

106-65, div. A, title V, § 578(a)(1), (b)-(e), (k)(1), title X, § 1067(1), Oct. 5, 1999, 113 Stat. 625-627, 630, 774; Pub. L. 107-107, div. A, title V, §§ 561(a), 564, Dec. 28, 2001, 115 Stat. 1119, 1120; Pub. L. 107-314, div. A, title V, § 571, Dec. 2, 2002, 116 Stat. 2556; Pub. L. 109-163, div. A, title VI, § 662(b)(4), Jan. 6, 2006, 119 Stat. 3315; Pub. L. 112-81, div. A, title VI, § 631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465.)

#### CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of title 37, United States Code, which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

#### AMENDMENTS

2011—Subsec. (d)(3). Pub. L. 112-81 substituted “495(a)(2)” for “435(a)(2)”. See Codification note above.

2006—Subsec. (a). Pub. L. 109-163 inserted “, except when military honors are prohibited under section 985(a) of this title” before period at end.

2002—Subsec. (d)(1). Pub. L. 107-314, § 571(1), designated existing provisions as par. (1) and substituted “To support a” for “To provide a”. Former par. (1) redesignated (1)(A).

Subsec. (d)(1)(A). Pub. L. 107-314, § 571(2), redesignated par. (1) as subpar. (A) of par. (1) and amended it generally. Prior to amendment, text read as follows: “Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail and is not a member of the armed forces or an employee of the United States.”

Subsec. (d)(1)(B). Pub. L. 107-314, § 571(3), redesignated par. (2) as subpar. (B) of par. (1), substituted “For” for “Materiel, equipment, and training for”, and inserted “and for members of the armed forces in a retired status, materiel, equipment, and training” before period at end.

Subsec. (d)(1)(C). Pub. L. 107-314, § 571(4), redesignated par. (3) as subpar. (C) of par. (1), substituted “For” for “Articles of clothing for”, and inserted “, articles of clothing” after “subsection (b)(2)”.

Subsec. (d)(2), (3). Pub. L. 107-314, § 571(5), added pars. (2) and (3). Former pars. (2) and (3) redesignated subpars. (B) and (C), respectively, of par. (1).

2001—Subsec. (b)(2). Pub. L. 107-107, § 561(a), inserted “(other than members in a retired status)” after “members of the armed forces” in first sentence and inserted “(including members in a retired status),” after “members of the armed forces” in second sentence.

Subsec. (d)(3). Pub. L. 107-107, § 564, added par. (3).

1999—Pub. L. 106-65, § 578(k)(1), substituted “Funeral honors functions at funerals for veterans” for “Honor guard details at funerals of veterans” as section catchline.

Subsec. (a). Pub. L. 106-65, § 578(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of a military department shall, upon request, provide an honor guard detail (or ensure that an honor guard detail is provided) for the funeral of any veteran that occurs after December 31, 1999.”

Subsec. (b). Pub. L. 106-65, § 578(b), substituted “Funeral Honors Details” for “Honor Guard Details” in subsec. (b) heading, designated existing provisions as par. (1), substituted “a funeral honors detail” for “an honor guard detail” and “two or more persons.” for “not less than three persons and (unless a bugler is part of the detail) has the capability to play a recorded version of Taps.”, redesignated subsec. (c) as subsec. (b)(2), struck out former subsec. (c) heading “Persons Forming Honor Guards”, and substituted “At least two members of the funeral honors detail for a veteran’s fu-

neral shall be members of the armed forces, at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail” for “An honor guard detail” and “Each member of the armed forces in the detail shall wear the uniform of the member’s armed force while serving in the detail.” for “The Secretary of a military department may provide transportation, or reimbursement for transportation, and expenses for a person who participates in an honor guard detail under this section and is not a member of the armed forces or an employee of the United States.”

Subsec. (c). Pub. L. 106-65, § 578(c)(2), added subsec. (c). Former subsec. (c) redesignated subsec. (b)(2).

Subsecs. (d), (e). Pub. L. 106-65, § 578(c)(2), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 106-65, § 578(d), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall by regulation establish a system for selection of units of the armed forces and other organizations to provide honor guard details. The system shall place an emphasis on balancing the funeral detail workload among the units and organizations providing honor guard details in an equitable manner as they are able to respond to requests for such details in terms of geographic proximity and available resources. The Secretary shall provide in such regulations that the armed force in which a veteran served shall not be considered to be a factor when selecting the military unit or other organization to provide an honor guard detail for the funeral of the veteran.”

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (d) as (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 106-65, § 578(e), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “In this section, the term ‘veteran’ has the meaning given that term in section 101(2) of title 38.”

Pub. L. 106-65, § 578(c)(1), redesignated subsec. (f) as (h).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to funerals and burials that occur on or after Jan. 6, 2006, see section 662(e) of Pub. L. 109-163, set out as a note under section 985 of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, § 578(a)(2), Oct. 5, 1999, 113 Stat. 625, provided that: “Section 1491(a) of title 10, United States Code, as amended by paragraph (1), shall apply with respect to funerals that occur after December 31, 1999.”

#### CHAPTER 76—MISSING PERSONS

Sec.	
1501.	System for accounting for missing persons.
1502.	Missing persons: initial report.
1503.	Actions of Secretary concerned; initial board inquiry.
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Sec.

## AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, §541(b), Oct. 28, 2009, 123 Stat. 2298, substituted “Program to resolve preenactment missing person cases” for “Preenactment cases” in item 1509.

1996—Pub. L. 104-201, div. A, title V, §578(f)(2)(B), Sept. 23, 1996, 110 Stat. 2537, struck out “, special interest” after “Preenactment” in item 1509.

**§ 1501. System for accounting for missing persons**

(a) RESPONSIBILITY FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall designate within the Office of the Secretary of Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the official designated under this paragraph shall include—

(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion);

(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and

(C) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.

(3) In carrying out the responsibilities established under this subsection, the official designated under paragraph (1) and (2) shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

(4) The designated official shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion) and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased).

(5) The designated official shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

(6)(A) The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office. The Secretary of Defense shall ensure that the activity is provided sufficient military and civilian personnel, and sufficient funding, to enable the activity to fully perform the complete range of

missions of the activity. The Secretary shall ensure that Department of Defense programming, planning, and budgeting procedures are structured so as to ensure compliance with the preceding sentence for each fiscal year.

(B)(i) For any fiscal year, the number of military and civilian personnel, whether temporary or permanent, assigned or detailed activity may not be less than the number requested in the President’s budget for fiscal year 2003, unless a level below such number is expressly required by law.

(ii) If for any reason the number of military and civilian personnel assigned or detailed activity should fall below the required level under clause (i), the Secretary of Defense shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of the number of personnel so assigned or detailed and of the Secretary’s plan to restore the staffing level of the activity to at least the required minimum number under clause (i). The Secretary shall publish such notice and plan in the Federal Register.

(C) For any fiscal year, the level of funding allocated to the activity within the Department of Defense may not be below the level requested for such purposes in the President’s budget for fiscal year 2003, unless such a level of funding is expressly required by law.

(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

(A) the determination of the status of persons described in subsection (c); and

(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

(4) As part of such procedures, the Secretary may provide for the extension, on a case-by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

(c) COVERED PERSONS.—(1) Section 1502 of this title applies in the case of any member of the armed forces on active duty—

(A) who becomes involuntarily absent as a result of a hostile action or under circumstances suggesting that the involuntary absence is a result of a hostile action; and

(B) whose status is undetermined or who is unaccounted for.

(2) Section 1502 of this title applies in the case of any other person who is a citizen of the United States and a civilian officer or employee of the Department of Defense or (subject to paragraph (3)) an employee of a contractor of the Department of Defense—