

104TH CONGRESS
1ST SESSION

H. R. 2174

To establish the Commission on Missing-in-Action and Prisoners of War
in Southeast Asia.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1995

Mr. STUPAK introduced the following bill; which was referred to the
Committee on International Relations

A BILL

To establish the Commission on Missing-in-Action and
Prisoners of War in Southeast Asia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Miss-
5 ing-in-Action and Prisoners of War in Southeast Asia
6 Act”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8 There is established a commission to be known as the
9 Commission on Missing-in-Action and Prisoners of War

1 in Southeast Asia (in this Act referred to as the “Commis-
2 sion”).

3 **SEC. 3. MEMBERSHIP OF COMMISSION.**

4 (a) NUMBER AND APPOINTMENT.—The Commission
5 shall be composed of seven members as follows:

6 (1) One individual appointed by the President
7 from among the general public who shall serve as
8 Chairperson of the Commission.

9 (2) One individual appointed by the President
10 pro tempore of the Senate from among Members of
11 the Senate.

12 (3) One individual appointed by the Speaker of
13 the House of Representatives from among Members
14 of the House of Representatives.

15 (4) Two individuals appointed by the President
16 who are members of the immediate family of United
17 States personnel who remain not accounted for as a
18 result of service in the Armed Forces or other Fed-
19 eral Government service in Southeast Asia during
20 the Vietnam era.

21 (5) One individual appointed by the Secretary
22 of Defense from among officers or employees of the
23 Department of Defense.

1 (6) One individual appointed by the Secretary
2 of State from among officers or employees of the
3 Department of State.

4 (b) TERMS.—The term of office for a member of the
5 Commission shall be the life of the Commission.

6 (c) VACANCIES.—A vacancy in the Commission shall
7 be filled in the manner in which the original appointment
8 was made.

9 (d) COMPENSATION.—

10 (1) RATE OF PAY.—Except as provided in para-
11 graph (2), each member of the Commission shall
12 serve without pay or benefits.

13 (2) TRAVEL EXPENSES.—Each member of the
14 Commission may receive travel expenses, including
15 per diem in lieu of subsistence, in accordance with
16 sections 5702 and 5703 of title 5, United States
17 Code.

18 (e) QUORUM.—A majority of the members of the
19 Commission shall constitute a quorum.

20 (f) MEETINGS.—

21 (1) IN GENERAL.—The Commission shall meet
22 at the call of the Chairperson or a majority of its
23 members.

1 (2) INITIAL MEETING.—The Commission shall
2 hold its initial meeting not later than 60 days after
3 the date on which appointments are completed.

4 **SEC. 4. DUTIES OF COMMISSION.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Commission shall con-
7 duct a comprehensive study of the efforts made by
8 the government of Vietnam to account for any
9 United States personnel who remain not accounted
10 for as a result of service in the Armed Forces or
11 other Federal Government service in Southeast Asia
12 during the Vietnam era.

13 (2) MATTERS STUDIED.—The matters studied
14 by the Commission shall include—

15 (A) efforts of the POW/MIA task force of
16 the Department of Defense to dispose of the
17 “discrepancy” cases involving 55 individuals
18 who were known to be alive on the ground dur-
19 ing the Vietnam era but who did not return to
20 the United States;

21 (B) efforts of the government of the
22 United States to account for any United States
23 personnel who remain not accounted for as a
24 result of service in the Armed Forces or other

1 Federal Government service in Southeast Asia
2 during the Vietnam era; and

3 (C) efforts of the governments of Vietnam,
4 Laos, Cambodia, and the People's Republic of
5 China, to account for any United States person-
6 nel who remain not accounted for as a result of
7 service in the Armed Forces or other Federal
8 Government service in Southeast Asia during
9 the Vietnam era.

10 (b) REPORT.—Not later than January 1, 1997, the
11 Commission shall submit to Congress a report on its find-
12 ings and recommendations.

13 **SEC. 5. POWERS OF COMMISSION.**

14 (a) HEARINGS AND SESSIONS.—The Commission
15 may, for the purpose of carrying out this Act, hold hear-
16 ings, sit and act at times and places, take testimony, and
17 receive evidence as the Commission considers appropriate.
18 The Commission may administer oaths or affirmations to
19 witnesses appearing before it.

20 (b) OBTAINING OFFICIAL DATA.—The Commission
21 may secure directly from any Federal agency information
22 necessary to enable it to carry out this Act. Upon request
23 of the Chairperson or Vice Chairperson of the Commis-
24 sion, the head of the agency shall provide the information
25 to the Commission.

1 (c) ADMINISTRATIVE SUPPORT SERVICES.—At the
2 request of the Commission, the Administrator of General
3 Services shall provide to the Commission, on a reimburs-
4 able basis, the administrative support services necessary
5 for the Commission to carry out its responsibilities under
6 this Act.

7 **SEC. 6. STAFF OF COMMISSION.**

8 (a) STAFF.—The Commission may appoint and fix
9 the compensation of such staff as the Commission consid-
10 ers necessary to perform its duties.

11 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—The staff of the Commission may be appointed
13 without regard to the provisions of title 5, United States
14 Code, governing appointments in the competitive service,
15 and may be paid without regard to the provisions of chap-
16 ter 51 and subchapter III of chapter 53 of that title relat-
17 ing to classification and General Schedule pay rates, ex-
18 cept that the rate of pay for such staff may not exceed
19 the rate of basic pay under the General Schedule for posi-
20 tions above GS-15.

21 (c) EXPERTS AND CONSULTANTS.—The Commission
22 may procure temporary and intermittent services under
23 section 3109(b) of title 5, United States Code, at rates
24 for individuals which do not exceed the daily equivalent

1 of the annual rate of basic pay under the General Schedule
2 for positions above GS-15.

3 **SEC. 7. TERMINATION OF COMMISSION.**

4 The Commission shall terminate 90 days after the
5 date of the submission of its report under section 4(b).

6 **SEC. 8. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) not later than 90 days after the date of re-
9 ceipt of the report under section 4(b), the appro-
10 priate committees of Congress should initiate hear-
11 ings to consider the findings and recommendations
12 of the report; and

13 (2) the appropriate committees should consider
14 whether to adopt a resolution stating the sense of
15 Congress on whether diplomatic relations between
16 the United States and Vietnam should be main-
17 tained.

○