

115TH CONGRESS  
2D SESSION

# S. 3719

To expand the grants authorized under Jennifer’s Law and Kristen’s Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2018

Mr. CORNYN (for himself, Ms. HARRIS, Mr. TILLIS, Mr. CRUZ, Mr. UDALL, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To expand the grants authorized under Jennifer’s Law and Kristen’s Act to include processing of unidentified remains, resolving missing persons cases, 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 “Missing Persons and  
5 Unidentified Remains Act of 2018”.

6 **SEC. 2. USE OF GRANT FUNDS.**

7 (a) JENNIFER’S LAW.—Jennifer’s Law (34 U.S.C.  
8 40501 et seq.) is amended—

1 (1) by striking section 202 (34 U.S.C. 40501)  
2 and inserting the following:

3 **“SEC. 202. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—

5 “(1) GRANTS AUTHORIZED.—The Attorney  
6 General may award grants to eligible entities de-  
7 scribed in paragraph (2), with priority given to eligi-  
8 ble entities in southern border States, to enable the  
9 eligible entities to improve the transportation, proc-  
10 essing, identification, and reporting of missing per-  
11 sons and unidentified remains, including migrants.

12 “(2) ELIGIBLE ENTITIES.—Eligible entities de-  
13 scribed in this paragraph are the following:

14 “(A) States and units of local government.

15 “(B) Accredited, government-funded, Com-  
16 bined DNA Index System (commonly known as  
17 ‘CODIS’) forensic laboratories, which dem-  
18 onstrate the grant funds will be used for DNA  
19 typing and uploading biological family DNA  
20 reference samples, including samples from for-  
21 eign nationals, into CODIS, subject to the pro-  
22 tocols for inclusion of such forensic DNA pro-  
23 files into CODIS, and the privacy protections  
24 required under section 203(c).

25 “(C) Medical examiners offices.

1           “(D) Accredited, publicly funded toxicology  
2 laboratories.

3           “(E) Accredited, publicly funded crime lab-  
4 oratories.

5           “(F) Publicly funded university forensic  
6 anthropology center laboratories.

7           “(G) Nonprofit organizations that have  
8 working collaborative agreements with State  
9 and county forensic offices, including medical  
10 examiners, coroners, and justices of the peace,  
11 for entry of data into CODIS or the National  
12 Missing and Unidentified Persons System (com-  
13 monly known as ‘NamUs’), or both.”;

14 (2) in section 203 (34 U.S.C. 40502)—

15           (A) in subsection (a), by striking “a State”  
16 and inserting “an entity described in section  
17 202”;

18           (B) in subsection (b)—

19               (i) in the matter preceding paragraph  
20 (1), by striking “State” and inserting “ap-  
21 plicant”;

22               (ii) by striking paragraph (1) and in-  
23 serting the following:

24           “(1) report to the National Crime Information  
25 Center and, when possible, to law enforcement au-

1       thorities throughout the applicant’s jurisdiction re-  
2       garding every deceased unidentified person, regard-  
3       less of age, found in the applicant’s jurisdiction;”;

4               (iii) in paragraph (3), by striking  
5       “and” at the end;

6               (iv) in paragraph (4), by striking the  
7       period at the end and inserting “; and”;  
8       and

9               (v) by adding at the end the following:

10              “(5) collect and report information to the Na-  
11       tional Missing and Unidentified Persons System  
12       (NamUs) regarding missing persons and unidenti-  
13       fied remains.”; and

14              (C) by adding at the end the following:

15              “(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAM-  
16       ILY REFERENCE SAMPLES.—

17              “(1) IN GENERAL.—Any suspected biological  
18       family DNA reference samples received from citizens  
19       of the United States or foreign nationals and  
20       uploaded into the Combined DNA Index System  
21       (commonly referred to as ‘CODIS’) by an accredited,  
22       government-funded CODIS forensic laboratory  
23       awarded a grant under this section may be used only  
24       for identifying missing persons and unidentified re-  
25       mains.

1           “(2) LIMITATION ON USE.—Any biological fam-  
2 ily DNA reference samples from citizens of the  
3 United States or foreign nationals entered into  
4 CODIS for purposes of identifying missing persons  
5 and unidentified remains may not be disclosed to a  
6 Federal or State law enforcement agency for law en-  
7 forcement purposes.”; and

8           (3) by striking section 204 (34 U.S.C. 40503)  
9 and inserting the following:

10 **“SEC. 205. USE OF FUNDS.**

11           “An applicant receiving a grant award under this title  
12 may use such funds to—

13           “(1) pay for the costs incurred during or after  
14 fiscal year 2017 for the transportation, processing,  
15 identification, and reporting of missing persons and  
16 unidentified remains, including migrants;

17           “(2) establish and expand programs developed  
18 to improve the reporting of unidentified persons in  
19 accordance with the assurances provided in the ap-  
20 plication submitted pursuant to section 203(b);

21           “(3) hire and maintain additional DNA case  
22 analysts and technicians, fingerprint examiners, fo-  
23 rensic odontologists, and forensic anthropologists,  
24 needed to support such identification programs; and

1           “(4) procure and maintain state of the art  
2           multi-modal, multi-purpose forensic and DNA-typing  
3           and analytical equipment.”.

4           (b) KRISTEN’S ACT.—Section 3 of Kristen’s Act (34  
5 U.S.C. 40504 note) is amended to read as follows:

6           **“SEC. 3. AUTHORIZATION OF FUNDING.**

7           “The Attorney General is authorized to use funds  
8           otherwise appropriated for the operationalization, mainte-  
9           nance, and expansion of the National Missing and Uniden-  
10          tified Persons System (NamUs) for the purpose of car-  
11          rying out this Act.”.

12          **SEC. 3. RESCUE BEACONS.**

13          Section 411(o) of the Homeland Security Act of 2002  
14          (6 U.S.C. 211(o)) is amended by adding at the end the  
15          following:

16                 “(3) RESCUE BEACONS.—Beginning in fiscal  
17                 year 2019, in carrying out subsection (c)(8), the  
18                 Commissioner shall purchase, deploy, and maintain  
19                 not more than 170 self-powering, 9–1–1 cellular  
20                 relay rescue beacons along the southern border of  
21                 the United States at locations determined appro-  
22                 priate by the Commissioner to mitigate migrant  
23                 deaths.”.

1 **SEC. 4. REPORTING ON NATIONAL MISSING AND UNIDENTI-**  
2 **FIED PERSONS (NAMUS) PROGRAM.**

3 Not later than 18 months after the date of enactment  
4 of this act, and every year thereafter, the Attorney Gen-  
5 eral shall submit a report to the appropriate committees  
6 of Congress regarding—

7 (1) the number of unidentified person cases  
8 processed;

9 (2) CODIS associations and identifications;

10 (3) the number of anthropology cases processed;

11 (4) the number of suspected border crossing  
12 cases and associations made;

13 (5) the number of trials supported with expert  
14 testimony;

15 (6) the number of students trained and profes-  
16 sions of those students, and

17 (7) the turnaround time and backlog.

18 **SEC. 5. OTHER REPORTING REQUIREMENTS.**

19 (a) UNIDENTIFIED REMAINS.—Not later than 1 year  
20 after the date of enactment of this Act, and annually  
21 thereafter, the Commissioner of U.S. Customs and Border  
22 Protection shall submit a report to the appropriate com-  
23 mittees of Congress regarding all unidentified remains dis-  
24 covered, during the reporting period, by U.S. Customs and  
25 Border Protection on or near the border between the  
26 United States and Mexico, including—

1 (1) for each deceased person—

2 (A) the cause and manner of death, if  
3 known;

4 (B) the sex, age (at time of death), and  
5 country of origin (if such information is deter-  
6 minable); and

7 (C) the location of each unidentified re-  
8 main;

9 (2) the total number of deceased people whose  
10 unidentified remains were discovered by U.S. Cus-  
11 toms and Border Protection during the reporting pe-  
12 riod;

13 (3) the efforts of U.S. Customs and Border  
14 Protection to engage with nongovernmental organi-  
15 zations, institutions of higher education, medical ex-  
16 aminers and coroners, and law enforcement agen-  
17 cies—

18 (A) to identify and map the locations at  
19 which migrant deaths occur; and

20 (B) to count the number of deaths that  
21 occur at such locations; and

22 (4) a detailed description of U.S. Customs and  
23 Border Protection's Missing Migrant Program, in-  
24 cluding how the program helps mitigate migrant  
25 deaths while maintaining border security.

1 (b) RESCUE BEACONS.—Not later than 1 year after  
2 the date of enactment of this Act, and annually thereafter,  
3 the Commissioner of U.S. Customs and Border Protection  
4 shall submit a report to the appropriate committees of  
5 Congress regarding the use of rescue beacons along the  
6 border between the United States and Mexico, including,  
7 for the reporting period—

8 (1) the number of rescue beacons in each bor-  
9 der patrol sector;

10 (2) the specific location of each rescue beacon;

11 (3) the frequency with which each rescue bea-  
12 con was activated by a person in distress;

13 (4) a description of the nature of the distress  
14 that resulted in each rescue beacon activation (if  
15 such information is determinable); and

16 (5) an assessment, in consultation with local  
17 stakeholders, including elected officials, nongovern-  
18 mental organizations, and landowners, of necessary  
19 additional rescue beacons and recommendations for  
20 locations for deployment to reduce migrant deaths.

21 (c) GAO REPORT.—Not later than 6 months after  
22 the report required under subsection (a) is submitted to  
23 the appropriate committees of Congress, the Comptroller  
24 General of the United States shall submit a report to the  
25 same committees that describes—

1           (1) how U.S. Customs and Border Protection  
2 collects and records border-crossing death data;

3           (2) the differences (if any) in U.S. Customs and  
4 Border Protection border-crossing death data collec-  
5 tion methodology across its sectors;

6           (3) how U.S. Customs and Border Protection’s  
7 data and statistical analysis on trends in the num-  
8 bers, locations, causes, and characteristics of border-  
9 crossing deaths compare to other sources of data on  
10 these deaths, including border county medical exam-  
11 iners and coroners and the Centers for Disease Con-  
12 trol and Prevention;

13           (4) how U.S. Customs and Border Protection  
14 measures the effectiveness of its programs to miti-  
15 gate migrant deaths; and

16           (5) the extent to which U.S. Customs and Bor-  
17 der Protection engages Federal, State, local, and  
18 Tribal governments, foreign diplomatic and consular  
19 posts, and nongovernmental organizations—

20                 (A) to accurately identify deceased individ-  
21 uals;

22                 (B) to resolve cases involving unidentified  
23 remains;

24                 (C) to resolve cases involving unidentified  
25 persons; and

1           (D) to share information on missing per-  
2           sons and unidentified remains, specifically with  
3           the National Missing and Unidentified Persons  
4           System (NamUs).

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