

Testimony from Congressman Bill Johnson (OH-06)
House Armed Services NDAA Member Day Hearing
April 28, 2022

Chairman Smith, Ranking Member Rogers and distinguished members of the House Armed Services Committee:

Thank you for the opportunity to testify on my top priority for the Fiscal Year 23 National Defense Authorization Act.

First, I'd like you to imagine for a moment that you're the parent of a son or daughter who died while serving our great country. The anguish of losing a family member, let alone a child, is indescribable...I know that personally. And now I'd like you to imagine how it would feel should the personal effects – the last remaining possessions of your deceased child – are inexplicably lost...forever. Worse still, you're then told that you're on your own...that you must file a claim with a third-party vendor who was contracted by your deceased child's branch of service to delivery your child's personal effects to you...and hope for the best.

This is a true story of what actually happened to my constituents, the Ward family, when their son SPC Christian Ward died from a training accident while stationed at Fort Carson, CO. The contractor, hired by the Army, did not deliver many of Christian's belongings to his family. Rather than the Army accepting responsibility for the lost items, which were lost by a contractor the Army hired, the Ward family was told by the Army that it was the family's responsibility to file a claim and work with the third-party contractor. As a retired Air Force officer who served nearly 27 years in uniform, this is not how our Armed Forces should be treating grieving families whose son or daughter died protecting our freedoms. I was a commander when I was in the Air Force, and if I had been SPC Ward's commander, you can better believe, I would have been raising hell. You can delegate responsibility, but you can't delegate accountability. We can and must do better.

I introduced H.R. 3363, the SPC Christian Ward Act, to ensure that no other grieving military family experiences the unnecessary pain the Ward family did. The legislation is rather simple; it states that, in the event such personal property of a deceased military member is lost, damaged, or destroyed, the Secretary of that service is permitted to reimburse the family (or designated recipient) for the fair market value of the property, and also permits the Secretary to pursue a claim against the third party contractor. This ensures that the Department of Defense is responsible for working with the third-party contractor, rather than placing this tremendous burden upon the grieving family when they have so many other pressing concerns during a crisis time.

This legislation was actually included in the House-passed version of the FY22 NDAA, and I respectfully ask for its inclusion again in the FY23 NDAA. I'm grateful to my friend and Ohio colleague, Congressman Mike Turner, for offering an amended version of the SPC Christian

Ward Act during the Committee markup last September. The amendment was accepted by voice vote as part of an en bloc and was included in the base text of the bill, HR 4350, which passed the House on September 23, 2021.

Unfortunately, I learned last December after the negotiated conference report was released, that this language was stripped out of the final version of the NDAA. I have been told that the Senate removed the language due to concerns expressed by the Department of Defense. What the Department's exact concerns were? I don't know. They have, so far, no responded to my questions seeking clarification. But, I do know this! It is Congress – not the Department of Defense – that legislates. WE are the voice of the American people...that's the way representative government works. And, I strongly believe we must hold DoD accountable for contractors whom they hire, particularly when it involves the handling of personal effects from deceased servicemembers.

Thank you again for the opportunity to testify. It is my hope to work with you to fix what may seem like a small issue – the filing of a claim – but one that has a significant impact for our military families. The Ward family knows they will likely never receive Christian's belongings that were lost in transport, but they have made it their mission to ensure other grieving military families never go through this awful and unnecessary experience. I respectfully urge you to again include the amended text of the SPC Christian Ward Act in the FY23 NDAA.