

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**33**

**OFFERED BY MR. PAPPAS OF NEW HAMPSHIRE**

At the end of subtitle F of title X, add the following  
new section:

1 **SEC. 10\_\_ . DECLASSIFICATION OF INFORMATION CON-**  
2 **CERNING UNITED STATES PERSONNEL CLAS-**  
3 **SIFIED AS PRISONER OF WAR OR MISSING IN**  
4 **ACTION DURING CERTAIN CONFLICTS.**

5 (a) DECLASSIFICATION OF INFORMATION.—

6 (1) IN GENERAL.—Except as provided in sub-  
7 section (b), the Secretary of Defense shall declassify  
8 any information referred to in paragraph (2), or, if  
9 such declassification is not possible, make such in-  
10 formation available to family members to review.

11 (2) INFORMATION COVERED.—

12 (A) IN GENERAL.—Paragraph (1) applies  
13 to any record, live-sighting report, or other in-  
14 formation in the custody of the Department of  
15 Defense that relates to the location, treatment,  
16 or condition of any POW/MIA from World War  
17 II, the Korean War, or the Vietnam War on or  
18 after the date on which such individual passed

1 from United States control into a status classi-  
2 fied as a prisoner of war or missing in action,  
3 as the case may be, until that individual is re-  
4 turned to United States control.

5 (B) POW/MIA DEFINED.—For purposes  
6 of this section, a POW/MIA from World War  
7 II, the Korean War, or the Vietnam War is any  
8 member of the Armed Forces or civilian em-  
9 ployee of the United States who was at any  
10 time classified as a prisoner of war or missing  
11 in action during World War II, the Korean  
12 War, or the Vietnam War and whose person or  
13 remains have not been returned to United  
14 States control.

15 (b) DECLASSIFICATION LIMITATION.—

16 (1) CONSENT REQUIREMENT.—

17 (A) IN GENERAL.—The Secretary of De-  
18 fense may not declassify a record or other infor-  
19 mation available to the public pursuant to sub-  
20 section (a) if the record or other information  
21 specifically mentions a person by name unless—

22 (i) in the case of a person who is alive  
23 (and not incapacitated) and whose where-  
24 abouts are known, that person expressly

1 consents in writing to the declassification  
2 of the record or other information; or

3 (ii) in the case of a person who is  
4 dead or incapacitated or whose where-  
5 abouts are unknown, a family member or  
6 family members of that person determined  
7 by the Secretary of Defense to be appro-  
8 priate for such purpose expressly consent  
9 in writing to the declassification of the  
10 record or other information.

11 (B) LIMITATION ON DELEGATION.—The  
12 authority of a person to consent to disclosure of  
13 a record or other information for the purposes  
14 of subparagraph (A) may be delegated to an-  
15 other person or an organization only by means  
16 of an express legal power of attorney granted  
17 by the person authorized by that paragraph to  
18 consent to the disclosure.

19 (2) EXCEPTIONS TO LIMITATION.—The limita-  
20 tion on disclosure in subparagraph (A) of paragraph  
21 (1) does not apply—

22 (A) in the case of a person who is dead or  
23 incapacitated or whose whereabouts are un-  
24 known if the family member or members of that  
25 person determined pursuant to such subpara-

1 graph cannot be located after a reasonable ef-  
2 fort; or

3 (B) to the access of an adult member of  
4 the family of a person to any record or informa-  
5 tion to the extent that the record or other infor-  
6 mation relates to that person.

7 (c) DEADLINES.—

8 (1) IN GENERAL.—In the case of records or  
9 other information that are required by subsection (a)  
10 to be declassified and that are in the custody of the  
11 Department of Defense on the date of the enactment  
12 of this Act, the Secretary shall declassify such  
13 records and other information pursuant to this sec-  
14 tion not later than three years after such date. Such  
15 records or other information shall be declassified as  
16 soon as a review carried out for the purposes of sub-  
17 section (b) is completed.

18 (2) AUTHORITY TO WITHHOLD.—If the Sec-  
19 retary of Defense determines that the declassifica-  
20 tion of any record or other information referred to  
21 in subsection (a) by the date required by paragraph  
22 (1) may compromise the safety of a POW/MIA who  
23 may still be alive in the area of conflict, then the  
24 Secretary may withhold that record or other infor-  
25 mation from the disclosure otherwise required by

1       this section. Whenever the Secretary makes a deter-  
2       mination under the preceding sentence, the Sec-  
3       retary shall immediately notify the President and  
4       Congress of that determination.

5       (d) COOPERATION WITH OTHER AGENCIES.—The  
6       Secretary of Defense shall work with the heads of other  
7       Federal departments and agencies to address the dispo-  
8       sition of records in possession of such agencies, including  
9       records received or discovered after the deadlines referred  
10      to in subsection (c).

