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:

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

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

(1) in the subsection heading, by striking
“PERSONNEL” and inserting “PERSONS’’;
(2) by striking paragraph (2);
(3) by designating the second sentence of para-
graph (1) as paragraph (2); and
(4) by striking the first sentence of paragraph
(1) and inserting the following:
“(A) The Secretary of Defense shall designate
a single organization within the Department of De-
fense to have responsibility for Department of De-
fense matters relating to missing persons, including
accounting for missing persons and persons whose
remains have not been recovered from the conflict in
which they were lost.

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

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

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

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

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

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

(4) in subparagraph (B)—

(A) by inserting “responsibility for” after

“as well as the”; and
(B) by striking ‘‘; and’’ at the end and inserting a period; and

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

‘‘(E) The establishment of a means for communication between officials of the designated Defense Agency and family members of missing persons, veterans service organizations, concerned citizens, and the public on the Department’s efforts to account for missing persons, including a readily available means for communication of their views and recommendations to the designated Agency Director.’’.

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

(1) in paragraph (3), by striking ‘‘the official designated under paragraphs (1) and (2)’’ and inserting ‘‘the designated Agency Director’’; and

(2) in paragraphs (4) and (5), by striking ‘‘The designated official’’ and inserting ‘‘The designated Agency Director’’.

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

(e) PUBLIC-PRIVATE PARTNERSHIPS AND OTHER FORMS OF SUPPORT.—Chapter 76 of such title is amend-
ed by inserting after section 1501 the following new section:

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

“(a) Public-private Partnerships.—The Secretary of Defense may enter into arrangements known as public-private partnerships with appropriate entities outside the Government for the purposes of facilitating the activities of the designated Defense Agency. The Secretary may only partner with foreign governments or foreign entities with the concurrence of the Secretary of State. Any such arrangement shall be entered into in accordance with authorities provided under this section or any other authority otherwise available to the Secretary. Regulations prescribed under subsection (e)(1) shall include provisions for the establishment and implementation of such partnerships.

“(b) Acceptance of Voluntary Personal Services.—The Secretary of Defense may accept voluntary services to facilitate accounting for missing persons in the same manner as the Secretary of a military department may accept such services under section 1588(a)(9) of this title.

“(c) Solicitation of Gifts.—Under regulations prescribed under this chapter, the Secretary may solicit
from any person or public or private entity, for the use
and benefit of the activities of the designated Defense
Agency, a gift of information and data, books, manu-
scripts, other documents, and artifacts.

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

“(e) REGULATIONS.—

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

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

(f) SECTION 1505 CONFORMING AMENDMENTS.—
Section 1505(e) of such title is amended—
(1) in paragraph (1), by striking “the office established under section 1501 of this title” and inserting “the designated Agency Director”; and

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

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

(1) by striking “PREENACTMENT” in the section heading;

(2) in subsection (b)—

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

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

(C) by striking paragraph (2); and

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

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

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

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

“(i) exercise scientific identification authority;

“(ii) establish identification and laboratory policy consistent with the Armed Forces Medical Examiner System; and

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

“(D) Nothing in this chapter shall be interpreted as affecting the authority of the Armed Forces Medical Examiner under section 1471 of this title.”.

(3) in subsection (d)—

(A) by inserting “; CENTRALIZED DATABASE” in the subsection heading after “FILES”;

and

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

“(4) The Secretary of Defense shall establish and maintain a single centralized database and case manage-
ment system containing information on all missing persons for whom a file has been established under this subsection. The database and case management system shall be accessible to all elements of the Department of Defense involved in the search, recovery, identification, and communications phases of the program established by this section.”; and

(4) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “establishing and”; and

(ii) by striking “Secretary of Defense shall coordinate” and inserting “designated Agency Director shall ensure coordination”;

(B) in paragraph (2)—

(i) by inserting “staff” after “National Security Council”; and

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

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

“(3) In carrying out the program, the designated Agency Director shall coordinate all external communications and events associated with the program.”.
(h) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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