aviation Administration. Government agencies with an official need to review these records may request access through the Defense Personnel Records Information Retrieval System web-site. Over the past few years, there has been a significant increase in the use of the Defense Personnel Records Information and Retrieval System. The number of transactions increased from over 266,000 in 2008 to over 713,000 in 2011. The number of government agencies using the system has also increased significantly. This system provides a fast and efficient means for accessing official military personnel records and for verifying military decorations and awards with regard to fraudulent claims. However, limitations inherent in such an automated system do not allow us to determine the specific purpose of each inquiry. In other words, we cannot determine if a specific query by the Department of Veterans Affairs was for verification of awards or for some other purpose.

Each Military Department must individually process requests for verification of military decorations made by organizations that do not have access to the Defense Personnel Records Information Retrieval System. Additionally, the Military Departments must individually process requests for verification of military decorations when digitized files do not exist and the official military personnel records are maintained at the National Personnel Records Center or the National Archives. Each Military Department provides priority responses to requests by law enforcement organizations or members of Congress for verification of military decorations. Naturally, verification of paper or microfiche records is more time consuming, as these records

must be located and reviewed to determine decorations and awards conferred. Also, verification of these records is not always definitive, as there was a fire at the National Personnel Records Center in 1973 that destroyed approximately 16 to 18 million Army and Air Force official military personnel files.

The Department's "Report to the Senate and House Armed Services Committees on a Searchable Military Valor Decorations Database," March 2009, which was previously provided to the committee's staff, details the issues associated with establishing a publically accessible database of valor decorations for the purpose of combating fraudulent claims to military decorations. The Department determined that although the intent of such an endeavor was laudable, the database would have little utility for reducing the number of fraudulent valor award claims since the utility of such a database is limited by the fact that the Privacy Act precludes inclusion of the personal information (e.g., social security number and date of birth) necessary to identify bona fide valor award recipients. Given that 16 to 18 million official military personnel records were destroyed in the fire at the National Personnel Records Center, and the lack of computerized record keeping during previous conflicts, the Department determined that it could only populate such a database to a sufficiently accurate level (95%) from September 11, 2001 forward. However, this does not obviate the issues associated with the Privacy Act. Therefore, the findings in the 2009 report, regarding establishing a publically accessible valor database are still valid today. However, the 2009 report did not address the fact that government agencies with an official need to access each Military Department's digitized official military personnel records may do so through the Defense Personnel Records Information Retrieval System. Using the Defense Personnel Records Information Retrieval System, government agencies can view decorations and awards conferred, certificates of release or discharge from active Duty

(DD214s), and a multitude of other records pertaining to military service. Given the expansion of the Defense Personnel Records Information Retrieval System and the fact that each Military Department has priority procedures in place to respond to requests for verification of awards conferred, there appear to be adequate procedures in place to verify fraudulent claims to military decorations and/or military service.

The Military Department witnesses here today should be able to further address their respective Services' military decorations and awards records and the timeliness of responses for verification of award of military decorations. I thank you again for the opportunity to testify and for your continued support of our military members and their families. I look forward to your questions.

Mr. CHAFFETZ. Thank you.
Colonel Evans.

STATEMENT OF COLONEL JASON EVANS

Colonel EVANS. Chairman Chaffetz, Representative Tierney and distinguished members of the subcommittee, thank you for providing me the opportunity to appear before you on behalf of America's Army.

It is a privilege to be here today to present our system of military awards to you. The Awards and Decorations Branch is the centerpiece of the Army's Military Awards Program. Our awards system recognizes distinguished acts of valor and bravery for our soldiers and when needed, supports internal and external agencies with verifying cases of possible fraudulent awards.

There is no greater act of heroism than serving this great country in uniform and there should never be a time when a member's service is compromised by those who misrepresent their service to this great Nation and fraudulently receive awards. In that, we make it a priority to support agencies who request our support and expertise to verify awards for those suspected of and charged with making fraudulent award claims.

The Army uses multiple data bases and a systemic process to protect the integrity of our awards system and to verify awards information on its soldiers, past and present. The Army verifies a soldier's awards record through internal personnel data bases, official military record files, microfiche and other historical and records cache resources which require research and analysis.

At the request of internal and external agencies, we use all those systems and have been able to support or deny suspected fraudulent award claims. Upon receipt of a request, we make it a priority to conduct thorough research and analysis and provide timely feedback to the requesting agency.

A soldier's personnel service record impacts the timeliness of our feedback. In many cases, for a soldier who served during a past conflict, we request the soldier's personnel records from the National Personnel Records Center to assist in the process of validating approved awards. When validating award requests, the Army takes great care not to deny a valor award solely based on the omission of records.

Record losses stemmed from the 1973 fire at the National Personnel Records Center, additionally, errors may have been made in recording the award or records have been lost entirely through no fault of the soldier. The Army will exhaust all available resources before stating we cannot confirm an individual was not awarded a valor award. This process may take 6 months or more.

We routinely assist the Inspector General, the Federal Bureau of Investigation, judge advocates, as well as the Army Board of Correction of Military Records, Veterans Affairs, congressional Members and Army units. Over the past 3 years, we are aware of less than 20 fraudulent cases. In each case, we have assisted in providing valuable information to these organizations which prompted the need for further investigation or prosecution by the appropriate authorities.

While service organizations play a critical role in assisting veterans to receive retroactive awards, we are aware there are illegitimate, on-line services which claim to provide Army awards and decorations. However, those illegitimate, on-line resources are not supported by the Army as a reliable resource to validate award information and issue reproduction certificates.

The Army awards system contains numerous checks and balances which include endorsements from various levels of the chain of command and human resources elements for ensuring the appropriate level of recognition is warranted for each soldier.

We will continue supporting all legitimate agencies to protect the integrity of the Military Awards Program for our men and women who honorably serve this nation.

Once again, thank you for the opportunity to appear before you today. I look forward to answering your questions.

[The prepared statement of Colonel Evans follows:]

Chairman Issa, Representative Cummings, distinguished members of the Subcommittee, thank you for providing me the opportunity to appear before you on behalf of America's Army. It is a privilege to be here today to present our system of military awards to you. The Awards and Decorations Branch is the centerpiece of the Army's Military Awards Program. Our awards system recognizes the distinguishing acts of valor and bravery for our Soldiers, and when needed supports internal and external agencies with verifying cases of possible fraudulent awards. There is no greater act of heroism than serving this great country in uniform and there should never be a time when a member's service is compromised by those who misrepresent their service to this great nation and fraudulently receive awards. In that, we make it a priority to support agencies who request our support and expertise to verify awards for those suspected of and charged with making fraudulent award claims.

The Army's Ability to Maintain Adequate Databases/Systems to Track and Verify Army Awards

The Army uses multiple databases and a systematic process to protect the integrity of our awards system and to verify awards information on its Soldiers past and present. The Army verifies a Soldiers' awards record through internal personnel databases, official military record files, microfiche and other historical and records cache resources which require research and analysis. At the request of internal and external agencies, we use all those systems and have been able to support or deny suspected fraudulent award claims. Upon receipt of a request, we make it a priority to conduct thorough research and analysis and provide timely feedback to the requesting agency.

A Soldier's period of service will impact the timeliness of our feedback. In many cases, for a Soldier who served during a past conflict, we request the Soldier's personnel records from the National Personnel Records Center to assist in the process of validating approved awards. When validating an award request, the Army takes great care not to deny a valor award solely based on the omission of records. Record losses stemmed from the 1973 fire at the National Personnel Records Center, additionally, errors may

have been made in recording the award, or records have been lost entirely through no fault of the Soldier

The Army will exhaust all available resources before stating we cannot confirm the individual was awarded a valor award. This process may take 6 months or more.

We routinely assist the Inspector General, Federal Bureau of Investigation, judge advocates as well as the Army Board for Correction of Military Records, Veteran's Affairs, Congressional Members, and Army units. Over the past 3 years, we are aware of less than 20 fraudulent award cases. In each case we have assisted in providing valuable information to these organizations which prompted the need for further investigation or prosecution by the appropriate authorities.

Conclusion

While service organizations play a critical role in assisting veterans to receive retroactive awards, we are aware there are illegitimate online services which claim to provide Army awards and decorations. However, those illegitimate resources are not supported by the Army as a reliable resource for verifying award information. The Army awards system contains numerous checks and balances which include endorsements from various levels of the chain of command and human resources elements for ensuring the appropriate level of recognition is warranted for each Soldier.

We will continue supporting all legitimate agencies to protect the integrity of the Military Awards Program for our men and women who honorably serve this great nation.

Once again thank you for the opportunity to appear before you today. I look forward to answering your questions.

Mr. CHAFFETZ. Thank you.
Colonel Mostert.

STATEMENT OF COLONEL KARL MOSTERT

Colonel MOSTERT. Chairman Chaffetz, Ranking Member Tierney and distinguished members of the subcommittee, I thank you for the opportunity to appear before you today representing the men and women of the U.S. Air Force. We appreciate your leadership and continued support of our Airmen and their families.

We have many Airmen who go above and beyond the call of duty while performing their duties. We recognize these individuals with military awards and decorations. By their unwavering actions, they have earned the right to wear these awards and decorations and to wear them proudly.

Unfortunately, there are occasions where current or former military members or those who claim to be former military members, fraudulently assert to have earned awards for valor. This action has the potential to degrade the value of our military recognition program. The Air Force takes this matter very seriously. All awards and decorations earned by an Airman are included in, and can be verified, through their official military personnel record.

When our Department receives a request for award verification from Congress, through the Secretary of the Air Force's Legislative Liaison Office or from law enforcement agencies, our Air Force Personnel Center conducts research and provides validated results. If the person being researched is an active duty Airman or one who separated from the Service during or after October 2004, we can quickly ascertain the reported recognition by retrieving their electronic record in our Military Personnel Data base System which began operation in October 2004.

However, if the person is not on active duty or separated from the Service prior to October 2004, we must send a record request to the National Personnel Records Center in St. Louis, Missouri, a process which takes on average about 60 days to complete. The Air Force receives a few hundred award verification requests per year. We verify those that are valid, constituting about 95 percent of the requests and identify those that are either lacking documentation or are unconfirmed, about 4.9 percent, or suspected to be fraudulent, about .1 percent, constituting two cases over the past 2 years.

We take fraudulent matters very seriously. As an example, in early 2011, we expedited a personnel records review for an investigator from the Department of Treasury. He sought to validate an employee's claim of being a Purple Heart recipient. We were able to provide information in a few days enabling the Department of Treasury to address the issue from an informed position.

Mr. Chairman, to conclude, I again thank you and the committee for the opportunity to be here today to discuss this serious matter. We look forward to working with the committee and answering your questions.

[The prepared statement of Colonel Mostert follows:]

Mr. Chairman, and distinguished members of the Committee, thank you for this opportunity to discuss the Air Force Military Awards Program and, specifically, the process for verifying the validity of decorations. We appreciate the leadership and support this Committee continually provides to the Air Force.

As you know, awards and decorations are very important to Airmen. To the trained eye, they tell the story of an Airman's career: where they have been and what they have done. These decorations are more than just metal and fabric; more than the colors and heraldic symbols. They are worn with pride for a job well done…no matter what the job.

Although many of our awards and decorations are relatively new, some have been in existence since the Civil War era and before. Due in no small part to the historical and social significance of many of these awards and decorations, the perceived potential for personal benefit has unfortunately led to clear instances where veterans or others fraudulently assert to have earned awards for valor when, in fact, they have not. This action has the potential to degrade the perceived value of our military awards programs and to diminish the bona fide valor of legitimate award recipients.

The Air Force, as our sister services, vigilantly protects the integrity of our awards. We take matters of fraudulent awards and decorations very seriously and have resources available through the Air Force Personnel Center (AFPC) for the verification of award entitlement.

VERIFICATION PROCESS

When our Department receives requests for award verification from Congress through the Secretary of the Air Force Legislative Liaison Office or from Law Enforcement Agencies, AFPC conducts research in order to validate the award of the decoration in question.

Regardless of the source of the request, if the person being researched is an active duty Airman or separated from service during or after October 2004, we can quickly ascertain the purported recognition by retrieving their electronic record in our Military Personnel Database System, which originated in October 2004. However, if the person is not on active duty or separated from service prior to October 2004, we must send a record request to the National Personnel Records Center in St Louis, Missouri. On average, it takes 60 days, from start to finish, to verify this information; however, for suspected fraudulent cases, the records review is expedited. Routinely, the Department of Defense Form 214 (DD Form 214) provides conclusive documentation of the recognition. Where the purported recognition is not reflected on the DD Form 214, and the original documentation is made available, the awards can be adjudicated for verification by the military records correction process. The veteran or inquiry originator is notified of this process.

We also utilize other official sources for verification of awards such as campaign medals. This includes the official AF Military Personnel Data System, Department of Defense Manuals, Air Force Historical Research Agency, and Air Force Instructions (in some cases previous Air Force and Army regulations).

If the award or decoration can be verified, assuming it is not already in the official record, the veteran's DD Form 214 record is corrected to reflect accordingly. If we are unable to verify entitlement, the veteran or inquiry originator is notified and provided the results of the research. We also provide them information on the process to apply for correction of their official military record concerning the award, should they obtain validating information in the future.

STATISTICAL DATA

Award verification requests to AFPC from congressional offices totaled 480 in 2011 and 251 in 2010. In both years, approximately 95% were verified as valid. About 4.9% had missing documentation, needed additional information, or the veteran was not entitled. Only .1% were determined to be fraudulent. To be exact, AFPC has seen two cases in the last two years that were fraudulent.

CONCLUSION

Mr. Chairman, I would like to conclude by thanking the men and women of the United States Air Force. They are our nation's multi-domain warriors. We continue to work hard to appropriately recognize them, as their actions demonstrate laudable courage and commitment to excellence in the maintenance and advancement of our national interests. We fully support the position that those individuals who fraudulently assert to have earned an award for valor have committed a crime and need to be held accountable. We sincerely appreciate your resolve to ensure these individuals are appropriately reprimanded for fraudulently claiming awards and decorations they did not earn, and we will continue to work to ensure the information we provide to those agencies requesting medal verification is accurate. On behalf of the men and women of Air Force, I thank you for your efforts.

Mr. CHAFFETZ. Thank you.
Mr. Nierle.

STATEMENT OF JAMES NIERLE

Mr. NIERLE. Good morning, Chairman Chaffetz, Ranking Member Tierney and other distinguished members of the subcommittee.

I am honored to be able to testify this morning about the awards process within the Department of the Navy and the procedures we use to verify awards received by members of the Naval service.

The integrity of the process by which our valor decorations and medals is approved is vital to maintaining the high esteem in which these awards are held. The fundamental aspects of our awards process are time tested and have not changed significantly since World War II.

Recommendation for an award for a valor medal may be initiated by a commissioned officer who has knowledge of the facts who is senior to the individual being recommended. No person may recommend himself or herself for an award. The recommending officer completes and signs the award form which includes a narrative and is supported by the statements of eye witnesses. The award recommendation is then forwarded up the chain of command to the person who has the authority to approve or disapprove the award.

There are also well defined and longstanding procedures in existence for recommendations of veterans of past conflicts for valor awards and for the reconsideration and upgrade of previously awarded decorations.

Although the basic process has not changed significantly since World War II, the technology in use within the award system has evolved. From World War II through post-Vietnam, award recommendations were processed and recorded as hard copy documents. Since 2003, the Marine Corps is utilizing a Web-based, paperless system. Although the Navy continues to use paper recommendations and approvals for awards, the Navy does maintain a Web-based searchable data base that contains data for awards that go back to 1963.

Our awards branch staffs have ready access to various other awards records covering World War II and later. None of these collections is exhaustive.

For all periods of service during and after World War II, the most authoritative source for verification of awards is the individual service member's Official Military Personnel File. OMPFs for Navy and Marine Corps personnel in active service, and those who left the service since the late 1990's, are in electronic digital form maintained by the personnel branches of the Services. OMPFs from earlier periods are maintained by the National Personnel Records Center in St. Louis.

The Department of Navy gives priority support to law enforcement agencies investigating fraudulent award claims. Fewer than five of these requests from law enforcement agencies for verification of military awards have been received at the Department headquarters since 2008. During that same period, a small number of verification requests were also received from Members of Congress, the media and the Department of Veterans Affairs.

However, it is important to note that law enforcement agencies and other Federal agencies do have access to recent OMPFs through the Defense Personnel Records Information Retrieval System [DPRIRS] and it is impossible to know how many of those accesses through that system were used to investigate fraudulent claims.

When responding to an award verification request, we are careful to caution that our inability to locate an official record of a particular award is not in and of itself proof that this award was never made or is not valid. It is possible the award or the person claiming to have received the award has in his or her possession some authentic documentation of that award.

It is also possible an error was made in recording the award or the pertinent record was destroyed or cannot be located. When no official record of an award can be found, the Department of the Navy is bound by the presumption of regularity and must conclude that the award in question was never approved. Clear and authentic evidence must be presented to overcome this presumption.

Again, I thank you for the opportunity to appear before the committee.

[The prepared statement of Mr. Nierle follows:]

Good morning Mr. Chairman and members of the Committee. I am honored to be able to testify to the Committee about the awards process within the Department of the Navy, and the procedures we use to verify awards received by members of the Naval service. Much of the work we do within the awards branches involves various types of records, but I must state upfront that my area of expertise is military awards, and I am not an expert in the field of Records Management or the full extent of personnel records and systems currently in use within the Department of the Navy. Unless otherwise stated, my comments pertain to decorations and medals for valor that are or have been presented to living recipients (not posthumously), as those awards seems to be the principal area of interest in discussions of fraudulent claims.

The integrity of the process by which our valor decorations and medals are approved is vital to maintaining the esteem in which these awards are held. The fundamental aspects of the award process are time tested and have not changed significantly since World War II. A recommendation for award of a valor medal may be initiated by a commissioned officer who has knowledge of the facts, and who is senior to the individual being recommended. No person may recommend himself/herself for an award. The recommending officer completes and signs a standard award recommendation form, which includes a narrative that is supported by the statements of eyewitnesses. The award recommendation is forwarded via the chain of command for endorsements and recommendations by intermediate commanders, and finally to the person who has authority to approve or disapprove the award. Intermediate commanders and awarding authorities normally convene boards to evaluate and advise them on individual award cases, but this practice is not required by law or regulation. Well-defined and longstanding procedures also exist for recommending valor decorations for veterans of past armed conflicts, and for reconsideration/upgrade of previously awarded decorations.

Although the basic process for award recommendation and approval has not changed significantly since WWII, what has evolved is the technology employed to move the award from originator to approval authority, and then to document/record the final award decision. From World War II through the post-Vietnam era, award recommendations were processed and recorded as hard copy paper documents. Since 2003 the Marine Corps has utilized a web-based paperless award recommendation, approval, and recording system. Although the Navy continues to use a standard paper format for award recommendations and approvals, metadata pertaining to Navy awards is maintained in a web-based, searchable database that contains data for awards as far back as 1963. Our awards branch staffs also have ready access to various other awards records covering WWII and later, but none of these collections is exhaustive.

For all periods of service during and after WWII, the most authoritative source available for verification of awards is the individual service member's Official Military Personnel File (OMPF). The OMPFs for Navy and Marine Corps personnel in active service, and those who left the service since the late 1990's, are maintained by the Navy Personnel Command and the Manpower Management Support Branch of Headquarters, U.S. Marine Corps. All OMPFs from earlier periods are maintained by the National Personnel Record Center (NPRC), National Archives and Records Administration, St. Louis, Missouri. The Navy and Marine Corps maintain liaison offices at NPRC to facilitate research of OMPFs, and awards can often be verified for us within a matter of days if the OMPF is readily available at NPRC. Records for personnel discharged more than 62 years ago are archival, and researching those records requires a more time consuming process.

The Department of the Navy gives priority support to law enforcement agencies that are investigating fraudulent award claims. Only two requests from law enforcement agencies for

verification of military awards have been received at the Service headquarters or Department level since 2008. During the same period, a small number of verification requests were also received from Members of Congress, the media, and the Department of Veterans Affairs. However, it is important to note that some law enforcement agencies, and other federal agencies, have access via the Defense Personnel Records Information Retrieval System (DPRIS) to the same data contained in the OMPFs of Navy personnel who served after January 1, 1995, and for Marine Corps personnel who served after January 1, 1999. It is impossible to know how many times DPRIS was used by these agencies to investigate fraudulent award claims.

When responding to an award verification request, our awards staffs always caution that the inability to locate an official record of a particular award is not, in and of itself, proof that the award was never made. It is possible that the person claiming to have received the award has in his/her possession some authentic documentation of the award. It is also possible that an error was made in recording the award, or that the pertinent record was either destroyed or cannot be located. Regardless of these possibilities, when no official record of an award can be found, the Department of the Navy is bound by the presumption of regularity in government affairs, and must therefore conclude that the award was never approved. In such a case, clear authentic evidence would have to be presented in order to overcome this presumption.

Again, I thank you for the opportunity to appear before this Committee.

Mr. CHAFFETZ. Thank you.

Mr. Levins, you are recognized for 5 minutes.

STATEMENT OF SCOTT LEVINS

Mr. LEVINS. I would like to thank Congressman Clay for the kind introduction.

Good morning, Chairman Chaffetz, Ranking Member Tierney and members of the subcommittee.

Thank you for calling this hearing and for your attention to issues surrounding the management of records which document the service of our Nation's veterans.

I am proud to represent the staff of the National Personnel Records Center, many of whom are veterans themselves. I am pleased to appear before you today to discuss the work the Center does to serve those who have served.

The National Personnel Records Center is an office of the National Archives and Records Administration. Located in multiple facilities in the St. Louis area, the Center stores and services over 4 million cubic feet of military and civilian personnel, medical and related records dating back to the Spanish American War.

In the year 2000, Congress provided NARA with a revolving fund that allows NARA's Records Center Program, including the National Personnel Records Center, to function on a cost reimbursable basis. Accordingly, NPRC no longer receives annual appropriations for its Records Center Program and instead, charges each agency the full cost of servicing their records.

In the mid-1950's, the Department of Defense constructed the Military Personnel Records Center in Overland, Missouri. In 1960, the Center's functions were consolidated and transferred to the General Services Administration to be managed by the NARA's predecessor agency, the National Archives and Records Service as a single program leveraging economies of scale to improve efficiency and offering a central point of access for military service records.

When the Military Personnel Records Center was constructed in the 1950's, it was not equipped with a fire suppression system. In 1973, a massive fire at the Center destroyed 1618 million records documenting military service of Army and Air Force veterans who separated between 1912 and 1964. Though the fire occurred almost 40 years ago, the Center continues to service approximately 200,000 requests per year which pertain to records lost in that fire. Though the Center is normally able to reconstruct basic service data, it is often impossible to reconstruct complete records of awards and decorations.

Today, NPRC holds approximately 60 million official military personnel files. Its holdings also include service treatment records, clinical records from military medical treatment facilities, auxiliary records such as pay vouchers and service name indexes and organizational records such as morning reports and unit rosters. NPRC stores these records in both textual and micrographic formats.

NPRC's military records facility receives between 4,000–5,000 correspondence requests each day from veterans, their next of kin, Federal agencies, Members of Congress, the media and other stakeholders and responds to 74 percent of these requests in 10 business

days or less. Nearly half of these requests come from veterans seeking a copy of their separation statement because they need it to pursue a benefit. The Center responds to 93 percent of these types of requests in 10 business days or less.

Regarding requests for military awards and decorations, NPRC does not issue service medals. However, for cases involving Air Force and Army veterans, the NPRC staff review the records, find the awards listed, send a response back to the veteran listing the awards and initiate an order with the Army or the Air Force to have the actual awards mailed to the veteran. For veterans of the Navy, Marine Corps and Coast Guard, the requests are referred for action to a Navy office which is co-located in the same facility. During fiscal year 2011, NPRC responded to approximately 67,000 requests for military awards and decorations which represented 6 percent of its overall correspondence volume.

NPRC also responds to Freedom of Information Act requests for records of all the military services. During fiscal year 2011, NPRC responded to over 16,000 FOIA requests and responded to 98 percent of them in 20 days or less. Some of these requests come from interested third parties wishing to verify a veteran's awards and decorations and we are able to release that information about awards and decorations earned while in service.

Despite the original idea in 1960 for NPRC to serve as a central repository for information needed to verify rights and benefits of veterans, beginning in the early 1990's, the military service departments stopped retiring medical records, now called service treatment records, to NPRC and instead, retired them directly to the VA. As a result, the NPRC does not have direct access to modern service treatment records.

From the late 1990's and the early 2000's with the exception of the Coast Guard, the military service departments also stopped retiring official military personnel files to MPRC and instead, retain them in-house in electronic formats. The military services use their electronic personnel records systems to respond to routine correspondence requests from veterans and other stakeholders. With the exception of the Department of the Army, the NPRC refers correspondence requests for these records to the appropriate military department for servicing.

In 2007, the Department of the Army entered into an agreement with NARA to allow NPRC to access its electronic personnel records for the purpose of responding to routine correspondence requests. The Air Force, Navy and Marine Corps continue to service their own personnel records and respond to routine correspondence requests from veterans and other stakeholders.

NARA is eager to work with the subcommittee and other stakeholders to explore opportunities to better serve our Nation's veterans. We invite the subcommittee members to visit NPRC. We welcome suggestions to improve service and efficiency and again, extend our sincere thanks to the subcommittee for expressing great interest in the services provided by NPRC.

[The prepared statement of Mr. Levins follows:]

TESTIMONY OF SCOTT LEVINS

DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER

BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE, AND FOREIGN OPERATIONS, HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

ON

"PREVENTING STOLEN VALOR: CHALLENGES AND SOLUTIONS"

FEBRUARY 29, 2012

Good morning Chairman Chaffetz, Ranking Member Tierney, and members of the Subcommittee. Thank you for calling this hearing and for your attention to issues surrounding the management of records which document the service of our nation's veterans. I am proud to represent the staff of the National Personnel Records Center, many of whom are veterans themselves, and pleased to appear before you today to discuss the work that the National Personnel Records Center does to serve those who have served. We appreciate your interest in this important work.

The National Personnel Records Center (NPRC or Center) is an office of the National Archives and Records Administration (NARA). Located in multiple facilities in the St. Louis area, the Center stores and services over 4 million cubic feet of military and civilian personnel, medical and related records dating back to the Spanish-American War. In 2000, Congress provided NARA with a revolving fund that allows NARA's Records Center Program, including the NPRC, to function on a cost-reimbursable basis. Accordingly, NPRC no longer receives annual appropriations for its Records Center Program, and instead charges each agency the full cost of servicing their records.

As the Subcommittee's interest lies in military awards and decorations, my testimony will focus on NPRC's role in managing military service records.

History of NPRC's Military Records Program

In the mid 1950s, the Department of Defense constructed the Military Personnel Records Center in Overland, Missouri. In the years that followed, military personnel, medical, and organizational records of each military service department were relocated to this facility. In 1960, the Center's functions were consolidated and transferred to the General Services Administration, to be managed by NARA's predecessor agency, the National Archives and

Records Service (NARS), as a single program, leveraging economies of scale to improve efficiency and offering a central point of access for military service records.

When the Military Personnel Records Center was constructed in the 1950s, it was not equipped with a fire suppression system. In 1973, a massive fire at the Center destroyed 16-18 million records documenting the military service of Army and Air Force veterans who separated between 1912 and1964. Though the fire occurred almost forty years ago, the Center continues to service approximately 200,000 requests per year which pertain to records lost in the fire. When responding to fire-related requests, technicians attempt to reconstruct the basic service record by using auxiliary records such as pay vouchers and/or by obtaining documents from other official sources. Though the Center is normally able to reconstruct basic service data, it is often impossible to reconstruct complete records of awards and decorations.

Last year, NPRC's military records facility began a relocation into a new building designed to meet updated facility standards for storing permanent Federal records. The facility is located in North St. Louis County, approximately 15 miles from the Overland location. The relocation of records into the new facility is expected to be completed by the end of September 2012.

Ownership of Records

In the late 1990s, NARA determined that Official Military Personnel File (OMPF) records were of enduring, archival value warranting permanent retention in the National Archives of the United States. As part of the appraisal process in preparing a formal records disposition schedule for OMPFs, NARA worked with the Department of Defense (DoD) and the military services to determine the appropriate "offer date": that is the date on which a permanent series of records becomes eligible to be offered by an agency for legal transfer to NARA. NARA, DoD and the military service departments agreed to fund a study to examine a sample of requests for military personnel records and correlate the purpose of each request with the veteran's year of separation. The survey found that on average, sixty-two years after a service member completes his/her obligated service, the purpose for which his/her records is referenced changes from a primary use (such as pursuit of an entitlement) to a secondary use (such as scholarly research or genealogy). Based upon that study, in 2004 the OMPF series was formally scheduled for permanent retention, with the legal transfer of ownership to NARA to occur 62 years after the completion of a member's obligated service.

When records have been transferred to the legal custody of the National Archives, they become available with fewer restrictions to public researchers. They also become subject to a public fee schedule. However, NPRC waives fees related to service records in instances where the requester indicates that the records are needed to pursue any type of benefit derived from the veterans' military service. Statistical data indicates that NPRC waives fees in approximately 60% of the instances where archival records are requested, indicating higher than expected primary use for benefit-related inquiries.

Funding NPRC Services

From the time NARA assumed responsibility for managing the Military Personnel Records Center in 1960 through Fiscal Year 1999, the Center was funded through annual appropriations for NARA's operating expenses. In Fiscal Year 1999, Congress established an inter-agency revolving fund to finance NARA records center storage and related services. The Records Center Revolving Fund (codified in the note accompanying 44 U.S.C. § 2901) allows NARA to operate our network of Federal Records Centers, including NPRC, in a business-like manner. NARA pays for the operating costs of our Federal Records Centers from the revolving fund and then recovers those costs by charging federal agencies for the full cost of the records storage and related services that they consume. Our customer Federal agencies pay the Records Center Revolving Fund from their appropriations. The revolving fund structure allows the government to benefit from the economies of scale that come from centralized records storage facilities.

Accordingly, since Fiscal Year 2000, the military services must reimburse NARA for most of the costs of operating the military personnel records facility. NARA charges the military services for storage and related services for records less than 62 years old, which are in NARA's physical custody but are legally owned by the services. NARA does not charge the services for the storage and servicing of military records older than 62 years, which are owned by NARA. NPRC staff continue to provide reference service on the holdings after transfer, but NARA, rather than the military service, is charged to recover the costs of providing the reference services. NARA reimburses the NPRC from annual appropriations for that purpose, and is charged the same rates that are charged to the military departments for these services.

Currently, NARA furnishes its customer agencies a detailed invoice on a monthly basis listing work volumes and charges for each service provided. The bulk of the cost of operating NPRC is related to responding to personnel-related correspondence requests. NPRC services more than one million such requests annually and currently charges $33.00 to service each of these correspondence requests.

Additional fees may be charged for the retrieval of a record from storage ($3.00 per search) and the return of the record to storage ($2.20 per refile) if necessary. Search and refile fees are not charged when electronic records are referenced.

Process Improvements

To improve efficiency and service delivery, in the early 2000s NPRC embarked on a multi-year business process re-engineering project (BPR) that featured the deployment of modern technology to automate processes and expand citizen access, and required its workforce to participate in re-training.

Innovations included web portals for public and Federal agency requesters, extensive request and record tracking, automated work assignments, automated request servicing, a unique, career advancement program that requires passage of competency exercises as a pre-requisite to promotion, and an innovative, competitive incentive program.

Today, approximately 45% of our public requests are received electronically and over 8,000 Federal employees at agencies such as the Department of Veterans Affairs (VA), the Office of Personnel Management (OPM), and the Social Security Administration (SSA) electronically interface with NPRC from their desktops to obtain the information they need to, for example, adjudicate medical claims for disabled veterans, conduct background checks for security clearances, and process claims for social security benefits.

In the years that followed the BPR, NPRC has achieved a significant reduction in the backlog and has greatly improved its response times. The average turnaround of a completed request was reduced from 76 days in 2002 to 10 days (achieved during the first quarter of Fiscal Year 2012). Overall customer satisfaction with the handling of requests improved from 78% of respondents indicating either "mostly" or "completely" satisfied during the summer of 2002 to over 90% in the summer of 2011.

Servicing Reference Requests

Today NPRC holds approximately 60 million official military personnel files. Its holdings also include service treatment records, clinical records from military medical treatment facilities, auxiliary records such as pay vouchers and service name indexes, and organizational records such as morning reports and unit rosters. NPRC stores these records in both textual and micrographic formats.

NPRC's military records facility receives between 4,000 and 5,000 correspondence requests each day from veterans, their next of kin, various Federal agencies, members of Congress, the media, and other stakeholders. It responds to 74% of these requests in ten business days or less. Nearly half of these requests come from veterans seeking a copy of their separation statement (the DD-214) because they need it to pursue a benefit. The Center responds to 93% of these types of requests in ten business days or less.

In servicing correspondence requests, NARA technicians must verify the authorization of the requester; identify the responsive record; extract, print or copy the responsive documents or information; redact third party personal privacy information often prevalent in these records; certify reproductions as authentic by applying a raised seal; generate a response letter (using pattern paragraphs to simplify the process); and prepare the documents for mailing.

Requests for Military Awards and Decorations

Regarding requests for military awards and decorations, NPRC does not issue service medals. However, for cases involving Air Force and Army veterans, the NPRC staff review the records, find the awards listed, send a response back to the veteran listing the awards, and initiate an order with the Army or Air Force to have the actual awards mailed to the veteran. For veterans of the Navy, Marine Corps, and Coast Guard, the requests are referred for action to a Navy office which is co-located in the same facility. During FY 2011, NPRC responded to approximately 67,000 requests for military awards and decorations, which represented 6% of its overall correspondence volume.

NPRC also responds to Freedom of Information Act (FOIA) requests for records of all the military services. During FY 2011, NPRC responded to a total of over 16,000 FOIA requests and responded to 98% of them in twenty business days or less. Some of these requests come from interested third parties wishing to verify a veteran's awards and decorations, and we are able to release information about the awards and decorations earned by a veteran while in service.

In addition to the correspondence work discussed above, the Center receives between 5,000 and 7,000 requests each week from the Department of Veterans Affairs and other Federal agencies requiring the temporary loan of original records. These requests are normally serviced within two business days.

The NPRC No Longer Stores all Military Personnel–Related Records

In instances where NPRC is unable to respond promptly to a request, the biggest obstacle is normally our inability to retrieve the responsive record. For example, delays may be experienced if a record is currently charged out to another office, or undergoing extensive preservation treatment (e.g., because of the 1973 fire). Sometimes it is because the requested records are not located at the NPRC. Despite the original idea in 1960 for the NPRC to serve as the sole central repository for information needed to verify veterans' rights and benefits, beginning in the early 1990s, the military service departments stopped retiring medical records, now called service treatment records, to NPRC and instead retired them directly to the VA. As a result, the NPRC does not have direct access to modern service treatment records. This change was implemented by the Army in 1992; the Air Force, Navy and Marine Corps in 1994; and the Coast Guard in 1998.

In the late 1990s and early 2000s, the military service departments also stopped retiring official military personnel files to NPRC, instead retaining them in-house in electronic formats. This change was implemented by the Navy in 1995; the Marine Corps in 1999; the Army in 2002; and the Air Force in 2004. The Coast Guard continues to retire hardcopy personnel records to NPRC.

The electronic personnel records systems employed by the military services vary, but the Department of Defense maintains a web-based application called the Defense Personnel Records Information Retrieval System (DPRIS), which acts as a conduit to retrieve imaged documents from each of the Services' electronic systems. DPRIS is maintained by the Personnel and Readiness Information Management (P&R IM) Office of the Undersecretary of Defense (Personnel and Readiness) ((OUSD (P&R)).

The military services use their electronic personnel records systems to respond to routine correspondence requests from veterans and other stakeholders. With the exception of the Department of the Army, the NPRC refers correspondence requests for these records to the appropriate military department for servicing.

In 2007, the Department of the Army entered into an agreement with NARA to allow NPRC to access DPRIS to retrieve electronic personnel records for the purpose of responding to routine

correspondence requests from veterans and other stakeholders. As a result of that decision, NPRC referrals to the Department of the Army were reduced by approximately 2,500 requests per month.

The Air Force, Navy, and Marine Corps continue to service their own personnel records and respond to routine correspondence requests from veterans and other stakeholders.

Conclusion

NARA is eager to work with the Subcommittee and other stakeholders to explore opportunities to better serve our nation's veterans. We invite the Subcommittee members to visit NPRC. We welcome suggestions to improve service and efficiency and we again extend our sincere thanks to the Subcommittee for expressing such great interest in the services NPRC provides. I am happy to answer any questions you may have.

Mr. CHAFFETZ. Thank you.

Mr. Davis, you are now recognized for 5 minutes.

STATEMENT OF JOSEPH DAVIS

Mr. DAVIS. Thank you, sir.

Chairman Chaffetz, Ranking Member Tierney and members of the subcommittee, thank you on behalf of the 2 million members of the Veterans of Foreign Wars for having this hearing today.

One of the greatest threats to small unit morale is the barracks thief. It is an egregious violation of personal space, property and trust, plus it sows seeds of suspicion among those who must depend upon each other to fight, win and survive our Nation's battles. Upon discovery, the thief is dealt with severely, principally on charges of Article 122 of the Uniform Code of Military Justice.

America's wars past and present have produced thousands of true heroes who have been properly recognized for their selfless service and bravery, and untold more whose heroic actions died with them in battle. For those few who survived, and to the memories of those who did not, the Stolen Valor Act of 2005 was enacted to protect them against barracks thieves who would seek public acclaim and personal gain during an era of tremendous public respect for the military.

The VFW is a lead co-signer of the amicus brief to ask the U.S. Supreme Court to uphold the Stolen Valor Act. This law must be upheld and all punishments must be swift, severe and public to the maximum extent to deter others from stealing other peoples valor.

The constitutional issue of the Supreme Court is not the purpose of this hearing. We do ask the committee to use this opportunity to require the military services to better document military wars for verification purposes. All military decorations are government-issued, yet there is no government-run, searchable military data base that catalogs the awards. Instead, this function has been ceded almost entirely to non-government entities that may or may not have access to complete lists, if such lists exist at all.

The Civilian Enterprise Military Hall of Valor is the unofficial records keeper and its founders and chief researchers, Doug and Pam Sterner of Alexandria, Virginia, are recognized experts for verifying recipients of the military's top medals for valor and for helping to expose fraud. The Hall of Valor lists almost 100,000 medal recipients to include all the Medal of Honor recipients and virtually all the Distinguished Service Cross, Navy Cross and Air Force Cross recipients. It also lists over 24,400 recipients of the Silver Star, which is our Nation's third highest medal for valor.

A civilian entity with limited resources, limited manpower and budget has accomplished all this through open source documents, FOIA requests and most of all, perseverance and Hall of Valor has done it with an extremely high degree of accuracy. The question begs why the hasn't military taken the initiative to properly document for prosperity the medals they issue. Preserving military heritage demands an electronic recordkeeping of more than just who was the chief commander of the military service, a Navy ship or an Army division.

It demands an official and verifiable record of battle maneuvers and of the units involved. More so, it demands that those service

men and women who excelled under fire be recognized and entered into the permanent history of that service. A searchable data base is the only responsible way to properly document the medals the military issues and would also help the Department of Veterans Affairs and their mission to provide health care, disability compensation and burial benefits to our eligible veterans.

The military must take better ownership of their personnel recordkeeping and do everything possible to eliminate the hole in personnel service records such as when a medal is not processed or approved until long after the service member has separated or retired or in some cases, died. A co-worker here in the VFW Washington office learned he was awarded a Bronze Star for service meritory in Iraq during 2004. He has a copy of his medal certificate and orders but for almost 7 years has been unsuccessful in tracking down the original document to correct his DD–214. A reply earlier this month from the Army Human Resources Command basically said our records on you might be a little incomplete.

Mr. Chairman, if this 30-year-old, Iraqi veteran who is immersed in the ways of the government bureaucracy because of his position here in Washington, DC, can't get his records corrected, how difficult must it be for hundreds of thousands of other veterans from other services and other generations. It is virtually impossible. Computers have made things faster, but computers have not made the military personnel system any better.

Perhaps it is because the military focuses too much on recruiting and retention and not on the high quality of people they return to civilian society after 4 or 40 years of faithful service. Regardless, there is absolutely no excuse in the year 2012 that the entire military personnel system cannot immediately find and correct errors and omissions on military service records.

Mr. Chairman, the civilian public's disconnect with the military is already huge. The Veterans of Foreign Wars asks for your help to not allow the military to exacerbate its own disconnect with their own service members, their veterans and their retirees. Those who serve our Nation in uniform deserve so much better.

Thank you.

[The prepared statement of Mr. Davis follows:]

VETERANS OF FOREIGN WARS OF THE UNITED STATES

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STATEMENT OF

JOSEPH E. DAVIS
DIRECTOR OF PUBLIC AFFAIRS
VETERANS OF FOREIGN WARS OF THE UNITED STATES
WASHINGTON OFFICE

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE AND FOREIGN OPERATIONS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

PROTECTING MILITARY SERVICE RECORDS & AWARDS

WASHINGTON, DC **FEBRUARY, 29 2012**

Mr. Chairman and Members of this Committee:

On behalf of the 2 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to thank you for the opportunity to present our views on fabricating military service records and awards; making records available for verification; and the need for the government to better maintain adequate databases to track and ease access to military service records.

One of the greatest threats to small unit morale is a barracks thief. It is an egregious violation of personal space, property and trust, plus it sows seeds of suspicion among those who must depend upon each other to fight, win and survive our nation's battles. Upon discovery, the thief is dealt with severely, principally on charges of robbery under Article 122 of the Uniform Code of Military Justice, or UCMJ.

America's wars of past and present have produced thousands of true military heroes who were properly recognized for their selfless service and bravery, and untold more whose heroic actions died with them in battle. For those few who survived, and to the memories of those who did not,

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the Stolen Valor Act of 2005 was enacted to protect them against false heroes who seek public acclaim and personal gain during an era of great public respect for the military institution as a whole, and for those men and women who wear or have worn the uniform.

There is a current case before the U.S. Supreme Court in which the VFW is the lead cosigner of an amicus brief to uphold the Stolen Valor Act of 2005. We fully believe that this law should be upheld, and that all punishments be swift, severe and made public to the broadest extent to help deter others who might consider stealing another's valor by impersonating a true military hero.

The constitutional issue before the Supreme Court is whether lying has First Amendment free speech protections. That is not the purpose of this hearing, but we do ask that the committee use this opportunity to require the military services to better document military awards for valor for verification purposes.

All military decorations are government-issued, yet there is no government-run, searchable military decorations database that catalogs the awards. Instead, this function has been ceded almost entirely to nongovernment entities that may or may not have access to complete lists—if such lists exist at all.

Four of the five military service websites list their own Medal of Honor recipients—Marines are listed on the Navy website—but only the civilian enterprise Military Times Hall of Valor, and the nonprofit Congressional Medal of Honor Society, list all recipients going back to the medal's creation during the Civil War. (Note: The U.S. Army Center of Military History maintains an all-service Medal of Honor webpage, but its information comes from the Congressional Medal of Honor Society.)

With regards to the nation's second highest medal for bravery—the Army's Distinguished Service Cross, Navy Cross and Air Force Cross—there is no complete list of recipients on any military service website, just press releases and articles written for internal consumption. The Air Force's Air University does maintain a list of Air Force Cross recipients, but only of enlisted personnel.

The Military Times Hall of Valor is the unofficial records keeper, and its founders and chief researchers, Doug and Pam Sterner of Alexandria, Va., are recognized experts for verifying recipients of the military's top medals for valor, and for exposing frauds, as well.

Hall of Valor lists almost 100,000 medal recipients, to include all 3,475 Medal of Honor recipients, plus 13,458 soldiers having received the Distinguished Service Cross, 6,939 sailors and Marines the Navy Cross, and 194 airmen the Air Force Cross. It also lists well over 24,400 recipients of the Silver Star, which is the nation's third highest medal for valor.

A civilian entity has accomplished all of this through open source documents, FOIA requests and perseverance, and Hall of Valor has done it to an extremely high-degree of accuracy. The question this begs is why haven't the military services taken the initiative to properly document for posterity the medals they issue?

In an April 2, 2009, response to (then) House Armed Services Committee Chairman Ike Skelton, the Department of Defense determined that a searchable military decorations database "would have little utility for reducing the number of fraudulent valor award claims."

Among DOD's reasons to reject the notion of a searchable military decorations database was Privacy Act concerns, a $250,000 cost estimate, redundancy (because of the Congressional Medal of Honor Society listing), and that their inability to list all valor award recipients (due to the 1973 National Personnel Records Center fire in St. Louis, etc.), would render the database incomplete, and therefore, not completely accurate.

The VFW disagrees. A searchable military decorations database is doable with the millions of available records, as well as with duplicate records housed at National Archives facilities. And the longer DOD and/or services delay doing what we hope Congress makes inevitable will only make the task more difficult.

Preserving military heritage demands an electronic accounting of more than just who was the umpteenth commander of which ship, division or service. It demands an official and verifiable record of battles and maneuvers, and of the units involved. More so, it demands that those servicemen and women who excelled under fire be recognized and entered into the permanent history of that service.

A searchable military decorations database is the only responsible way to properly document the medals the military issues, which would also help the Department of Veterans in their mission to provide healthcare, disability compensation and burial services to eligible veterans.

The key to all VA programs and benefits is an accurate DD Form 214, Certificate of Release or Discharge from Active Duty—which DOD began issuing to separating and/or retiring military members in 1950—and individual military medical records, which help to prove service-connection for injury and illness claims.

A claim to be a former Prisoner of War with a Purple Heart, for example, places the veteran into VA Priority Group 3, just behind those veterans with 30-percent or more service-connected disability ratings. However, an unchallenged claim to be a former POW could also make it easier to increase a disability rating and, therefore, more compensation.

In an April 2009 article by *The Associated Press*, the Defense Department said there were 21 surviving POWs from the first Gulf War, yet the VA was paying disability benefits to 286 former service members who claimed to have been taken prisoner during that conflict. Similarly, DOD recognizes that 661 former POWs returned home alive from the Vietnam War. About 100 have since died, but the VA in 2009 was paying disability payments to 966 purported Vietnam POWs. AP also wrote that one Korean War veteran's made-up story earned him more than $400,000 in benefits before he was exposed.

It is absolutely necessary for the military services to take better ownership of their personnel recordkeeping, and to do everything possible to eliminate "holes" in service records, such as

when a medal recommendation is not processed or approved until long after the recipient has separated from service—or in some cases, died.

The onus to correct DD-214s has always been on the individual, which can be even more difficult for members of the Guard and Reserve.

For example, a coworker at the VFW Washington Office learned a year after he was released from active duty that he had been awarded a Bronze Star for his meritorious service in Iraq in 2004. He has a copy of his medal certificate and an orders number, but for almost seven years has been unsuccessful in tracking down the original documents in order to correct his DD-214 and accurately reflect his wartime service. He has corresponded numerous times with his former Army Reserve unit, his gaining unit, the 4th Infantry Division, and with the Army's Human Resources Command, which responded to his latest request earlier this month that their records on him may be incomplete.

Mr. Chairman, if the above 30-year-old Iraqi veteran, who because of his position with the VFW is immersed in the ways of the government bureaucracy on a daily basis, continues to have great difficulty in accessing and correcting his own military records, how difficult must it be for potentially hundreds of thousands of other veterans from this and previous generations who don't regularly interact with the system?

Computers may have made things faster, but computers have not made the military personnel system any better. The services must do a better job administratively, which is one of the primary reasons why we are here today.

We have the most powerful and technologically advanced military in the history of the world, yet we have a personnel system that continues to focus more on recruiting and retention than on the high-quality people they return to civilian society after four or 40 years of honorable service to our nation.

There is absolutely no excuse in the year 2012 that the entire military personnel system cannot immediately find and correct errors and omissions in military service records, but it continues to happen right now today. There is equally no excuse that these records are difficult to access—much less to correct—after the service member separates or retirees.

The civilian public's disconnect with the military is already huge. The Veterans of Foreign Wars of the U.S. asks for your help to not allow the military to exacerbate its own disconnect with their own service members, veterans and retirees. Those who serve our nation in uniform deserve so much better service.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you or the other members of the Committee may have.

Mr. CHAFFETZ. Thank you, Mr. Davis.

Mr. Sterner, you are now recognized for 5 minutes.

STATEMENT OF DOUG STERNER

Mr. STERNER. Mr. Chairman, Ranking Member Tierney and members of the subcommittee, thank you for the opportunity to testify today.

I would like to begin by acknowledging my wife, Pam, who in 2004 authored the Stolen Valor Act. I would also like to pay tribute to Chuck Schantag, a Vietnam War Marine, Purple Heart recipient who passed away unexpectedly last Thursday. He and his wife, Mary, have been at the forefront of exposing stolen valor for decades.

Last week, the U.S. Supreme Court heard arguments in a case in which a man falsely claimed to be a Medal of Honor recipient. His conviction was overturned by the Ninth Circuit Court that said he was exercising his right of free speech. Such cases are rampant, resulting in great cost to the government. Eight men charged in Seattle cost the VA $1.4 million. None had ever been in combat, two had never been in the military.

While I hope that the Supreme Court fails to find merit in the decision of the Ninth Circuit Court, I would agree with them on one point. They said, "Preserving the value of military decorations is unquestionably an appropriate and worthy governmental objective that Congress may achieve through publicizing the names of legitimate recipients."

When George Washington established our awards system in 1782, he said the fakers should be punished but he also said "The name and regiment of the person so certified are to be enrolled in the Book of Merit which will be kept at the Orderly Office." This was the first call for a data base of our awards but presently there exists no Book of Merit other than a data base of Medal of Honor recipients.

In 2009, the Dallas Morning Herald reported that 14 of 67 issued Legion of Valor license plates were bogus. They wrote, "Officials say it is hard to actually verify an individual's claim even with documents. Without a data base, we are hamstrung." I can detail cases of stolen valor for hours. It would become redundant, but there is another point I want to make and that is the way our real heroes are being robbed on a daily basis for lack of proper recordkeeping by our government.

Twelve years ago, after watching "Saving Private Ryan," Monty McDaniel decided to research his uncle who was killed in the Normandy Invasion. He found he uncle may have been awarded the Distinguished Service Cross but there was no record of that in the family. He searched and he found the evidence not only of his uncle but the man whose citation followed him killed in action and his family did not know of that award. In 2001, both of these heroes were finally awarded their posthumous Distinguished Service Crosses, the parents of both men died in the 1990's, never knowing of their great heroism and award of their dead sons.

In 2007, I received an email from Jan Girando whose father was one of fewer than 4,000 recipients of the Navy Cross in World War II. By the way, Jan flew in all the way from Kansas yesterday to

be here. This is that important to her. Jan was trying to get her father buried at Arlington but the Navy, for its part, couldn't even find a record that he had served on active duty. She emailed me, I verified the award and she notes, "Six days later, I was informed that Arlington had ordered my father's marker" and made my week because that is what this is about.

The closest thing to any kind of data base that the Army has is an enumeration of awards, no names, published by Army Human Resources Command. They show that 848 Distinguished Service Crosses were awarded in the Vietnam War. The Military Times "Hall of Valor" has the citations for 1,068. That is 220 of the most decorated heroes of the war I served in that are otherwise lost to history.

The problem of lost heroes hasn't improved with technology. The Baltimore Sun reported, The Army denied a March 2006 Freedom of Information Act request for the narratives of Silver Stars first on the grounds that it couldn't find them all." In fact, I personally FOIA'd for the Silver Stars awarded to 24 men killed in the wars in Iraq and Afghanistan. I tell you, Scott does a great job but he can only send me what he has, 22 of those 24 came back from St. Louis no record of that GWAT veteran getting the Silver Star.

I hope to demonstrate to you today that a data base of awards is an achievable goal and a worthy one not only to serve as a tool to thwart acts of stolen valor and fraud against our government, but as a noble effort to preserve for prosperity the great service, sacrifice and valor of America's veteran. We owe them much and the very least we owe them is to keep an accurate record of their deeds.

As Medal of Honor recipient William A. Jones wrote shortly before his death in 1969, "Poor is a nation that has no heroes, but begger that nation that has and forgets them."

Thank you, Mr. Chairman.

[The prepared statement of Mr. Sterner follows:]

STATEMENT OF
C. DOUGLAS STERNER
CURATOR, MILITARY TIMES "HALL OF VALOR"
BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE, AND FOREIGN OPERATIONS
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
FEBRUARY 29, 2012
WASHINGTON, DISTRICT OF COLUMBIA

Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to testify today on behalf of my fellow veterans, past and present, who have answered the call of duty in the service of our great nation.

I would like to begin by acknowledging the great achievement of my wife Pam, who in 2004 authored a policy analysis that became the basis of the Stolen Valor Act of 2005, and then doggedly pushed it through the 109th Congress. *Roll Call* described that effort as "the largest piece of legislation affecting military awards since a 1918 act of Congress gave birth to the "Pyramid of Honor."[1]

Last week the United States Supreme Court heard oral arguments in a case out of California wherein Xavier Alvarez, while running for public office, falsely portrayed himself as a recipient of the Medal of Honor. His conviction at the District Court level was overturned in 2010 by the Ninth Circuit Court which ruled Alvarez exercised his Constitutionally-protected right of free speech in his false representation.

Cases like that of Alvarez, commonly called "Stolen Valor," are rampant; demeaning not only the awards falsely claimed but frequently resulting in great cost to the government. The cases of 8 men charged in Seattle in 2007's "Operation Stolen Valor" cost the Department of Veterans Affairs $1.4 million. There have been many more, and there remains much additional such fraud to be uncovered. ("Exhibit A" provides a brief listing of a small fraction of recent cases we have dealt with.)

For more than a decade F.B.I. Special Agent Tom Cottone was the Bureau's lead agent for Stolen Valor Cases. Mr. Cottone had hoped to be here today but his other important work precluded his attendance. I have included (Exhibit B) his letter to me detailing his work on Stolen Valor cases and the important role my own database of award recipients played in his investigations. It contains what he would have testified to today, could he have been present.

In fact, while I hope that the Supreme Court fails to find merit in the Ninth Circuit Court's decision in Alvarez, there is one point raised by the Justices that has considerable merit. They noted in their opinion striking down the Stolen Valor Act: **"Preserving the value of military decorations is unquestionably an appropriate and worthy governmental objective that**

[1] Gottleib, Tom, "An Act for Valor," *Roll Call*, December 11, 2006

Congress may achieve through, for example, publicizing the names of legitimate recipients."[2]

In fact, in the General Orders ("Exhibit C") issued by General George Washington in 1782 that established our military awards system, in addition to calling for those individuals who falsely claimed military awards to be "severely punished," the General also noted: **"The name and regiment of the person so certified are to be enrolled in the Book of Merit, which will be kept at the orderly office."** This was the first call for a database of military award recipients.

Presently there exists no such "Book of Merit" for any award other than the 3,474 men and one woman who have received our highest decoration, the Medal of Honor. Agent Cottone points to the value a more comprehensive awards database would serve in his letter, and post-Stolen Valor Act examples further attest to such a need in addition to and in support of that law.

In 2009 *The Dallas Morning News* reported that as many as 14 of the 67 Texas residents issued Legion of Valor license plates, identifying them as recipients of one of our two highest levels of military awards, were frauds. The newspaper further reported: **"TxDOT officials say it's hard to actually verify an individual's claim, even with documents. There is no central database the federal government keeps of military awards. Instead, they are scattered between sites in St. Louis and Washington, D.C., essentially forcing the honor system to be the backbone of the application process. 'Without a database, we're hamstrung,'** Mr. Craig (Mike Craig, deputy director of vehicle titles and registration, TxDOT) added. The closest thing there is to one is a list maintained by decorated Vietnam veteran and military historian Doug Sterner, who helped pass the Stolen Valor Act legislation. When TxDOT began its investigation, officials turned to Mr. Sterner's Web site."[3]

I could detail such cases of Stolen Valor for hours. On a related issue however, and although the word "stolen" may be a little strong, there is another manner wherein legitimate military heroes are being "robbed" on a regular basis.

Twelve years ago in Indiana, after watching the movie "Saving Private Ryan," Monty McDaniel decided to research his uncle who was killed in the Normandy invasion. Mr. McDaniel was surprised to learn his uncle **may** have been posthumously awarded the Distinguished Service Cross, second only to the Medal of Honor, but there was no family record of that award. After months of diligent research he found the evidence in an Army General Orders, not only of his uncle's high award but that of one of his comrades, who also gave his life in that historic battle. In 2001 both dead heroes were finally properly honored, decades late. The parents of both men, two of the most decorated heroes of World War II,

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[2] United States of America vs. XAVIER ALVAREZ, AKA Javier Alvarez, United States Court of Appeals for the Ninth Circuit, No.08-50345, August 17, 2010, Page 27 (11868)

[3] Monteverde, Daniel, "TxDOT cracking down on phony war heroes issued military honor license plates," *The Dallas Morning News*, August 15, 2009

died in the 1990s never knowing of the great heroism or high award earned by their dead sons. ("Exhibit D")

This example of a legitimate hero denied his military awards by lapses in paperwork is NOT unusual. In February 2007 I received an email from Jan Girando, a woman in Kansas whose deceased father was one of the fewer than 4,000 men to receive the Navy Cross in World War II. Her efforts to have her father memorialized at Arlington National Cemetery had resulted in four fruitless months of back-and-forth between the Navy and officials at Arlington National Cemetery. The Navy, for its part, couldn't even find a record that her father had served on active duty. Ms. Girando notes ("Exhibit E") that after contacting me, "Six days later, I was informed that Arlington National Cemetery had ordered my father's marker." (Following Ms. Girando's most recent letter I have included a letter she sent in 2008 to the Chairman of a Congressional Committee at a time when we had legislation before Congress calling for a database of military awards. It includes a detailed time-line of her efforts.)

The closest thing to any database of Army awards that exists to my knowledge is an enumeration published by the Army Human Resources Command.[4] In that listing Army HRC shows that a total of **848** Distinguished Service Crosses were awarded in the Vietnam War. *The Military Times* "Hall of Valor" which I curate, currently contains the names and citations for **1,068** Vietnam War DSC recipients, all supported by Official orders in our paper files, preserving the accounts of the valor of 220 of that war's most highly decorated heroes, otherwise lost to history because of poor record keeping.

The problem of heroes "lost to history" has not improved. Seeking the citations for Silver Star awards in the wars in Iraq and Afghanistan in 2007, *The Baltimore Sun Reported,* **"The Army denied a March 2006 Freedom of Information Act request for the narratives, first on the grounds that it couldn't find all of them**."[5] In fact, I personally submitted FOIA requests for the citations for Silver Stars posthumously awarded to 24 men in these wars, and in 22 cases there was no record of their award in their OMPF (Official Military Personnel File) in St. Louis.

In this *Information Age* of unprecedented technological advance and the Internet, it is unconscionable that the Department of Defense cannot keep track of is heroes and wounded warriors. Further, we have learned recently that even our Nation's most hallowed grounds, Arlington National Cemetery, has failed to properly use technology to properly preserve the memory of our veterans who have died.

I hope to demonstrate to you today that a database of Military Awards is an achievable goal, and a worthy one, not only to serve as a tool to thwart acts of Stolen Valor and fraud against the government, but as a noble effort to preserve for posterity, the great service, sacrifice, and valor of America's veterans. We owe them much and, and not the least of what we owe is a diligent effort to properly preserve the record of their deeds and their sacrifice.

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[4] https://www.hrc.army.mil/TAGD/Awards%20and%20Decorations%20Statistics%20by%20Conflict
[5] Wood, David, "Army blocks `narratives' of heroism," *The Baltimore Sun*, December 9, 2007

Mr. CHAFFETZ. Thank you, gentlemen.

We are now going to move to questions and I recognize myself for 5 minutes.

You heard Mr. Davis and Mr. Sterner, you five gentlemen. I have no doubt about your patriotism, your commitment to your job, your country or anything else. I heard you all give testimony about where we are today but I didn't hear a whole lot about what we really should be doing.

My guess is in your heart of hearts and your expertise, you know what is wrong with this system. The committee wants to know what is wrong, what should be fixed and what should we do about it. Any of the five of you who could respond to Mr. Davis and Mr. Sterner, I would appreciate it. Mr. Hebert.

Mr. HEBERT. Thank you, Mr. Chairman.

Admittedly, any system as massive as the Department of Defense's personnel systems requires constant and vigilant improvement. Such improvement was made in 2002 when we introduced the accessible data base through the Defense Personnel Records Information Retrieval System. Imagine as a veteran, I, myself, in preparation for this hearing, went to the VA Web site, logged on and within a matter of minutes was presented with an email back in my account that my records were available.

By trade, I was in the personnel community when I was in uniform, so I was pretty familiar with my own personnel records. Surprising to me that I had 130 pages of documents some of which I had never seen before that were filed and digitized and immediately accessible to me as a veteran.

Mr. CHAFFETZ. Are you advocating that we have one data base?

Mr. HEBERT. I am advocating that we have advanced beyond the structure of a single data base.

Mr. CHAFFETZ. So you are advocating that we have multiple data bases?

Mr. HEBERT. I am advocating that the system we have in place now has inherited advantages over a single data base. Let me explain.

Any data base itself has to reference a source document or a source record. If you create a redundancy within your system, your data base is only as accurate as your last refresh, the last time you went back and sought to update your records. What the Department has created instead is a single portal that reaches back to the individual's service source records so there is no redundancy, there is no update or refresh time. It is accessing the same record that the personnel clerk would.

Mr. CHAFFETZ. I have to catch up here a little bit. If we can go to that first slide, I want to show you that this the form you are supposed to fill out. I don't know if we can get to the bottom part of that. Maybe it is slide two. You are having a hard time seeing that on the monitor but what that says this is the address list of custodians. Essentially, there are 14 different areas in which you can go. You have to do this chart and connect the numbers. It seems like a very convoluted way of doing things. The inaccuracy or incomplete nature of these records is what is so troublesome.

Take for a moment that I am some company out there in Idaho and I have somebody come to me and they are applying for a job.

Being a patriotic employer, all things being equal, I want to hire the veteran, even though he may be disabled, maybe earned a Purple Heart, and I want to hire that person. How do I, as an employer, verify that he is telling the truth? I want to believe everybody is telling the truth, but the reality is, unfortunately, they are not. It goes back to the Reagan mantra of trust but verify.

Mr. HEBERT. Yes, sir.

Mr. CHAFFETZ. What do I do?

Mr. HEBERT. You have hit upon the one area where you were asking where the system could be improved. In preparation for this hearing, my panelists and I all did extensive research. One of the gaps, if you will, is that we don't display in a layman's simple format, how you access these records if you are not a veteran.

If you are a veteran, going to the VA Web site, it is very intuitive and that sort of thing but if you are an employer, without knowledge of the Department of Defense, without knowledge of our internal systems, how do you get to it? Clearly that is an area that we are lacking and as a Department, we are going to move forward to make sure there is a very clear, single point of entry that delineates exactly how you access records, whether the individual is a veteran or a former veteran or a currently serving member, or whether the individual, regardless of service, you can come to this one stop shop to gain access to these records.

Mr. CHAFFETZ. My time has expired but very quickly, Mr. Levins, a few more stats if you will. I know you don't take appropriations but how much money is flowing in and out of your organization? How many personnel do you have in place to execute your mission and what you are doing at your office?

Mr. LEVINS. We have about 900 employees in St. Louis, but about half of them are student temps, part-time employees, and many of them work on issues involving the civilian facility not the military facility.

To store the records in the appropriate environment, the military records and provide reference service on them is about a $15 million a year program.

Mr. CHAFFETZ. Thank you.

In the essence of time, I will now recognize Ranking Member Tierney for 5 minutes.

Mr. TIERNEY. Thank you.

Mr. Hebert, let me ask, have you used the services, outside advice or counsel from people in private industry who might be involved with data bases and computer systems and sought their input into how you might better do your jobs?

Mr. HEBERT. No, I have not, sir.

Mr. TIERNEY. Colonel.

Colonel EVANS. Sir, not that I am aware of.

Mr. TIERNEY. Colonel.

Colonel MOSTERT. Sir, in the development of the data base systems that we do presently use, that was done with the assistance of advisors, subject matter experts on building data bases.

Mr. TIERNEY. Mr. Nierle.

Mr. NIERLE. Yes, Mr. Tierney, in the same way in the development of our current systems, the Improved Awards Processing System for the Marine Corps, a completely paperless system which

came online in 2001 and is still in use, is contracted out. Also, in the Navy, we also have the Navy Department Awards Web service which is another data base. Of course we have people under contract to continually improve those systems.

Mr. TIERNEY. Do the five of you from Mr. Hebert to Mr. Levins all join in the contention that having service-based systems are better than having one system, individual processes in each department or each Service? Mr. Hebert, we know you think that is a good idea. Colonel Evans?

Colonel EVANS. Yes, sir, I think the data base we currently have now and the ability of the Defense Records Information Retrieval System that NPRC uses, the National Personnel Records System, is sufficient.

Mr. TIERNEY. Colonel Mostert.

Colonel MOSTERT. Yes, sir, the records system that we have serves our needs and with DPRIS, we are able to provide information that is accessible outside of us. That is the entry point for outside agencies to access our information as well as the other information.

Mr. TIERNEY. Mr. Nierle.

Mr. NIERLE. Yes, Mr. Tierney, I do agree. Our systems were developed specifically for the way our forces are deployed around the world, the command structures that we employ within our Services and I think they do work better as separate systems because they are complete systems. They are not simply recordkeeping and data bases for lookups.

Mr. TIERNEY. Mr. Levins, do you think that should change or do you think it is fine the way it is?

Mr. LEVINS. I could only hazard a guess at how complex it might be to merge all the different systems together, but DoD has had great success in DPRIS which is a portal which will speak to each of those systems. I think the benefit could come from revisiting the issue of one stop shopping for veterans' records. Right now, our technicians are credentialed to use DPRIS and they are proficient at using DPRIS to access Army records, but they can't use the system to access records of the other Service departments.

When a potential employer writes to us for employment verification of a modern veteran who just got out of the Air Force, for example, we can't respond to that request if we don't have the record. We have to refer that to the Air Force. I think DPRIS could be further leveraged to create that one stop shop.

I think DPRIS provides great benefits to the veteran himself because there is the opportunity for self service but when it comes to third parties like potential employers, there is a lot of personal data in those records and not all of that personal data pertains to the veteran. It often pertains to other members of the military and it is not releasable. That needs to be carefully thought about as well. The character of service is not something that is releasable under the Freedom of Information Act.

Mr. TIERNEY. Who would be responsible for taking the lead and making those kinds of changes, Mr. Levins?

Mr. LEVINS. The Department of Defense, I would imagine.

Mr. TIERNEY. Mr. Hebert, would that fall under you or are we missing somebody here?

Mr. HEBERT. We are missing somebody here, sir. Basically, it is the individual Service's responsibility. Under statute, they are required to organize, train and equip. This is part of that function, the recordkeeping function, of the personnel records, personnel records being much more than just a reporting of history. It is an integral part of how individuals are developed, assigned and processed throughout their career.

Mr. TIERNEY. Who do we need at the table to try to look at and evaluate the recommendation Mr. Levins just made?

Mr. HEBERT. I will take it for action to go back and meet with the Services to discuss it further to determine whether or not there is viability in adopting an Army model, if you will, for the other Services.

Mr. TIERNEY. I wonder if we have the whole Joint Chiefs of Staff thing going on here. It doesn't seem to be working all that well in terms of coordination, does it?

Mr. Davis and Mr. Sterner, correct me if I am wrong, you each thought it would be important to have a list of recipients of a particular medal, who received it and when and particulars about it. Was that one of the points you raised, Mr. Sterner?

Mr. STERNER. That is my hot button, the awards. I think that is so critical. On the other hand, you are talking about a data base for immediately betting whether or not someone is a veteran who qualifies for a veteran's preference, I would like to point to a 2004 study done by NPRC looking into the feasibility of digitizing awards.

In that study, they found it would be impractical to digitize everything but reading from the executive summary from that, "Digitizing the key military separation document, the DD–214," that is what you are looking for, Mr. Chairman, "in every post-1947 file will yield a $4 million annual return on an $11.9 million investment." There is your data base done by NARA.

The problem with it is, of course, it is going to be incomplete because of the 1973 fire. The awards data base that I am calling for would fill in many of those gaps and would be a very, very complete system. With the system we have now in place, merging it all together would give you what you want and also give us that awards data base.

Mr. TIERNEY. Thank you.

Mr. CHAFFETZ. I recognize Mr. Braley for 5 minutes.

Mr. BRALEY. I want to thank the chairman and I want to apologize to our distinguished panelists. I was actually at Walter Reed this morning talking to a young Marine from my district who had both of his legs blown off in Afghanistan and is back for revision surgery. That and another event that is coming up in 10 days which has been on my bucket list for a long time have really put this whole hearing in perspective for me.

Mr. Sterner, you mentioned Saving Private Ryan in your opening remarks and the fictional character, Private Ryan, was from Peyton, Iowa. I live in Waterloo, Iowa where the five Sullivan brothers grew up. These are not abstract principles to us. In fact, when Ken Burns came out with his classic documentary on World War II, I called him the next day because he inaccurately described their hometown as being Clarksville, IA.

I am going in 10 days, to Iwo Jima with a World War II veteran from Waterloo who landed there with my father the day they raised both flags on Mount Suribachi. My dad has been gone for 31 years and it was only through accessing his records at the National Personnel Records Center that I was able to start to piece the story of his military history together for me and my family.

Yet, it is amazing as I prepared for this trip, I have also been researching a guy I knew in my tiny hometown of Brooklyn, Iowa named Harold Keller who was the second Marine to reach the summit of Mount Suribachi and is in the famous gung ho flag raising photograph taken that day. He slept under the flag that night.

I have been accessing data bases for people interested in that battle and you would be amazed at the number of people who claim to be in that photograph when in Jim Bradley's book, everybody is identified but two people. This underscores the nature and extent of the problem we are having.

We have 90-year-old veterans to whom being in that photograph is so important that they are claiming to be in it and there are many people claiming to be in it, then how do we protect people who are trying to preserve the integrity of sacrifice that these veterans have made when so many people are out there on eBay buying medals, buying citations because we desperately want to have some association with this valor? How do we get to the underlying problem of the demand for recognition that is causing all this problem? Mr. Davis. Mr. Sterner.

Mr. DAVIS. Sir, I think one of the initial issues is basically verification needs to be easy. That is why a searchable data base is easy to access by anybody with the Internet. Look it up at the library or whatever. What we are hearing here a little is turf war obviously because people like to protect what they own right now.

In the current state of the economy, stuff merges. Look at the commissary system. There is only one commissary system in the military now. There is only one accounting system in the military now. There is talk now on the Hill to merge the exchange systems and right now they are looking at possibly one Medical Command instead of three separate in the Army, Navy and Air Force.

I know this might not be the format to talk about this but one Human Resources Command entity under DoD or whatever is a possibility but having a data base that is easy, searchable is absolutely vital to this issue because regardless of what happens with the Supreme Court, this issue is going to remain.

Mr. BRALEY. On the form Mr. Chaffetz put up earlier, which is a form newer than the one I used to access my father's records, Mr. Chairman, I believe there were at least three options on there. If you were looking for a Marine Corps veteran's records, you would have no idea which of those options to select unless you had more sophisticated knowledge than is included on the form itself.

If ease of access and yet integrity of access are the things we are trying to preserve, I don't understand how that form gets us there. Mr. Sterner.

Mr. STERNER. Congressman Braley, first of all, Kelly Sullivan of Waterloo, Iowa, the only surviving granddaughter of the five Sullivan brothers is a good friend and she would love to hear your comments today.

With reference to Mr. Harold Keller, what most people don't realize, what many congressional staffers don't understand, there are approximately 350 large boxes at the Navy Yard here in Washington, DC, with 3 x 5 index cards. I go there every Friday and copy about 1,000 and take them back to my office and type them up. It is data entry, it is not rocket science.

I have estimated 12 data entry people in 1 year could type all of those into a data base. For that cost, we have all the awards to members of the U.S. Marine Corps, Coast Guard and Navy from inception of our awards system to present. It is vetted, it is from original source documents. I can type them quicker than you can OCR them because they are brief, so it is accurate. It would be a very simple matter to do this.

As to accuracy, DoD in their report in 2009 said in order to be functional, a data base must be 95 percent complete. I would challenge the Department of Defense to audit the data base the Military Times currently has with 13,500 DSC recipients, 7,000 Navy Cross recipients, 194 Air Force Cross recipients and fewer than 3,500 Medals of Honor and find that our data base is not 99 percent complete.

If we can do it with that, we have proven we can do it with the Silver Star and we can do it with the other awards. The chairman of the full committee mentioned Dwight Eisenhower. We don't just focus on valor awards. If we didn't include the Distinguished Service Medal, General Dwight Eisenhower would not be in the Hall of Valor. I think it is important we remember all of these awards.

Mr. BRALEY. Thank you.

I yield back.

Mr. CHAFFETZ. Thank you.

I sent a request to Secretary Panetta's office asking that they send one person to provide us information and they sent us four. I appreciate the gentlemen that are here but I have to tell you, we are fundamentally failing to fulfill this mission. The Pentagon is very mission oriented but this has gone on far too long.

Some of your testimony said that you get very few inquiries. If I just read your testimony or heard your testimony, I would be led to believe that everything is fine. It is not fine. It is not working. Let me give you an example, Colonel Mostert.

I had a situation where somebody presented some documentation and it was Mr. Sterner who pointed out it was probably false. My communication, the way I am supposed to do it, through the legislative liaison, the National Personnel Records Center, back on August 3 when they responded to me, the first sentence said, "The record needed to answer your inquiry is not in our files."

That wasn't good enough so I went back again. From the Department of Air Force, September 12th, "Unable to verify." I got another letter from November 29 from the Department of Air Force, "It appears his record is lost in transit." I went back again. Finally, on December 28th, the Department of Air Force said, "The documentation was not authentic."

As a sitting Member of Congress, with my own legislative liaison, that is the kind of response we get. I can only imagine what some employer in Florida, or pick any State, trying to go through this process, and Mr. Hebert, with all due respect, I don't believe that

our own military can go through this process sufficiently and find the answers they want about their family and about their own records.

When I had an opportunity to talk with Secretary Gates, I wanted to know about the military record of an injured service member who was being discharged and the transfer of his records from the military to the Veterans Department. It was taking over a year. The Secretary said, yes, that is about right. That is totally unacceptable.

These gentlemen, Mr. Davis and Mr. Sterner, are calling for what I think is entirely reasonable which is a data base where people can verify the medals they have earned. There is sensitivity to a lot of the personnel records that nobody should have access to other than maybe the service member and their spouse. I understand that.

Why can't we create a data base of people and what medals they have earned so it can be verified? To hear the four of you, including Mr. Levins, the five of you, you are good with the way it is. I think it is totally unacceptable. Again, explain to me, Mr. Nierle, let us start with you, what is wrong with what Mr. Davis and Mr. Sterner are saying? Why wouldn't we have one data base?

Mr. NIERLE. Mr. Chairman, to address your comment about the current veteran or recently discharged veteran, those individuals can go online and can access our systems to find out what awards they are entitled to. It is when you get into the person who was discharged prior to the electronic uploading of the systems that might be more involved.

The comments that have been made do understate the problem. Throughout history, as I mentioned in my statement, the methods of recordkeeping have evolved, there are different forms, different media being used. The number of awards, as Mr. Sterner just said, you won't stop at this award and that award, so effectively we are talking about potentially going back in history and trying to record all awards ever awarded.

Mr. CHAFFETZ. Isn't that worth doing?

Mr. NIERLE. That is immense.

Mr. CHAFFETZ. It is hard for me to believe we are in 2012 and there are still some questions as to whether or not we would do that. Are you advocating we not do that?

Mr. NIERLE. As we have said, in a perfect world, for example, he addressed the cards on file at the Navy Yard. They are imaged as well, we have them on microfilm and we search them routinely. To type in all those cards, to have those in a data base readily available would be of some benefit. The question would be is the cost worth that benefit?

Mr. CHAFFETZ. In the U.S. Congress, per legislation, the directive, we routinely award what would amount to billions of dollars in contracts and preferences to people for their military service. We have employers from coast to coast all the time who are wanting to employ people who have achieved these medals and it is not some guy in a bar trying to impress a woman that I am worried about. This is a serious problem. We are talking about billions of dollars and the integrity of those who truly did earn their awards.

My time has expired. Mr. Davis or Mr. Sterner, do you care to comment?

Mr. STERNER. The issue that keeps being raised is the 1973 fire. The military is redundant in paperwork if nothing else. I have been calling for digitizing the index cards at the Navy Yard. I said 14 data entry people, 1 year, that is less than $1 million to have a complete data base. We could do all of the Purple Heart cards for the Navy and Marine Corps with probably four data entry people in 1 year.

The problem is with the Army because it was the Army and the Army Air Forces and U.S. Air Force records that burned in the fire. This is one volume of two that has the general orders for the 63rd Infantry Division in World War II. The sticky notes are the missing general orders. The Army, in their DoD report, talked about how many orders were lost. There are five missing general orders that I haven't found. I am sure we can find them.

These contain the citations for every member of that Division. There were approximately 100 Divisions in World War II that got any award under general orders—8,000 awards. To have a complete record of every award down to the Bronze Star and the Air medals, for this Division would be as difficult as typing up two of these books.

I have gone through both volumes and have typed up every Silver Star. Every time I do that, I skip through 10 pages of Bronze Stars, detailing the heroism of American soldiers in World War II. I skip over that, why, because the Bronze Star isn't important? Heck no—because I simply don't have the time and resources. I have to limit it to the Silver Star and above. It is there.

If you FOIA the men that are in this book, 90 percent of them will come back from Scott saying, we are sorry, the record burned in the fire, but you open the book and you read the Bronze Star and there is his name, service number, his unit, his military specialty. If he was an infantryman, that means he qualifies for a CIB now that we have vetted that was lost to history, his theater of action, now you know his campaign ribbons, the date he was in action. It may say he was attacking the machine gun nest, he was wounded, now we have evidence of a lost Purple Heart and at the very end, it has his hometown and home State, so you guys can remember locally your own local heroes. Why don't we do it? It is data entry.

Mr. CHAFFETZ. Go ahead, Mr. Davis.

Mr. DAVIS. Mr. Chairman, I am very, very grateful that there is at least one person and his wife with limited manpower, limited resources who wants to do this, who wants to make a difference to make this correction. They just want to take care of their own but they can't because they don't.

If you go on the Army Web site and all the Services list their Medal of Honor recipients. The Marine Corps is on the Navy Web site. From that down to the Cross recipients, the Silver Star is not there. You have press releases for external consumption, you have internal press releases for base newspapers around the country but there is no accounting of all these.

If you go into the Air Force's Air University, they have a list of Air Force Cross recipients but just for the enlisted folks who got

it. If you go to the Army War College, they have a listing of Army Medal of Honor recipients but their data base comes from the Congressional Medal of Honor Society which is a 501(3)(c) nonprofit. The military Services have to want to do it like Doug and Pam Sterner want to do it.

Mr. CHAFFETZ. Thank you.

My time has well expired here.

I recognize Mr. Platts for 5 minutes.

Mr. PLATTS. Thank you, Mr. Chairman.

I first want to thank you, the ranking member and your staffs for your focus on this very important issue in helping to ensure that we properly honor those who have served and don't allow others to wrongfully and dishonorably try to use the service of others to their own benefit.

I apologize, I have another hearing going on at the same time and a constituent is waiting for me. I don't have any questions other than to express thanks to all of you for your individual efforts and collective efforts of trying to help us rectify the problem and go forward in a positive way to make sure we do better in the future as a government and as a nation.

I think probably one of the things it is important to emphasize here is this isn't just about preventing individuals from wrongfully claiming veteran status or especially heroic status of those who have served in harms way, but it is also about protecting those who have served us because we know when individuals wrongly get the benefit, it takes money away from those who have properly and heroically earned the benefit.

Especially in difficult financial times as we are in today where every dollar counts, when we have people fraudulently benefiting from claiming veteran status and especially the status of service in harm's way, that means we are not doing as much as we could for those who are truly deserving of that assistance from our Nation that they earned through their heroic actions.

I thank each of you and appreciate the written testimony. As probably has been expressed here, all Members are trying to be in five places at once and not able to hear your oral testimony.

Mr. Chairman, to you and the ranking member, I certainly offer my assistance in working with you and the committee in any way I can to better properly identify and maintain a good data base. I think in your memorandum you highlight George Washington's quote. Throughout our Nation's history this has been an issue we have sought to address. Hopefully we can do better going forward. With your leadership, I am certain we will.

With that, I yield and again, say thanks to all of our witnesses.

Mr. CHAFFETZ. Thank you.

I now recognize the gentleman from Massachusetts, Mr. Tierney, for 5 minutes.

Mr. TIERNEY. Thank you. I won't use 5 minutes.

Colonel Evans, Colonel Mostert and Mr. Nierle, I have no doubt that you do a good job at what you do. I want to thank you for that, but I don't think that we should burden you with the notion that you are setting policy on this issue. Correct me if I am wrong, but I don't necessarily think you are thinking of the overall policy for the Department of Defense with respect to this recordkeeping.

I would like to have our staffs work together with the chairman's staff to identify with Mr. Hebert and Mr. Levins, who would be dealing with the policy on this issue because it needs to be revisited and we need to see a cost benefit analysis laid out with some specificity. The Department of Defense, for all the good it does for us on our national security, is the one agency that cannot pass an audit on this which gives us real reason to pause about whether or not we are doing things efficiently and appropriately.

With the Joint Chiefs of Staff, as I mentioned earlier, so many things were supposed to have been done efficiently and appropriately in terms of consolidation and as Mr. Davis said, this may be one area we should look at, why we have all the different Services doing this independently and differently. It certainly doesn't make us feel comfortable up here that it is being done the best way it could be.

Mr. Hebert, Mr. Levins, if you would just commit to working with the staffs on that. Maybe we can identify those people setting policy who can come before the committee and the chairman, if you might be interested in doing that, to find out what the policy is, to revisit what it ought to be and look at the cost benefit analysis of that. Maybe we can get some answers for not just Mr. Davis and Mr. Sterner, but for all of us.

Thank you. I yield.

Mr. CHAFFETZ. Thank you.

I think it is worth revisiting this March 2009 report, the report to the Senate and House Armed Services Committees on "A Searchable Military Valor Decorations Data base." In this report, one of the extracts here was "The more centralized the award authority, the more likely the applicable military department is to have a more accurate record of the awards whereas the opposite correlation is also true. The more decentralized the award authority, the less likely the applicable military department is to have an accurate award and accurate record."

It goes on to say, "The Defense Manpower Data Center estimates the cost of establishing a publicly accessible data base of valor award recipients is $250,000. The data base would include public access via the World Wide Web."

I really do believe with the hundreds of billions of dollars allocated to the Department of Defense, if there was a will, the Department of Defense would find a way to do it. I think this is a lack of leadership within the Pentagon. I am not pointing to a Democrat or a Republican. I am just saying the highest levels of the Department of Defense have to make this a priority or it won't happen.

The gentlemen sitting here today, I appreciate your service. You are doing what you are asked to do. I am not here blaming you individually but collectively, the Department of Defense is failing. They have failed to recognize the problem, they have failed to recognize the need, and they have never put forward a plan to solve this problem.

I can tell you as long as the people of Utah put me in this position, I will push the Department of Defense to do this. There is $250,000 in there somehow, somewhere to get this done. We will hold hearing after hearing if need be, but this is something that our Nation cares about. People are being ripped off, they are being

scammed and we owe it to the men and women who earned these awards to make sure there is a way to verify and recognize those people who truly did earn those awards.

I know I speak for Members on both sides of the aisle, this Congress will be committed to making this happen. I appreciate your dedication. I cannot thank Mr. Davis or Mr. Sterner enough, I thank the family that came here, and for those people who have gone through this nightmare of having their valor questioned, the people who have overstated it, I think we as a Congress have to have a commitment. I am committed to it and I hope that sooner rather than later, the Department of Defense is committed to it. This hearing is now concluded. We appreciate your service.

Thank you.

[Whereupon, at 11:27 a.m., the subcommittee was adjourned.]