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August 20, 1996

Colonel John R. Niemela
1776 Wainwright Drive
Reston, Virginia 22090

Dear Colonel Niemela:

Thank you for your letter regarding deletion of the Missing Personnel Act provisions of the FY 1997 National Defense Authorization Act. I appreciate hearing from you.

It may interest you to know that I am a cosponsor of H.R. 4000 sponsored by Rep. Bob Dornan (R-CA) which would restore the provisions of chapter 76 of that title (relating to missing persons) that were deleted from the 1997 Defense Authorization bill. The bill has 255 cosponsors and has been referred to the National Security Committee.

As you may know, Senator John McCain (R-AZ) got the Missing In Action (MIA) provisions of the Defense Authorization bill deleted during conference. These provisions were part of the House defense bill that was sent to conference with the Senate to work out differences between the two bills. It was during this conference that Senator McCain, a Senate appointed conferee as a senior member of the Senate Armed Services committee, acted to gut the provisions dealing with MIAs. Normally, a senator on the Armed Services committee could get these provisions modified in committee or offer an amendment in the Senate to make changes they want. This would have required a Senate vote in committee or on the floor of the Senate. It is unusual for a member of congress to wait till committee and then insist on substantive changes to passed legislation, however, that is what happened in this case.

The FY 1997 Defense Authorization bill has passed the House by an overwhelming margin. For that reason, Rep. Dornan has offered a separate, free-standing bill to restore these provisions. It is my hope that we can move quickly to bring this bill to the floor for passage. There appears to be overwhelming support in the House for the bill. However, I would note, Senator McCain could place substantial obstacles in the way of this legislation in the Senate if he chooses to.

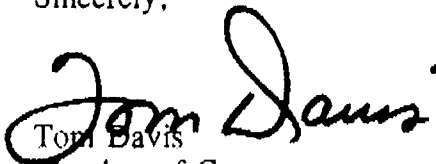
Be assured that I will be following this legislation closely and working for its passage.

Colonel John R. Niemela

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Again, thank you for writing, and I hope that you will continue to let me know how you feel about this or any other issue of importance to you.

Sincerely,


Tom Davis
Member of Congress

TMD:cah

THE POW/MIA PROTECTION ACT

Restores the following provisions of the Missing Service Personnel Act of 1996 (P.L. 104-106):

- * Section 1502 (a). Designates a period of not longer than 10 days for a unit commander to report to the theater commander that a person is missing.
- * Section 1502 (b). The theater commander, after receiving a report from a unit commander that a person is missing, has fourteen days to forward a report to the Secretary concerned to ensure that all necessary actions were taken and all appropriate assets were used to resolve the status of the missing person, and that all pertinent information was safeguarded.
- * Section 1505 (b). For missing persons last known or suspected of being alive, a board of review will be convened every three years after the initial report of disappearance.
- * Section 1506 (c). Penalizes any government official who knowingly and willfully withholds information related to the disappearance, whereabouts or status of a missing person from his case file.
- * Section 1507. Prevents a missing service person from being declared dead without credible proof or requires that if a body is recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is the missing person.
- * Section 1513 (b). Permits civilian Defense Department employees, who serve with or accompany the armed forces in the field under orders, who become missing as a result of hostile action to be covered by the Act.