

**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 (f)(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) COOPERATIVE AGREEMENTS AND GRANTS.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 may enter into a cooperative agreement with, or
8 make a grant to, a private entity for purposes re-
9 lated to support of the activities of the designated
10 Defense Agency.

11 “(2) INAPPLICABILITY OF CERTAIN CONTRACT
12 REQUIREMENTS.—Notwithstanding chapter 63 of
13 title 31, an agreement under this subsection that is
14 a cooperative agreement or a grant may be used to
15 acquire property or services for the direct benefit or
16 use of the United States Government. Notwith-
17 standing section 2304(k) of this title, the Secretary
18 may enter such cooperative agreements or grants on
19 a sole source basis pursuant to section 2304(c)(5) of
20 this title.

21 “(e) USE OF DEPARTMENT OF DEFENSE PERSONAL
22 PROPERTY.—The Secretary may allow a private entity to
23 use, at no cost, personal property of the Department of
24 Defense to assist the entity in supporting the activities
25 of the designated Defense Agency.

1 “(f) REGULATIONS.—

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

4 “(2) LIMITATION.—Such regulations shall pro-
5 vide that solicitation of a gift, acceptance of a gift
6 (including a gift of services), or use of a gift under
7 this section may not occur if the nature or cir-
8 cumstances of the solicitation, acceptance, or use
9 would compromise the integrity, or the appearance
10 of integrity, of any program of the Department of
11 Defense or any individual involved in such program.

12 “(g) DEFINITIONS.—In this section:

13 “(1) COOPERATIVE AGREEMENT.—The term
14 ‘cooperative agreement’ means an authorized cooper-
15 ative agreement as described in section 6305 of title
16 31.

17 “(2) GRANT.—The term ‘grant’ means an au-
18 thorized grant as described in section 6304 of title
19 31.”.

20 (f) SECTION 1505 CONFORMING AMENDMENTS.—
21 Section 1505(c) of such title is amended—

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

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

5 (g) SECTION 1509 AMENDMENTS.—Section 1509 of
6 such title is amended—

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

9 (2) in subsection (b)—

10 (A) in the subsection heading, by striking
11 “PROCESS”;

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

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

16 (D) by adding at the end the following new
17 paragraph (2):

18 “(2)(A) The Secretary shall assign or detail to the
19 designated Defense Agency on a full-time basis a senior
20 medical examiner from the personnel of the Armed Forces
21 Medical Examiner System. The primary duties of the med-
22 ical examiner so assigned or detailed shall include the
23 identification of remains in support of the function of the
24 designated Agency Director to account for unaccounted
25 for persons covered by subsection (a).

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

4 “(C) The medical examiner so assigned or detailed
5 shall—

6 “(i) exercise scientific identification authority;

7 “(ii) establish identification and laboratory pol-
8 icy consistent with the Armed Forces Medical Exam-
9 iner System; and

10 “(iii) advise the designated Agency Director on
11 forensic science disciplines.

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

15 (3) in subsection (d)—

16 (A) by inserting “; CENTRALIZED DATA-
17 BASE” in the subsection heading after “FILES”;
18 and

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

21 “(4) The Secretary of Defense shall establish and
22 maintain a single centralized database and case manage-
23 ment system containing information on all missing per-
24 sons for whom a file has been established under this sub-
25 section. The database and case management system shall

1 be accessible to all elements of the Department of Defense
2 involved in the search, recovery, identification, and com-
3 munications phases of the program established by this sec-
4 tion.”; and

5 (4) in subsection (f)—

6 (A) in paragraph (1)—

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

8 (ii) by striking “Secretary of Defense
9 shall coordinate” and inserting “designated
10 Agency Director shall ensure coordina-
11 tion”;

12 (B) in paragraph (2)—

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

15 (ii) by striking “POW/MIA accounting
16 community”; and

17 (C) by adding at the end the following new
18 paragraph:

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

23 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) CROSS-REFERENCE CORRECTION.—Section
25 1513(1) of such title is amended by striking “sub-

1 section (b)” in the last sentence and inserting “sub-
2 section (c)”.

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 76 of such title is
5 amended—

6 (A) by inserting after the item relating to
7 section 1501 the following new item:

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

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

