

111TH CONGRESS
1ST SESSION

H. R. 3695

To authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2009

Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Find the Missing
5 Act” or “Billy’s Law”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) Every year tens of thousands of Americans
4 go missing, never to be seen by their loved ones
5 again.

6 (2) As of 2004, there are an estimated 40,000
7 sets of unidentified remains that are being held by
8 medical examiner or coroner offices or disposed of
9 across the country.

10 (3) According to the National Institute of Jus-
11 tice, only 6,000 of such cases of unidentified re-
12 mains have been entered into the National Crime In-
13 formation Center's Unidentified Person File of the
14 Federal Bureau of Investigation (in this section re-
15 ferred to as "NCIC").

16 (4) As of December 31, 2008, there were
17 102,764 missing persons records active in the NCIC.

18 (5) The estimated numbers of missing persons
19 and unidentified human remains in the United
20 States are not complete because reporting to NCIC
21 by local law enforcement entities, medical examiner
22 offices, and coroner offices of information on missing
23 adults or unidentified decedents is voluntary.

24 (6) The National Child Search Assistance Act
25 of 1990 (42 U.S.C. 5779), as amended by Suzanne's
26 Law (section 204 of the Prosecutorial Remedies and

1 Other Tools to End the Exploitation of Children
2 Today Act of 2003 (PROTECT Act, Public Law
3 108–21)) requires Federal, State, and local law en-
4 forcement agencies to report cases of missing chil-
5 dren and individuals under the age of 21 to the Na-
6 tional Crime Information Center (NCIC) Missing
7 Person File. There is no similar Federal law requir-
8 ing Federal, State, or local law enforcement agencies
9 to report missing adults or unidentified decedents
10 cases.

11 (7) Law enforcement entities, medical exam-
12 iners, and coroners need assistance to acquire the
13 tools to report missing adults and unidentified re-
14 mains and the purpose of this Act is to provide in-
15 centive grants to provide such entities with such as-
16 sistance.

17 (8) According to a Bureau of Justice and Sta-
18 tistics special report on its 2004 Census of Medical
19 Examiner and Coroners’ Offices, 80 percent of sur-
20 veyed medical examiners offices and coroners offices
21 reported using the NCIC rarely or never, with in-
22 creased workload and cost of access as obstacles.

23 (9) There are many Federal, State, local, and
24 non-profit databases that can be used to help iden-
25 tify unidentified remains. However, such databases

1 are not connected and most have little or no search
2 capability and are not able to be viewed or searched
3 by the public.

4 (10) The National Missing and Unidentified
5 Persons System (NamUs) was established in July
6 2007 by the Department of Justice under the Presi-
7 dent's DNA Initiative to provide a missing persons/
8 unidentified remains database that the public could
9 access and to which the public could contribute and
10 search. NamUs is currently funded by the National
11 Institute of Justice under the Department of Jus-
12 tice.

13 (11) As of September 2009, 42 States, the Dis-
14 trict of Columbia, and Puerto Rico have medical ex-
15 aminers, coroners, or both entering cases into the
16 NamUs unidentified persons system. Forty-five
17 States have law enforcement officers registered and
18 using the NamUs missing persons system. All 50
19 States have missing persons in the NamUs data-
20 bases.

21 (12) In 2007 a focus group funded by the Na-
22 tional Institute of Justice that consisted of national
23 experts in human identification and technology,
24 medical examiners and coroners, forensic anthropolo-
25 gists, odontologists, DNA scientists, death investiga-

1 tors, and technology experts determined three major
2 areas of needs in the human identification commu-
3 nity (all of which are identified in this Act), includ-
4 ing an accessible unidentified decedent database;
5 best practices guidelines; and technology, training,
6 and research.

7 (13) The January 2007 National Institute of
8 Justice Journal publication, titled “Missing Persons
9 and Unidentified Remains: The Nation’s Silent Mass
10 Disaster”, identified major gaps in the Nation’s
11 missing persons system. Such identified gaps, which
12 this legislation addresses, included the lack of—

13 (A) reporting of missing adults and un-
14 identified remains by local law enforcement and
15 medical examiners and coroners because of in-
16 sufficient time and resources;

17 (B) information sharing among Federal
18 missing persons and unidentified remains data-
19 bases;

20 (C) policies to collect DNA samples from
21 unidentified remains;

22 (D) resources to perform DNA analysis of
23 human remains; and

1 (E) knowledge among law enforcement
2 agencies about State missing persons clearing-
3 houses or the Federal databases.

4 **SEC. 3. AUTHORIZATION OF THE NATIONAL MISSING AND**
5 **UNIDENTIFIED PERSONS SYSTEM.**

6 (a) IN GENERAL.—The Attorney General, through
7 the Director of the National Institute of Justice, is author-
8 ized to maintain public databases, known as the “National
9 Missing and Unidentified Persons System” or “NamUs”,
10 to contain missing persons records and unidentified re-
11 mains cases for purposes of assisting to identify missing
12 people and solve cases of unidentified human remains. All
13 functions, personnel, assets, liabilities, and administrative
14 actions applicable to the National Missing and Unidenti-
15 fied Persons System carried out by the National Institute
16 of Justice on the date before the date of the enactment
17 of this Act shall be transferred to the National Missing
18 and Unidentified Persons System authorized under this
19 section as of the date of the enactment of this Act.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$2,400,000 for each of the fiscal years 2010 through
23 2015.

1 **SEC. 4. SHARING OF INFORMATION BETWEEN NCIC AND**
2 **NAMUS.**

3 (a) SHARING OF INFORMATION.—Not later than the
4 end of the 30-day period beginning on the date the online
5 data entry format is updated under subsection (c), the At-
6 torney General shall, in accordance with this section, pro-
7 vide for information on missing persons and unidentified
8 human remains contained in the NCIC database (as de-
9 fined in section 8) to be transmitted to, entered in, and
10 otherwise shared with the NamUs databases (as defined
11 in such section) and for such information contained in the
12 NamUs databases to be transmitted to, entered in, and
13 otherwise shared with the NCIC database.

14 (b) RULES ON CONFIDENTIALITY.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the At-
17 torney General, in consultation with the Director of
18 the Federal Bureau of Investigation (in this Act re-
19 ferred to as the “FBI”), shall promulgate rules pur-
20 suant to notice and comment that specify the infor-
21 mation the Attorney General may provide from the
22 NCIC files to the NamUs databases for purposes of
23 this Act. Such rules shall—

24 (A) provide for the protection of law en-
25 forcement sensitive, confidential, and private in-
26 formation contained in the NCIC files;

1 (B) be promulgated only after the Director
2 approves recommendations by the Advisory Pol-
3 icy Board of the Criminal Justice Information
4 Services Division of the FBI; and

5 (C) not permit the transmission, entry, or
6 sharing of information (or portions of informa-
7 tion) from the NCIC database to the NamUs
8 databases unless the authorized agency, with
9 respect to the information submitted to the
10 NCIC database, submits to the Attorney Gen-
11 eral written authorization to so transmit, enter,
12 or share, respectively, such information (or por-
13 tion of information).

14 (2) SPECIFICS.—In promulgating rules with re-
15 spect to paragraph (1)(C), the Attorney General—

16 (A) shall specify the circumstances in
17 which portions of information may be withheld
18 from transfer, entry, or sharing from the NCIC
19 database to the NamUs databases;

20 (B) shall provide that once the authorized
21 agency described in paragraph (1)(C) provides
22 an authorization under such paragraph with re-
23 spect to information, such authorization shall
24 be deemed to apply to any updates made to

1 such information, unless otherwise specified by
2 the agency; and

3 (C) with respect to information submitted
4 to the NCIC database before the end of the 30-
5 day period specified in subsection (a), may so-
6 licit from appropriate authorized agencies au-
7 thorization described in such paragraph to
8 transmit, enter, or share such information.

9 (c) UPDATES.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, the Attorney
12 General shall update the online data entry format
13 for the NCIC database and NamUs databases to
14 provide State criminal justice agencies, offices of
15 medical examiners, and offices of coroners with the
16 option to authorize the submission of new informa-
17 tion and data that is reported to and entered into
18 the NCIC database to simultaneously be submitted
19 to and entered into the NamUs databases.

20 (2) NCIC FORMAT.—

21 (A) IN GENERAL.—In the case of the
22 NCIC database, an update described in para-
23 graph (1) shall include—

24 (i) an update to the NCIC database
25 online data entry format that States use in

1 submitting missing persons and unidenti-
2 fied remains reports, including the addition
3 of a new data field allowing States, on be-
4 half of the authorized agency that origi-
5 nally submitted the data, to select whether
6 or not to have the NCIC report, subject to
7 the rules promulgated under subsection
8 (b), shared with the NamUs databases;
9 and

10 (ii) subject to subparagraph (B), a re-
11 quirement that as a condition of partici-
12 pating in the NCIC database, States must
13 update their missing persons and unidenti-
14 fied remains collection processes from local
15 and tribal law enforcement, medical exam-
16 iners, and coroners to enable the States to
17 acquire information on whether or not the
18 authorized agencies originally submitting
19 data with respect to a missing person or
20 unidentified remains has provided author-
21 ization to share the information with the
22 NamUs databases.

23 (B) EXCEPTION.—Subparagraph (A)(ii)
24 shall not apply with respect to any State that
25 has in effect a State law providing for a meth-

1 odology to authorize the sharing of information
2 between the NCIC database and NamUs data-
3 bases.

4 (d) AMENDMENTS TO THE NATIONAL CHILD SEARCH
5 ASSISTANCE ACT OF 1990 TO REQUIRE REPORTS OF
6 MISSING CHILDREN TO NAMUS.—

7 (1) REPORTING REQUIREMENT.—Section
8 3701(a) of the National Child Search Assistance Act
9 of 1990 (42 U.S.C. 5779) is amended by striking
10 the period and inserting the following: “and, con-
11 sistent with section 4 (including rules promulgated
12 pursuant to section 4(b)) of the Help Find the Miss-
13 ing Act, shall also report such case, either directly
14 or through authorization described in such section to
15 transmit, enter, or share information on such case,
16 to the NamUs databases (as defined in section 8 of
17 such Act).”.

18 (2) STATE REQUIREMENTS.—Section 3701 of
19 the National Child Search Assistance Act of 1990
20 (42 U.S.C. 5780) is amended—

21 (A) in paragraph (2), by striking “or the
22 National Crime Information Center computer
23 database” and inserting “, the National Crime
24 Information Center computer database, or the

1 NamUs databases (as defined in section 8 of
2 the Help Find the Missing Act)”;

3 (B) in paragraph (3), by striking “and the
4 National Crime Information Center computer
5 networks” and inserting “, the National Crime
6 Information Center computer networks, and the
7 NamUs databases (as so defined)”; and

8 (C) in paragraph (4)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “or the NamUs
11 databases” after “National Crime Informa-
12 tion Center”; and

13 (ii) in subparagraph (A), by striking
14 “and National Crime Information Center
15 computer networks” and inserting “, Na-
16 tional Crime Information Center computer
17 networks, and the NamUs databases”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply with respect to reports
20 made before, on, or after the date of the enactment
21 of this Act beginning on the last day of the 30-day
22 period described in subsection (a).

23 **SEC. 5. INCENTIVE GRANTS PROGRAM.**

24 (a) ESTABLISHMENT.—Not later than October 1,
25 2010, the Attorney General shall establish a program to

1 provide grants to qualifying law enforcement agencies (as
2 defined in subsection (j)), offices of coroners, offices of
3 medical examiners, and other authorized agencies to facili-
4 tate the process of reporting information regarding miss-
5 ing persons and unidentified remains to the NCIC data-
6 base and NamUs databases for purposes of assisting in
7 locating such missing persons and identifying such re-
8 mains.

9 (b) REQUIREMENTS.—As a condition of a grant
10 under this section, a grant recipient shall, with respect to
11 each case reported to the agency or office of the recipient
12 relating to a missing person described in a category under
13 subsection (e) or relating to unidentified remains—

14 (1) not later than 72 hours after such case is
15 reported to the agency or office and consistent with
16 subsection (c), submit to the NCIC database and
17 NamUs databases—

18 (A) in the case of a missing person de-
19 scribed in a category under subsection (e), at
20 least the minimum information described in
21 subsection (f)(1); and

22 (B) in the case of unidentified remains, at
23 least the minimum information described in
24 subsection (f)(2); and

1 (2) not later than 60 days after the original
2 entry of the report, verify and update any original
3 report entered into the State law enforcement sys-
4 tem, the NCIC database, or NamUs databases after
5 receipt of the grant with any additional information,
6 including, to the greatest extent possible—

7 (A) information on the extent to which
8 DNA samples are available, including the avail-
9 ability of such samples submitted to the Na-
10 tional DNA Index System under subsection
11 (b)(3);

12 (B) fingerprints, medical and dental
13 records, and photographs of any distinguishing
14 characteristics such as scars, marks, tattoos,
15 piercings, and other unique physical character-
16 istics;

17 (C) in the case of unidentified remains,
18 photographs or digital images that may assist
19 in identifying the decedent, including finger-
20 print cards, radiographs, palmprints, and dis-
21 tinctive features of the decedent's personal ef-
22 fects; and

23 (D) any other information determined to
24 be appropriate by the Attorney General; and

1 (3) not later than 60 days after the original
2 entry of the report, to the greatest extent possible,
3 submit to the National DNA Index System of the
4 Federal Bureau of Investigation, established pursu-
5 ant to section 210304 of the Violent Crime Control
6 and Law Enforcement Act of 1994, (either directly
7 or through use of NamUs victims assistance re-
8 sources and DNA collection services) DNA samples
9 and information relating to such case.

10 For purposes of paragraph (2), in the case of information
11 a grant recipient authorizes to be transferred, entered, or
12 shared under section 4 between the NCIC database and
13 NamUs databases, any update to such information shall
14 be simultaneously made with respect to both databases un-
15 less specified otherwise by the recipient.

16 (c) SUBMISSION OF REPORTS.—To satisfy subsection
17 (b)(1), a recipient of a grant under this section shall sub-
18 mit information required under such subsection—

19 (1) separately to the NCIC database and
20 NamUs databases; or

21 (2) in accordance with section 4, simultaneously
22 to the NamUs databases when reporting to the
23 NCIC database or to the NCIC database when re-
24 porting to the NamUs databases.

25 (d) PERMISSIBLE USE OF FUNDS.—

1 (1) IN GENERAL.—The permissible uses of
2 grants awarded under this section include the use of
3 funds—

4 (A) to hire additional personnel, to acquire
5 technology to facilitate timely data entry into
6 the relevant databases;

7 (B) to conduct contracting activities rel-
8 evant to outsourcing the processing of unidenti-
9 fied remains and the reporting of the resulting
10 information to the NCIC database and NamUs
11 databases;

12 (C) to train local law enforcement per-
13 sonnel, medical examiners, and coroners to use
14 the NCIC database and NamUs databases;

15 (D) to assist States' transition into the
16 new system under which information is shared
17 between the NCIC database and NamUs data-
18 bases; and

19 (E) for other purposes consistent with the
20 goals of this section.

21 (2) CLARIFICATION.—In no case may a recipi-
22 ent of a grant under this section use funds to enter
23 or help facilitate the entrance of any false or mis-
24 leading information about missing persons or un-
25 identified remains.

1 (e) CATEGORIES OF MISSING PERSONS.—The cat-
2 egories of missing persons described in this subsection are
3 the following:

4 (1) A missing person age 21 or older who—

5 (A) is senile or has suffering from a prov-
6 en mental or physical disability, as documented
7 by a source deemed credible to an appropriate
8 law enforcement entity; or

9 (B) is missing under circumstances that
10 indicate, as determined by an appropriate law
11 enforcement entity—

12 (i) that the person’s physical safety
13 may be endangered; or

14 (ii) that the disappearance may not
15 have been voluntary, such as abduction or
16 kidnapping; or

17 (iii) that the disappearance may have
18 been caused by a natural disaster or catas-
19 trophe (such as an airplane crash or ter-
20 rorist attack).

21 (2) A missing person who does not meet the cri-
22 teria described in paragraph (1) but who meets one
23 of the following criteria:

1 (A) There is a reasonable concern, as de-
2 termined by an appropriate law enforcement en-
3 tity for the safety of the missing person.

4 (B) The person is under age 21 and eman-
5 cipated under the laws of the person's State of
6 residence.

7 (f) MINIMUM INFORMATION REQUIRED.—

8 (1) CONTENT FOR MISSING PERSONS.—The
9 minimum information described in this section, with
10 respect to a missing person, is the following:

11 (A) The name, date of birth, city and
12 State of residence, gender, race, height, weight,
13 eye color, and hair color of the missing person.

14 (B) The date and location of the last
15 known contact with the missing person.

16 (C) The category described in subsection
17 (e) in which the missing person is classified.

18 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-
19 MAINS.—The minimum information described in this
20 section, with respect to unidentified human remains,
21 is the following:

22 (A) The estimated age, gender, race,
23 height, weight, hair color, and eye color.

1 (B) Any distinguishing characteristics such
2 as scars, marks, tattoos, piercings, and other
3 unique physical characteristics.

4 (C) A description of clothing found on the
5 decedent.

6 (D) City and State where the unidentified
7 human remains were found.

8 (E) Information on how to contact the law
9 enforcement agency handling the investigation
10 and the unidentified human remains.

11 (F) Information on the extent to which
12 DNA samples are available, including the avail-
13 ability of such samples submitted to the Na-
14 tional DNA Index System under subsection
15 (b)(3).

16 (g) ADMINISTRATION.—The Attorney General shall
17 prescribe requirements, including with respect to applica-
18 tions, for grants awarded under this section and shall de-
19 termine the amount of each such grant.

20 (h) CONFIDENTIALITY.—As a condition of a grant
21 under this section, the recipient of the grant shall ensure
22 that information reported under the grant meets the re-
23 quirements promulgated by the Attorney General under
24 section 4(b)(1).

1 (i) ANNUAL SUMMARY.—For each of the fiscal years
2 2012 through 2015, the Attorney General shall publish
3 an annual statistical summary of the reports required by
4 subsection (c).

5 (j) QUALIFYING LAW ENFORCEMENT AGENCY DE-
6 FINED.—For purposes of this Act, the term “qualifying
7 law enforcement agency” means a State, local, or tribal
8 law enforcement agency.

9 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for each of the fiscal years 2011 through
12 2015.

13 **SEC. 6. REPORT ON BEST PRACTICES.**

14 Not later than 1 year after the date of the enactment
15 of this Act, the Attorney General shall issue a report to
16 offices of medical examiners, offices of coroners, and Fed-
17 eral, State, local, and tribal law enforcement agencies de-
18 scribing the best practices for the collection, reporting,
19 and analysis of data and information on missing persons
20 and unidentified human remains. Such best practices
21 shall—

22 (1) provide an overview of the NCIC database
23 and NamUs databases;

24 (2) describe how local law enforcement agen-
25 cies, offices of medical examiners, and offices of

1 coroners should access and use the NCIC database
2 and NamUs databases;

3 (3) describe the appropriate and inappropriate
4 uses of the NCIC database and NamUs databases;
5 and

6 (4) describe the standards and protocols for the
7 collection, reporting, and analysis of data and infor-
8 mation on missing persons and unidentified human
9 remains.

10 **SEC. 7. REPORT TO CONGRESS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act and biennially thereafter,
13 the Attorney General shall submit to the Committee on
14 the Judiciary of the House of Representatives and the
15 Committee on the Judiciary of the Senate a report de-
16 scribing the status of the NCIC database and NamUs
17 databases.

18 (b) CONTENTS.—The report required by subsection
19 (a) shall describe, to the extent available, information
20 on—

21 (1) the process of information sharing between
22 the NCIC database and NamUs databases; and

23 (2) the programs funded by grants awarded
24 under section 5.

1 **SEC. 8. DEFINITIONS.**

2 For the purposes of this Act, the following definitions
3 apply:

4 (a) **AUTHORIZED AGENCY.**—The term “authorized
5 agency” means a government agency with an originating
6 agency identification (ORI) number and that is a criminal
7 justice agency, as defined for purposes of subpart A of
8 part 20 of title 28, Code of Federal Regulations.

9 (b) **NAMUS DATABASES.**—The term “NamUs data-
10 bases” means the National Missing and Unidentified Per-
11 sons System Missing Persons database and National Miss-
12 ing and Unidentified Persons System Unidentified Dece-
13 dents database maintained by the National Institute of
14 Justice of the Department of Justice.

15 (c) **NCIC DATABASE.**—The term “NCIC database”
16 means the National Crime Information Center Missing
17 Person File and National Crime Information Center Un-
18 identified Person File of the National Crime Information
19 Center database of the Federal Bureau of Investigation,
20 established pursuant to section 534 of title 28, United
21 States Code.

22 (d) **STATE.**—The term “State” means any State of
23 the United States, the District of Columbia, the Common-
24 wealth of Puerto Rico, the Virgin Islands, American

- 1 Samoa, Guam, and the Commonwealth of the Northern
- 2 Mariana Islands.

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