

HR 3603 IH

101st CONGRESS

1st Session

H. R. 3603

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

IN THE HOUSE OF REPRESENTATIVES**November 7, 1989**

Mr. DENNY SMITH (for himself, Mr. SMITH of New Hampshire, Mrs. BENTLEY, Mr. HANSEN, Mr. JONES of North Carolina, Mr. LANCASTER, Mr. DONALD E. LUKENS, Mr. MCCLOSKEY, Mr. REGULA, Mr. ROWLAND of Connecticut, and Mr. SUNDQUIST) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION FROM WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM CONFLICT.

(a) INFORMATION TO BE DISCLOSED- Except as provided in subsection (b), the head of each department or agency which holds or receives any records and information, including live-sighting reports, which have been correlated or possibly correlated to United States personnel listed as prisoner of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict shall make available to the public all such records and information held or received by that department or agency. In addition, the Department of Defense shall make available to the public with its records and information a complete listing of United States personnel classified as prisoner of war, missing in action, or killed in action (body not returned) from World War II, the Korean conflict, and the Vietnam conflict. This listing shall include the current classification for each service member as well as any changes which may have occurred in the service member's classification during or after the conclusion of hostilities of World War II, the Korean conflict, and the Vietnam conflict.

(b) EXCEPTIONS TO SUBSECTION (a)- As follows:

(1) Does not apply with respect to information that would reveal sources and methods of intelligence collection that when released would compromise national security. By definition, the existence or possible existence of persons of American parentage in communist countries shall not be interpreted as compromising national security.

(2) No records or information, including fatality reports, which specifically mention a United States service member by name and does not correlate or possibly correlate to circumstances which may involve United States personnel listed as prisoner of war or missing in action shall be made available to the public without the expressed written consent of the closest living relative. This proscription in no way limits the access of that family member to the information. This authority may not be delegated to any other person or organization without express legal power of attorney from the closest living relative.

(c) DEADLINE- As follows:

(1) The head of each department or agency covered in subsection (a) shall make records and information available not later than one hundred and eighty days after the date of enactment of this Act.

(2) When the head of each department or agency covered in subsection (a) receives records and information after the date of enactment of this Act, such records and information shall be made available not later than one hundred and eighty days after it is received by the department or agency.

(d) EXCEPTIONS TO DEADLINE- If the head of a department or agency determines that release of certain records and information after the deadlines in subsection (c) will compromise the safety of United States personnel known or thought to be held prisoner of war, then such a determination once made must be immediately reported to and is subject to the review of the appropriate intelligence committees of the United States Congress and the President of the United States.

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