



Bring Our Heroes Home Act

Background:

The existing process for families of Missing Armed Forces Personnel to recover records related to their relatives' service and potential whereabouts is extremely cumbersome and time intensive. It is often unclear what executive agency is in possession of the record and the process for declassifying the records can take years. Family members are often forced to file Freedom of Information Act requests to retrieve any existing information about their relatives. In addition to the resources and time that families must dedicate to locate these records, the declassification process often results in records that are substantially redacted even if the information is decades old.

In the past, Congress has created special collections to identify and disclose records of particular importance. The President John F. Kennedy (JFK) Assassination Records Collection Act, which passed in 1992, created a central depository for the collection of records related to JFK's assassination. More recently, Congress passed and the President signed into law the Civil Rights Cold Case Records Collection Act requiring the National Archive to create a collection of government documents related to civil rights cold cases.

This legislation builds on that precedent by creating a collection of Missing Armed Forces Personnel records to help families identify their lost loved ones.

Summary:

The bill would ensure that all Missing Armed Forces Personnel records are accounted for by the executive agencies in possession of them, quickly reviewed by an independent review board to determine if they may be declassified, and deposited into a collection at the National Archives for families to easily access.

The bill would establish a Missing Armed Forces Personnel Records Collection at the National Archives and require executive agencies to identify, locate and transmit any Missing Armed Forces Personnel records in their possession to the National Archives for placement in the collection. Any record that an executive agency attempts to withhold because it contains classified information would be sent to a review board established under the legislation. That review board would consist of five individuals appointed by the President and confirmed by the Senate who would determine whether the release of the record should be postponed due to concerns regarding classified materials.

Records that are less than 25 years old at the time of review by the National Archives are subject to strict criteria for declassification under the legislation due to the increased risk that they may contain sensitive classified material. Records older than 25 years at the time they are reviewed would be subject to less stringent declassification criteria allowing for greater efficiency and transparency in disclosing the records.