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## COVID-19 Impact on Access to Military Service Records

Servicemembers and other constituents may require access to military service records for many reasons, including providing proof of service to obtain government benefits. During the Coronavirus Disease 2019 (COVID-19) pandemic, many federal agencies moved from on-site work to remote work status for the safety and health of employees. This shift impacted the workflows of the Department of Defense (DOD), Department of Veterans Affairs (VA), and the National Archives and Records Administration's (NARA's) National Personnel Records Center (NPRC), three agencies involved in processing veterans benefits claims.

VA has continued to process benefits claims, albeit at a slower pace and with delays. The NPRC reported that its employees were often unable to retrieve materials due to the vast majority of records being in paper form and requiring in-person access. This challenge led to backlogs in processing various VA claims and also led veterans, Veterans Service Organizations, and many Members of Congress to push for the digitization of military service records.

This In Focus provides information on the interaction of DOD, VA, and NPRC on records processing; quantifies the records request backlog and the impact of the COVID-19 pandemic on request responsiveness; and outlines administrative and legislative efforts to resolve the issue.

### Locating Records at DOD, VA, and NPRC

DOD, VA, and NPRC may hold relevant records for servicemembers and veterans, and the age of the record determines where the record is stored. The transfer of records between agencies and subsequent storage locations can have implications for locating materials needed to process veterans' benefits.

Generally, records created fewer than 62 years after the servicemember's separation from the military are under the purview of the DOD and sometimes VA. NARA takes custody of, or accessions, servicemember records more than 62 years old via the NPRC. The NPRC is the central repository for the federal government's military and civil service personnel-related records. The NPRC stores these documents permanently in accordance with the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and holds more than 4 million cubic feet of records, of which only 10% are digitized.

### "Duty to Assist" and Accessing Records

VA has an obligation to assist veterans in developing their claims for benefits through "Duty to Assist" (38 U.S.C. §5103A and 38 C.F.R. §3.159) provisions in federal law. The concept of "Duty to Assist" can apply to accessing records from either federal or nonfederal entities. This

obligation is typically used to assist a veteran filing a claim for disability compensation, disability pension, health care, or burial, among other VA benefits. Nonfederal entities can include current or former employers and private medical care providers. For a veteran's military personnel records, the federal entities most often involved are DOD or NPRC. Generally, DOD and NPRC will scan the records and send them to VA as they work to adjudicate a veteran's claim.

### Request Backlog

In a letter dated December 9, 2020, from the Archivist of the United States to Congress, NARA states that in a typical year the NPRC responds to 1.2 million records requests, most of which were completed within 10 days. Prior to the pandemic, NPRC reported that it could respond to about 6,300 requests from VA per week; during the pandemic, NPRC said it responded to an average of 2,500 VA requests per week.

Public reference records requests are those received by NPRC from veterans, servicemembers, and other constituents, whereas claims-specific records requests are those submitted by VA to NPRC. As of November 30, 2020, the Archivist indicated that the backlog totaled 381,000 public reference records requests, and in September 2020, the backlog of claims-specific records requests numbered 80,000.

As of August 5, 2021, VA noted that the backlog had increased to roughly 500,000 pending public reference records requests. However, as of the same date, VA's collaboration with NPRC (discussed below) had reduced the claims-specific records request backlog to 8,000.

### COVID-19's Effect on NPRC Staffing and Records Processing

In March 2020, NPRC closed due to COVID-19, keeping minimal staff on site to complete emergency requests. In October 2020, staff began to return to in-person work to process more requests, but on November 7, 2020, NPRC again closed due to a spike in COVID cases among staff. Following a gradual restoration of on-site staff, during the spring and summer of 2021, NPRC increased on-site staffing levels to 45% of its workforce, effective October 18, 2021.

Complicating the efforts to reduce the backlog of records requests is that the majority of records requested from NPRC are in paper form. As a result, staff must physically retrieve materials on-site and may not be able to maintain social distance. Digital service records, approximately 10% of NPRC's records, are limited in scope and are generally available only for those servicemembers who separated after 2002.

### Processing Emergency Requests

During the COVID-19 pandemic, NPRC staff are prioritizing emergency requests. Emergency requests are considered to be those involving burial honors for deceased veterans, life-threatening medical emergencies, homeless shelters seeking to gain admittance of a homeless veteran, and comparable emergencies. NARA notes that emergency requests may be submitted via the online eVetRecs portal, accessible at <https://www.archives.gov/veterans/military-service-records>.

### Administrative Efforts to Reduce Backlog

On May 10, 2021, NARA sent a letter to the Office of the Secretary of Defense requesting personnel support on a non-reimbursable basis to reduce the backlog of records requests at NPRC that was a result of COVID-19. The request for help included three elements:

1. “off-site sorting and batching of approximately 400,000 Official Military Personnel Folders (OMPF)” to prepare and refile at NPRC;
2. “on-site searching and retrieval of OMPFs to support eliminating a backlog of 500,000 public reference requests” from veterans and their survivors for records to assist in filing for VA benefit(s); and
3. “on-site digitization or photocopying of DD Forms 214 [servicemember discharge paperwork] from these records and the dispatch of reproductions.”

In addition, VA detailed 48 of the agency’s employees to NPRC specifically to service veterans’ records requests. With the additional staff, VA and NPRC created a joint work schedule with staggered employee shifts to allow for a total of 13 operational hours each day, including weekends. VA also entered into an inter-agency agreement with NPRC to use VA’s enterprise-wide mail system. NPRC is sending all “raw mail to a VA scanning vendor” that digitizes the documents and inputs them into a system that presents the documents to the correct VA office.

Due to these adjustments and support from VA, NPRC has significantly increased its number of weekly processing claims. According to NPRC Director Scott Levins, at the height of the pandemic, staff were able to process 2,500 requests per week, a significant decrease from the 6,300 requests per week prior to the pandemic. With the additional VA staff and longer work periods per day, NPRC has increased the number of processed requests to about 10,000 per week.

### Legislative Efforts to Reduce Backlog

Many efforts by stakeholders and Members of Congress to streamline the processing of records requests, exacerbated by the COVID-19 pandemic and limitations on physical retrieval of materials, have focused on the digitization of records.

A recent digitization effort undertaken by VA and NARA was in response to the Blue Water Navy Vietnam Veteran Act of 2019 (P.L. 116-23). VA and NARA entered into an agreement in August 2019 to digitize the deck logs of U.S. military vessels that served during the Vietnam War within the geographic locations specified in law. The project took

approximately one year to complete, with the final logs entered in VA’s specially created ship locator tool in September 2020. The project digitized approximately 29 million images from 1,800 vessels’ deck logs.

Through this effort, many Vietnam-era veterans (and their families if the veteran has died) can now resubmit information if their VA benefits were previously denied due to not having eligible “in country” service. VA claims processors are now able to enter the dates of service and the ship name into the ship locator tool, and it will determine whether the ship is within the boundaries set forth in P.L. 116-23.

### Appropriations and Funding

Congress appropriated \$50 million (to remain available until September 30, 2022) to NARA via the Records Center Revolving Fund in the 2021 Consolidated Appropriations Act (P.L. 116-260). The funding is to offset the loss of user fees not collected by the fund as a result of the pandemic. According to a letter to President Biden and the U.S. Archivist, as of April 5, 2021, \$15 million of this funding has been allocated to NPRC.

In the American Rescue Plan Act of 2021 (P.L. 117-2), Congress appropriated \$272 million to VA to mitigate the impacts of the pandemic on the benefits claims and appeals backlog. VA stated that it is using \$150 million “to expand the scope of Federal scanning to reduce claims processing delays and reduce the current claims backlog by half. In addition, VA will provide digital copies of all scanned records to NARA to help expedite pending and future requests for any Veteran records.”

Additionally, on July 26, 2021, a group of Representatives wrote the Archivist encouraging NARA to apply for funding through the Technology Modernization Fund to assist with clearing the records request backlog. For more information on this fund, see CRS Report R46877, *Federal Information Technology (IT) Budgeting Process in the Executive Branch: An Overview*, by Dominick A. Fiorentino.

### Issues for Congress

In light of these administrative and legislative efforts to resolve accessibility and timeliness concerns surrounding military records requests, Congress may consider the following additional questions:

- Is communication among DOD, VA, and NPRC sufficient? How can it be improved?
- Are staffing, technology, and funding levels aligned with the scope of the records management problem? How can monetary and professional resources be leveraged?
- How could Congress oversee DOD, VA, and NPRC records management processes?

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