

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 209 POW/MIA
SPONSOR(S): Fiorentino
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Veterans' & Military Affairs (Sub)</u>	_____	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This memorial urges the United States Congress to provide the Florida Department of Veterans' Affairs (DVA) and members of the immediate family with information available to the U.S. Government regarding any Florida resident who is classified as a United States Prisoner of War/Missing in Action (POW/MIA). Upon official notification that a Florida resident is so classified, the DVA may commence official action to ascertain information regarding the POW/MIA's well-being and endeavor to bring about his or her safe return to the United States.

No state revenues or expenditures are required by this memorial.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

A memorial is used when the legislature wishes to speak to the Federal Government.

According to the Florida Department of Veterans’ Affairs there are currently over 78,000 persons missing from World War II, over 8,000 persons missing from the Korean War, over 120 persons missing from the Cold War and over 1,900 persons missing from the Vietnam War.

The federal agency tasked by Congress to deal with the POW/MIA issue is the Defense Prisoner of War/Missing Personnel Office (DPMO) within the Department of Defense (DoD).

The DPMO exercises policy, control, and oversight within the DoD of the entire process of investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion), coordinates for DoD with other departments and agencies of the U.S. on all matters concerning missing persons, and establishes procedures to be followed by DoD boards of inquiry and by officials reviewing the reports of such boards (Missing Persons Act).

Many DoD groups external to DPMO play critical roles in achieving the fullest possible accounting. They bring together many different specialties and perform the majority of DPMO’s field work.

- The Armed Forces DNA Identification Laboratory (AFDIL) performs DNA testing. This includes mitochondria DNA typing. Their work helps identify remains recovered from all conflicts. They also support other groups outside of DoD when tasked.
- The Central Identification Laboratory, Hawaii (CILHI) has a worldwide mission. Their people search for, recover, and identify remains of Americans who die while serving our nation. When directed, they support civil humanitarian missions and provide technical assistance on recovering and identifying remains.
- Joint Task Force – Full Accounting (JTF-FA) works to resolve cases from the Vietnam War. Their search teams conduct operations including analysis, investigations, archival research, and recovery operations (in close cooperation with CILHI) in Vietnam, Laos, and Cambodia.
- The Defense Intelligence Agency (DIA) maintains a program dedicated solely to Vietnam War accounting, commonly referred to as “Stony Beach.” This team of experts provides direct support to Joint Task Force-Full Accounting and DPMO by interviewing people in Vietnam, Laos, Cambodia, and the United States. They investigate both “last known alive” cases and first-hand “live sighting” reports. Their work contributes to the oral history program.

- The Life Science Equipment Laboratory (LSEL) provides scientific analysis of aircraft and military equipment recovered at loss sites to help determine if an individual survived or died.
- The service casualty offices (SCOs) serve as primary liaison between the family and all other government groups involved in POW/MIA accounting. The Secretaries of the Military Departments maintain offices for each military service as the focal point on all casualty matters while the Department of State handles matters on missing civilians.

The number one priority of the U.S. government is “live recovery.” American service personnel are deployed globally, resulting in our need to bring our men and women home alive anytime, anywhere. As previously mentioned, DPMO provides policy oversight for the mission to recover captured, missing, or isolated men and women placed in harm’s way while serving our Nation in hostile situations. These actions, defined as “personnel recovery,” are the sum of military, civil, and political acts needed to gain the release or rescue of our men and women.

Effect of Proposed Changes:

This memorial urges the U.S. Congress to provide the State of Florida with any available information regarding a Florida resident classified as a U.S. POW/MIA. The memorial provides that upon notification that a Florida resident is classified as a POW/MIA, the State of Florida will attempt to ascertain information regarding the POW/MIA, and endeavor to bring about his/her safe return to the U.S.

C. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Comments:

Although the mission of the Florida Department of Veterans' Affairs is to advocate for Florida's veterans, the Department does not believe they are in a position to play an effective role in the recovery of POW/MIA's as described in this memorial bill.

The Department is currently working with the DPMO to assist in the identification of un-located family members. This will allow DPMO to ask eligible family members to provide a blood sample to keep on file at the AFDIL in the event it is needed in the identification process. Locating family members is also necessary to comply with Public Law 50 U.S.C. Section 435. The law requires the DoD to consult with the primary next-of-kin to determine if the information pertaining to the treatment, location, or condition of their loved one can be released to the public.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A strike-all amendment has been offered by Representative Fiorentino, recognizing that the Department is currently working with the Defense Prisoner of War/Missing Personnel Office (DPMO) within the Department of Defense (DoD) to assist in the identification of unlocated family members. Locating family members is also necessary to comply with Public Law 50 U.S.C. Section 435. The law requires that the DoD consult with the Primary Next of kin to determine if the information pertaining to the treatment, location, or condition of their loved one can be released to the public.

Although the mission of the Department is to advocate for Florida's veterans, the Department does not believe they are in a position to play an effective role in the recovery of POW/MIA's as described in this memorial, as filed.

Therefore, this amendment provides that the Florida Department of Veterans' Affairs play a supporting role to the DPMO within the DoD.