

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4435  
OFFERED BY MR. NUGENT OF FLORIDA**

At the end of title IX, add the following new section:

1 **SEC. 923. MODIFICATIONS TO REQUIREMENTS FOR AC-**  
2 **COUNTING FOR MEMBERS OF THE ARMED**  
3 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
4 **VILIAN EMPLOYEES LISTED AS MISSING.**

5 (a) DESIGNATION OF OFFICER.—Section 1501(a) of  
6 title 10, United States Code, is amended—

7 (1) in the subsection heading, by striking  
8 “PERSONNEL” and inserting “PERSONS”;

9 (2) by striking paragraph (2);

10 (3) by designating the second sentence of para-  
11 graph (1) as paragraph (2); and

12 (4) by striking the first sentence of paragraph  
13 (1) and inserting the following:

14 “(A) The Secretary of Defense shall designate  
15 a single organization within the Department of De-  
16 fense to have responsibility for Department of De-  
17 fense matters relating to missing persons, including  
18 accounting for missing persons and persons whose

1 remains have not been recovered from the conflict in  
2 which they were lost.

3 “(B) The organization designated under this  
4 paragraph shall be a Defense Agency or other entity  
5 of the Department of Defense outside the military  
6 departments and is referred to in this chapter as the  
7 ‘designated Defense Agency’.

8 “(C) The head of the organization designated  
9 under this paragraph is referred to in this chapter  
10 as the ‘designated Agency Director’.”.

11 (b) RESPONSIBILITIES.—Paragraph (2) of such sec-  
12 tion, as designated by subsection (a)(3), is amended—

13 (1) in the matter preceding subparagraph (A),  
14 by striking “the official designated under this para-  
15 graph shall include—” and inserting “the designated  
16 Agency Director shall include the following:”

17 (2) by capitalizing the first letter of the first  
18 word of each of subparagraphs (A), (B), (C), and  
19 (D);

20 (3) by striking the semicolon at the end of sub-  
21 paragraph (A) and inserting a period;

22 (4) in subparagraph (B)—

23 (A) by inserting “responsibility for” after  
24 “as well as the”; and

1 (B) by striking “; and” at the end and in-  
2 serting a period; and

3 (5) by adding at the end the following new sub-  
4 paragraph:

5 “(E) The establishment of a means for commu-  
6 nication between officials of the designated Defense  
7 Agency and family members of missing persons, vet-  
8 erans service organizations, concerned citizens, and  
9 the public on the Department’s efforts to account  
10 for missing persons, including a readily available  
11 means for communication of their views and rec-  
12 ommendations to the designated Agency Director.”.

13 (c) CONFORMING AMENDMENTS.—Such section is  
14 further amended—

15 (1) in paragraph (3), by striking “the official  
16 designated under paragraphs (1) and (2)” and in-  
17 serting “the designated Agency Director”; and

18 (2) in paragraphs (4) and (5), by striking “The  
19 designated official” and inserting “The designated  
20 Agency Director”.

21 (d) RESOURCES.—Such section is further amended  
22 by striking paragraph (6).

23 (e) PUBLIC-PRIVATE PARTNERSHIPS AND OTHER  
24 FORMS OF SUPPORT.—Chapter 76 of such title is amend-

1 ed by inserting after section 1501 the following new sec-  
2 tion:

3 **“§ 1501a. Public-private partnerships; other forms of**  
4 **support**

5 “(a) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-  
6 retary of Defense may enter into arrangements known as  
7 public-private partnerships with appropriate entities out-  
8 side the Government for the purposes of facilitating the  
9 activities of the designated Defense Agency. The Secretary  
10 may only partner with foreign governments or foreign en-  
11 tities with the concurrence of the Secretary of State. Any  
12 such arrangement shall be entered into in accordance with  
13 authorities provided under this section or any other au-  
14 thority otherwise available to the Secretary. Regulations  
15 prescribed under subsection (e)(1) shall include provisions  
16 for the establishment and implementation of such partner-  
17 ships.

18 “(b) ACCEPTANCE OF VOLUNTARY PERSONAL SERV-  
19 ICES.—The Secretary of Defense may accept voluntary  
20 services to facilitate accounting for missing persons in the  
21 same manner as the Secretary of a military department  
22 may accept such services under section 1588(a)(9) of this  
23 title.

24 “(c) SOLICITATION OF GIFTS.—Under regulations  
25 prescribed under this chapter, the Secretary may solicit

1 from any person or public or private entity, for the use  
2 and benefit of the activities of the designated Defense  
3 Agency, a gift of information and data, books, manu-  
4 scripts, other documents, and artifacts.

5 “(d) USE OF DEPARTMENT OF DEFENSE PERSONAL  
6 PROPERTY.—The Secretary may allow a private entity to  
7 use, at no cost, personal property of the Department of  
8 Defense to assist the entity in supporting the activities  
9 of the designated Defense Agency.

10 “(e) REGULATIONS.—

11 “(1) IN GENERAL.—The Secretary of Defense  
12 shall prescribe regulations to implement this section.

13 “(2) LIMITATION.—Such regulations shall pro-  
14 vide that solicitation of a gift, acceptance of a gift  
15 (including a gift of services), or use of a gift under  
16 this section may not occur if the nature or cir-  
17 cumstances of the solicitation, acceptance, or use  
18 would compromise the integrity, or the appearance  
19 of integrity, of any program of the Department of  
20 Defense or any individual involved in such pro-  
21 gram.”.

22 (f) SECTION 1505 CONFORMING AMENDMENTS.—  
23 Section 1505(e) of such title is amended—

1 (1) in paragraph (1), by striking “the office es-  
2 tablished under section 1501 of this title” and in-  
3 serting “the designated Agency Director”; and

4 (2) in paragraphs (2) and (3), by striking  
5 “head of the office established under section 1501 of  
6 this title” and inserting “designated Agency Direc-  
7 tor”.

8 (g) SECTION 1509 AMENDMENTS.—Section 1509 of  
9 such title is amended—

10 (1) by striking “**PREENACTMENT**” in the sec-  
11 tion heading;

12 (2) in subsection (b)—

13 (A) in the subsection heading, by striking  
14 “PROCESS”;

15 (B) in paragraph (1), by striking “POW/  
16 MIA accounting community” and inserting  
17 “through the designated Agency Director”;

18 (C) by striking paragraph (2); and

19 (D) by adding at the end the following new  
20 paragraph (2):

21 “(2)(A) The Secretary shall assign or detail to the  
22 designated Defense Agency on a full-time basis a senior  
23 medical examiner from the personnel of the Armed Forces  
24 Medical Examiner System. The primary duties of the med-  
25 ical examiner so assigned or detailed shall include the

1 identification of remains in support of the function of the  
2 designated Agency Director to account for unaccounted  
3 for persons covered by subsection (a).

4 “(B) In carrying out functions under this chapter,  
5 the medical examiner so assigned or detailed shall report  
6 to the designated Agency Director.

7 “(C) The medical examiner so assigned or detailed  
8 shall—

9 “(i) exercise scientific identification authority;

10 “(ii) establish identification and laboratory pol-  
11 icy consistent with the Armed Forces Medical Exam-  
12 iner System; and

13 “(iii) advise the designated Agency Director on  
14 forensic science disciplines.

15 “(D) Nothing in this chapter shall be interpreted as  
16 affecting the authority of the Armed Forces Medical Ex-  
17 aminer under section 1471 of this title.”.

18 (3) in subsection (d)—

19 (A) by inserting “; CENTRALIZED DATA-  
20 BASE” in the subsection heading after “FILES”;  
21 and

22 (B) by adding at the end the following new  
23 paragraph:

24 “(4) The Secretary of Defense shall establish and  
25 maintain a single centralized database and case manage-

1 ment system containing information on all missing per-  
2 sons for whom a file has been established under this sub-  
3 section. The database and case management system shall  
4 be accessible to all elements of the Department of Defense  
5 involved in the search, recovery, identification, and com-  
6 munications phases of the program established by this sec-  
7 tion.”; and

8 (4) in subsection (f)—

9 (A) in paragraph (1)—

10 (i) by striking “establishing and”; and

11 (ii) by striking “Secretary of Defense  
12 shall coordinate” and inserting “designated  
13 Agency Director shall ensure coordina-  
14 tion”;

15 (B) in paragraph (2)—

16 (i) by inserting “staff” after “Na-  
17 tional Security Council”; and

18 (ii) by striking “POW/MIA accounting  
19 community”; and

20 (C) by adding at the end the following new  
21 paragraph:

22 “(3) In carrying out the program, the des-  
23 ignated Agency Director shall coordinate all external  
24 communications and events associated with the pro-  
25 gram.”.



1 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) CROSS-REFERENCE CORRECTION.—Section  
3 1513(1) of such title is amended by striking “sub-  
4 section (b)” in the last sentence and inserting “sub-  
5 section (c)”.

6 (2) TABLE OF SECTIONS.—The table of sections  
7 at the beginning of chapter 76 of such title is  
8 amended—

9 (A) by inserting after the item relating to  
10 section 1501 the following new item:

“1501a. Public-private partnerships; other forms of support.”; and

11 (B) in the item relating to section 1509, by  
12 striking “preenactment”.

