

ployee of the Department of Defense described in subparagraph (B)(i); and

“(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board’s inquiry to the number of civilians who are subjects of the board’s inquiry.”

Subsec. (d)(4), Pub. L. 104-201, § 578(a)(3)(B), substituted “section 1503(c)(3)” for “section 1503(c)(4)”.

§ 1505. Further review

(a) **SUBSEQUENT REVIEW.**—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

(b) **FREQUENCY OF SUBSEQUENT REVIEWS.**—The Secretary concerned shall conduct inquiries into the whereabouts and status of a person under subsection (a) upon receipt of information that may result in a change of status of the person. The Secretary concerned shall appoint a board to conduct such inquiries.

(c) **ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.**—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the Secretary of Defense.

(2) Upon receipt of information under paragraph (1), the Secretary of Defense shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person’s counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

(3) The Secretary of Defense, with the advice of the missing person’s counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

(d) **CONDUCT OF PROCEEDINGS.**—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

(Added Pub. L. 104-106, div. A, title V, § 569(b)(1), Feb. 10, 1996, 110 Stat. 345; amended Pub. L. 104-201, div. A, title V, § 578(c), Sept. 23, 1996, 110 Stat. 2536; Pub. L. 113-291, div. A, title IX, § 916(c), Dec. 19, 2014, 128 Stat. 3478; Pub. L. 114-328, div. A, title IX, § 953(b), Dec. 23, 2016, 130 Stat. 2376.)

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-328 substituted “Secretary of Defense” for “designated Agency Director” in pars. (1), (2), and (3).

2014—Subsec. (c)(1). Pub. L. 113-291, § 916(c)(1), substituted “the designated Agency Director” for “the office established under section 1501 of this title”.

Subsec. (c)(2), (3). Pub. L. 113-291, § 916(c)(2), substituted “designated Agency Director” for “head of the office established under section 1501 of this title”.

1996—Subsec. (b). Pub. L. 104-201 reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

“(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

“(B) not later than every three years thereafter.

“(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

“(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

“(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

“(B) if, before the end of such 30-year period, the missing person is accounted for.”

§ 1506. Personnel files

(a) **INFORMATION IN FILES.**—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

(b) **CLASSIFIED INFORMATION.**—(1) The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

(A) A notice that the withheld information exists.

(B) A notice of the date of the most recent review of the classification of the withheld information.

(2)(A) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to the primary next of kin, members of the immediate family, and the previously designated person of all missing persons from the conflict or period of war to which the classified information pertains.

(B) For purposes of subparagraph (A), information shall be considered to be made reasonably accessible if placed in a separate and distinct file that is available for review by persons specified in subparagraph (A) upon the request of any such person either to review the separate file or to review the personnel file of the missing person concerned.

(c) **PROTECTION OF PRIVACY.**—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.