

111TH CONGRESS  
2D SESSION

# S. 3019

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2010

Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. 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 2011 through  
23 2016.

1 **SEC. 3. 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 to be  
9 transmitted to, entered in, and otherwise shared with the  
10 NamUs databases and for such information contained in  
11 the NamUs databases to be transmitted to, entered in,  
12 and otherwise shared with the NCIC database.

13 (b) RULES ON CONFIDENTIALITY.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of the enactment of this Act, the Attorney  
16 General, in consultation with the Director of the  
17 Federal Bureau of Investigation, shall promulgate  
18 rules pursuant to notice and comment that specify  
19 the information the Attorney General may provide  
20 from the NCIC files to the NamUs databases for  
21 purposes of this Act. Such rules shall—

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

25 (B) be promulgated only after the Director  
26 of the Federal Bureau of Investigation approves

1 recommendations by the Advisory Policy Board  
2 of the Criminal Justice Information Services  
3 Division of the FBI;

4 (C) specify the circumstances in which por-  
5 tions of information may be withheld from  
6 transfer, entry, or sharing from the NCIC data-  
7 base to the NamUs databases; and

8 (D) provide that once an authorized agen-  
9 cy provides an authorization to permit the  
10 transmission, entering, or sharing of informa-  
11 tion (or portions of information) from the  
12 NCIC database to the NamUs databases, such  
13 authorization shall be deemed to apply to any  
14 updates made to such information, unless other-  
15 wise specified by the agency.

16 (2) SUBMISSIONS PRIOR TO ONLINE DATA  
17 ENTRY FORMAT UPDATE.—With respect to informa-  
18 tion submitted to the NCIC database before the end  
19 of the 30-day period specified in subsection (a), the  
20 Attorney General may solicit from appropriate au-  
21 thorized agencies authorization to transmit, enter, or  
22 share such information.

23 (c) UPDATES.—

24 (1) IN GENERAL.—Not later than 1 year after  
25 the date of the enactment of this Act, the Attorney

1 General shall update the online data entry format  
2 for the NCIC database and NamUs databases to  
3 provide State criminal justice agencies, offices of  
4 medical examiners, and offices of coroners with the  
5 option to authorize the submission of new informa-  
6 tion and data that is reported to and entered into  
7 the NCIC database to simultaneously be submitted  
8 to and entered into the NamUs databases.

9 (2) NCIC FORMAT.—

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

13 (i) an update to the NCIC database  
14 online data entry format that States use in  
15 submitting missing persons and unidenti-  
16 fied remains reports, including the addition  
17 of a new data field allowing States, on be-  
18 half of the authorized agency that origi-  
19 nally submitted the data, to select whether  
20 or not to have the NCIC report, subject to  
21 the rules promulgated under subsection  
22 (b), shared with the NamUs databases;  
23 and

24 (ii) subject to subparagraph (B), a re-  
25 quirement that as a condition of partici-

1           pating in the NCIC database, States shall  
 2           update their missing persons and unidenti-  
 3           fied remains collection processes from local  
 4           and tribal law enforcement, medical exam-  
 5           iners, and coroners to enable the States to  
 6           acquire information on whether or not the  
 7           authorized agencies originally submitting  
 8           data with respect to a missing person or  
 9           unidentified remains has provided author-  
 10          ization to share the information with the  
 11          NamUs databases.

12           (B) EXCEPTION.—Subparagraph (A)(ii)  
 13          shall not apply with respect to any State that  
 14          has in effect a State law providing for a meth-  
 15          odology to authorize the sharing of information  
 16          between the NCIC database and NamUs data-  
 17          bases.

18          (d) AMENDMENTS TO TITLE XXXVII OF THE CRIME  
 19          CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISS-  
 20          ING CHILDREN TO NAMUS.—

21           (1) REPORTING REQUIREMENT.—Section  
 22          3701(a) of title XXXVII of the Crime Control Act  
 23          of 1990 (42 U.S.C. 5779(a)) is amended by striking  
 24          the period and inserting “and, consistent with sec-  
 25          tion 4 (including rules promulgated pursuant to sec-

tion 4(b)) of the Help Find the Missing Act, shall also report such case, either directly or through authorization described in such section to transmit, enter, or share information on such case, to the NamUs databases (as defined in section 8 of such Act).”.

(2) STATE REQUIREMENTS.—Section 3702 of title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(A) in paragraph (2), by striking “or the National Crime Information Center computer database” and inserting “, the National Crime Information Center computer database, or the NamUs databases (as defined in section 8 of the Help Find the Missing Act)”;

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

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting “or the NamUs databases” after “National Crime Information Center”; and

1 (ii) in subparagraph (A), by striking  
2 “and National Crime Information Center  
3 computer networks” and inserting “, Na-  
4 tional Crime Information Center computer  
5 networks, and the NamUs databases”.

6 (3) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall apply with respect to reports  
8 made before, on, or after the date of the enactment  
9 of this Act beginning on the last day of the 30-day  
10 period described in subsection (a).

11 **SEC. 4. INCENTIVE GRANTS PROGRAM.**

12 (a) ESTABLISHMENT.—Not later than 1 year after  
13 the date of enactment of this Act, the Attorney General  
14 shall establish a program to provide grants to qualifying  
15 law enforcement agencies, offices of coroners, offices of  
16 medical examiners, and other authorized agencies to facili-  
17 tate the process of reporting information regarding miss-  
18 ing persons and unidentified remains to the NCIC data-  
19 base and NamUs databases for purposes of assisting in  
20 locating such missing persons and identifying such re-  
21 mains.

22 (b) REQUIREMENTS.—As a condition of a grant  
23 under this section, a grant recipient shall, with respect to  
24 each case reported to the agency or office of the recipient



1 relating to a missing person described in a category under  
2 subsection (e) or relating to unidentified remains—

3 (1) not later than 72 hours after such case is  
4 reported to the agency or office and consistent with  
5 subsection (c), submit to the NCIC database and  
6 NamUs databases—

7 (A) in the case of a missing person de-  
8 scribed in a category under subsection (e), at  
9 least the minimum information described in  
10 subsection (f)(1); and

11 (B) in the case of unidentified remains, at  
12 least the minimum information described in  
13 subsection (f)(2); and

14 (2) not later than 60 days after the original  
15 entry of the report, verify and update any original  
16 report entered into the State law enforcement sys-  
17 tem, the NCIC database, or NamUs databases after  
18 receipt of the grant with any additional information,  
19 including, to the greatest extent possible—

20 (A) information on the extent to which  
21 DNA samples are available, including the avail-  
22 ability of such samples submitted to the Na-  
23 tional DNA Index System under subsection  
24 (b)(3);

1 (B) fingerprints, medical and dental  
2 records, and photographs of any distinguishing  
3 characteristics such as scars, marks, tattoos,  
4 piercings, and other unique physical character-  
5 istics;

6 (C) in the case of unidentified remains,  
7 photographs or digital images that may assist  
8 in identifying the decedent, including finger-  
9 print cards, radiographs, palmprints, and dis-  
10 tinctive features of the decedent's personal ef-  
11 fects; and

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

14 (3) not later than 60 days after the original  
15 entry of the report, to the greatest extent possible,  
16 submit to the National DNA Index System of the  
17 Federal Bureau of Investigation, established pursu-  
18 ant to section 210304 of the Violent Crime Control  
19 and Law Enforcement Act of 1994, (either directly  
20 or through use of NamUs victims assistance re-  
21 sources and DNA collection services) DNA samples  
22 and information relating to such case.

23 For purposes of paragraph (2), in the case of information  
24 a grant recipient authorizes to be transferred, entered, or  
25 shared under section 4 between the NCIC database and

1 NamUs databases, any update to such information shall  
2 be simultaneously made with respect to both databases un-  
3 less specified otherwise by the recipient.

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

7 (1) separately to the NCIC database and  
8 NamUs databases; or

9 (2) in accordance with section 4, simultaneously  
10 to the NamUs databases when reporting to the  
11 NCIC database or to the NCIC database when re-  
12 porting to the NamUs databases.

13 (d) PERMISSIBLE USE OF FUNDS.—

14 (1) IN GENERAL.—The permissible uses of a  
15 grant awarded under this section include the use of  
16 funds—

17 (A) to hire additional personnel, to acquire  
18 technology to facilitate timely data entry into  
19 the relevant databases;

20 (B) to conduct contracting activities rel-  
21 evant to outsourcing the processing of unidenti-  
22 fied remains and the reporting of the resulting  
23 information to the NCIC database and NamUs  
24 databases;

1 (C) to train local law enforcement per-  
2 sonnel, medical examiners, and coroners to use  
3 the NCIC database and NamUs databases;

4 (D) to assist States' transition into the  
5 new system under which information is shared  
6 between the NCIC database and NamUs data-  
7 bases; and

8 (E) for other purposes consistent with the  
9 goals of this section.

10 (2) CLARIFICATION.—In no case may a recipi-  
11 ent of a grant under this section use funds to enter  
12 or help facilitate the entrance of any false or mis-  
13 leading information about missing persons or un-  
14 identified remains.

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

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

19 (A) is senile or has suffering from a prov-  
20 en mental or physical disability, as documented  
21 by a source deemed credible to an appropriate  
22 law enforcement entity; or

23 (B) is missing under circumstances that  
24 indicate, as determined by an appropriate law  
25 enforcement entity—

1 (i) that the person's physical safety  
2 may be endangered;

3 (ii) that the disappearance may not  
4 have been voluntary, such as abduction or  
5 kidnapping; or

6 (iii) that the disappearance may have  
7 been caused by a natural disaster or catas-  
8 trophe (such as an airplane crash or ter-  
9 rorist attack).

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

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

16 (B) The person is under age 21 and eman-  
17 cipated under the laws of the person's State of  
18 residence.

19 (f) MINIMUM INFORMATION REQUIRED.—

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

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

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

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

5 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-  
6 MAINS.—The minimum information described in this  
7 section, with respect to unidentified human remains,  
8 is the following:

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

11 (B) Any distinguishing characteristics such  
12 as scars, marks, tattoos, piercings, and other  
13 unique physical characteristics.

14 (C) A description of clothing found on the  
15 decedent.

16 (D) The city and State where the unidenti-  
17 fied human remains were found.

18 (E) Information on how to contact the law  
19 enforcement agency handling the investigation  
20 and the unidentified human remains.

21 (F) Information on the extent to which  
22 DNA samples are available, including the avail-  
23 ability of such samples submitted to the Na-  
24 tional DNA Index System under subsection  
25 (b)(3).

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

5 (h) CONFIDENTIALITY.—As a condition of a grant  
6 under this section, the recipient of the grant shall ensure  
7 that information reported under the grant meets the re-  
8 quirements promulgated by the Attorney General under  
9 section 4(b)(1).

10 (i) ANNUAL SUMMARY.—For each of the fiscal years  
11 2012 through 2015, the Attorney General shall publish  
12 an annual statistical summary of the reports required by  
13 subsection (c).

14 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$10,000,000 for each of the fiscal years 2011 through  
17 2015.

18 **SEC. 5. REPORT ON BEST PRACTICES.**

19 Not later than 1 year after the date of the enactment  
20 of this Act, the Attorney General shall issue a report to  
21 offices of medical examiners, offices of coroners, and Fed-  
22 eral, State, local, and tribal law enforcement agencies de-  
23 scribing the best practices for the collection, reporting,  
24 and analysis of data and information on missing persons

1 and unidentified human remains. Such best practices  
2 shall—

3 (1) provide an overview of the NCIC database  
4 and NamUs databases;

5 (2) describe how local law enforcement agen-  
6 cies, offices of medical examiners, and offices of  
7 coroners should access and use the NCIC database  
8 and NamUs databases;

9 (3) describe the appropriate and inappropriate  
10 uses of the NCIC database and NamUs databases;  
11 and

12 (4) describe the standards and protocols for the  
13 collection, reporting, and analysis of data and infor-  
14 mation on missing persons and unidentified human  
15 remains.

16 **SEC. 6. REPORT TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 1 year after the  
18 date of the enactment of this Act and biennially thereafter,  
19 the Attorney General shall submit to the Committee on  
20 the Judiciary of the House of Representatives and the  
21 Committee on the Judiciary of the Senate a report de-  
22 scribing the status of the NCIC database and NamUs  
23 databases.



1 (b) CONTENTS.—The report required by subsection  
2 (a) shall describe, to the extent available, information  
3 on—

4 (1) the process of information sharing between  
5 the NCIC database and NamUs databases; and

6 (2) the programs funded by grants awarded  
7 under section 5.

8 **SEC. 7. DEFINITIONS.**

9 For the purposes of this Act, the following definitions  
10 apply:

11 (1) **AUTHORIZED AGENCY.**—The term “author-  
12 ized agency” means a government agency with an  
13 originating agency identification (ORI) number and  
14 that is a criminal justice agency, as defined for pur-  
15 poses of subpart A of part 20 of title 28, Code of  
16 Federal Regulations.

17 (2) **NAMUS DATABASES.**—The term “NamUs  
18 databases” means the National Missing and Uniden-  
19 tified Persons System Missing Persons database and  
20 National Missing and Unidentified Persons System  
21 Unidentified Decedents database maintained by the  
22 National Institute of Justice of the Department of  
23 Justice.

24 (3) **NCIC DATABASE.**—The term “NCIC data-  
25 base” means the National Crime Information Center

1 Missing Person File and National Crime Informa-  
2 tion Center Unidentified Person File of the National  
3 Crime Information Center database of the Federal  
4 Bureau of Investigation, established pursuant to sec-  
5 tion 534 of title 28, United States Code.

6 (4) QUALIFYING LAW ENFORCEMENT AGEN-  
7 CY.—The term “qualifying law enforcement agency”  
8 means a State, local, or tribal law enforcement agen-  
9 cy.

10 (5) STATE.—The term “State” means any  
11 State of the United States, the District of Columbia,  
12 the Commonwealth of Puerto Rico, the Virgin Is-  
13 lands, American Samoa, Guam, and the Common-  
14 wealth of the Northern Mariana Islands.

