

113TH CONGRESS
2D SESSION

S. 2840

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 SENATE OF THE UNITED STATES

SEPTEMBER 17 (legislative day, SEPTEMBER 16), 2014

Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. BEGICH, and Mr. SCHUMER) introduced the following bill; which was read twice and 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,*

1 **SECTION 1. SHORT TITLE.**

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

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 not
22 more than a total of \$2,400,000 for each of the fiscal
23 years 2015 through 2020. Notwithstanding any other pro-
24 vision of law, the total amount of Federal funds made
25 available for any of the fiscal years 2015 through 2020

1 to maintain NamUs may not exceed the amount described
2 in the previous sentence.

3 **SEC. 3. GAO REPORT ON INFORMATION SHARING BETWEEN**
4 **NCIC AND NAMUS.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall conduct a study on—

7 (1) how to better integrate the national missing
8 persons databases, including the NamUs databases
9 and the NCIC database;

10 (2) any technical challenges that may exist in
11 integrating the databases described in paragraph
12 (1); and

13 (3) practices, procedures, or technologies that
14 would assist States, local law enforcement agencies,
15 medical examiners, and coroners in reporting miss-
16 ing persons and unidentified remains to the NamUs
17 databases and the NCIC database.

18 (b) REPORT.—Not later than 6 months after the date
19 of enactment of this Act, the Comptroller General of the
20 United States shall submit to the Attorney General and
21 to the Committee on the Judiciary of the House of Rep-
22 resentatives and the Committee on the Judiciary of the
23 Senate a report on the study conducted under subsection
24 (a).

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 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 18 months
15 after the date on which the GAO report is sub-
16 mitted, the Attorney General, in consultation with
17 the Director of the FBI, shall promulgate rules pur-
18 suant to notice and comment that specify the infor-
19 mation the Attorney General may provide from the
20 NCIC files to the NamUs databases for purposes of
21 this Act. Such rules shall—

22 (A) provide for the protection of confiden-
23 tial, private, and law enforcement sensitive in-
24 formation contained in the NCIC files;

25 (B) be promulgated only after the Director
26 approves recommendations by the Advisory Pol-

1 icy Board of the Criminal Justice Information
2 Services Division of the FBI;

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

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

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

22 (c) UPDATES.—

23 (1) IN GENERAL.—Not later than 18 months
24 after the date the GAO report is submitted, the At-
25 torney General shall update the online data entry

format for the NCIC database and NamUs databases to provide State criminal justice agencies, offices of medical examiners, and offices of coroners with the option to authorize the submission of new information and data that is reported to and entered into the NCIC database to be submitted to and entered into the NamUs databases.

(2) NCIC FORMAT.—In the case of the NCIC database, an update described in paragraph (1) shall include an update to the NCIC database online data entry format that States use in submitting missing persons and unidentified remains reports, including the addition of a new data field allowing States, on behalf of the authorized agency that originally submitted the data, to select whether or not to have the NCIC report, subject to the rules promulgated under subsection (b), shared with the NamUs databases.

(d) AMENDMENTS TO TITLE XXXVII OF THE CRIME CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISSING CHILDREN TO NAMUS.—

(1) REPORTING REQUIREMENT.—Section 3701(a) of title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking the period and inserting the following: “and, consistent with section 4 (including rules promulgated

pursuant to section 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), in the undesignated matter following subparagraph (C), by inserting after “receive such reports” the following: “and is entered within 60 days of receipt in 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 (e) AUTHORIZED AGENCIES AUTHORITY TO OVER-
12 RIDE INFORMATION.—An authorized agency may remove
13 or override information (or portions of information) from
14 the NamUs database, and correspondingly from the NCIC
15 database if the information was transferred from the
16 NamUs database under this Act, if such information is
17 submitted on behalf of a public user and such information
18 is deemed by the authorized agency to be inaccurate.

19 **SEC. 5. INCENTIVE GRANTS PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 1 year after
21 the date of enactment of this Act, the Attorney General
22 shall establish a program to provide grants to qualifying
23 law enforcement agencies, offices of coroners, offices of
24 medical examiners, and other authorized agencies to facili-
25 tate the process of reporting information regarding miss-

1 ing persons and unidentified remains to the NCIC data-
2 base and NamUs databases for purposes of assisting in
3 locating such missing persons and identifying such re-
4 mains.

5 (b) REQUIREMENTS.—

6 (1) IN GENERAL.—As a condition of a grant
7 under this section, a grant recipient shall, with re-
8 spect to each case reported to the agency or office
9 of the recipient relating to a missing person de-
10 scribed in a category under subsection (e) or relating
11 to unidentified remains—

12 (A) not later than 72 hours after such case
13 is reported to the agency or office and con-
14 sistent with subsection (c), submit to the NCIC
15 database and NamUs databases—

16 (i) in the case of a missing person de-
17 scribed in a category under subsection (e),
18 at least the minimum information de-
19 scribed in subsection (f)(1); and

20 (ii) in the case of unidentified re-
21 mains, at least the minimum information
22 described in subsection (f)(2); and

23 (B) not later than 60 days after the origi-
24 nal entry of the report, verify and update any
25 original report entered into the State law en-

1 enforcement system, the NCIC database, or
2 NamUs databases after receipt of the grant
3 with any additional information, including, to
4 the greatest extent possible—

5 (i) information on the extent to which
6 DNA samples are available, including the
7 availability of DNA identification records
8 information submitted to the National
9 DNA Index System under subparagraph
10 (C);

11 (ii) fingerprints, medical and dental
12 records, and photographs of any distin-
13 guishing characteristics such as scars,
14 marks, tattoos, piercings, and other unique
15 physical characteristics;

16 (iii) in the case of unidentified re-
17 mains, photographs or digital images that
18 may assist in identifying the decedent, in-
19 cluding fingerprint cards, radiographs,
20 palmprints, and distinctive features of the
21 decedent's personal effects; and

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

1 (C) not later than 60 days after the origi-
2 nal entry of the report, to the greatest extent
3 possible, submit to the National DNA Index
4 System of the FBI, established pursuant to sec-
5 tion 210304(a) of the Violent Crime Control
6 and Law Enforcement Act of 1994 (42 U.S.C.
7 14132(a)), either directly or through use of
8 NamUs victims assistance resources and DNA
9 collection services, DNA identification records
10 information relating to such case in accordance
11 with section 210304(b) of such Act (42 U.S.C.
12 14132(b)) and the National DNA Index System
13 acceptance standards.

14 (2) SHARING OF INFORMATION.—For purposes
15 of subparagraph (B), in the case of information a
16 grant recipient authorizes to be transferred, entered,
17 or shared under section 4 between the NCIC data-
18 base and NamUs databases, any update to such in-
19 formation shall be made with respect to both data-
20 bases unless specified otherwise by the recipient.

21 (c) SUBMISSION OF REPORTS.—To satisfy subsection
22 (b)(1)(A), a recipient of a grant under this section shall
23 submit information required under such subsection—

24 (1) separately to the NCIC database and
25 NamUs databases; or

1 (2) in accordance with section 4, simultaneously
2 to the NamUs databases when reporting to the
3 NCIC database or to the NCIC database when re-
4 porting to the NamUs databases.

5 (d) PERMISSIBLE USE OF FUNDS.—

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

9 (A) to hire additional personnel, to acquire
10 technology to facilitate timely data entry into
11 the relevant databases;

12 (B) to conduct contracting activities rel-
13 evant to outsourcing the processing of unidenti-
14 fied remains and the reporting of the resulting
15 information to the NCIC database and NamUs
16 databases;

17 (C) to train local law enforcement per-
18 sonnel, medical examiners, and coroners to use
19 the NCIC database and NamUs databases;

20 (D) to assist States' transition into the
21 new system under which information is shared
22 between the NCIC database and NamUs data-
23 bases; and

24 (E) for other purposes consistent with the
25 goals of this section.

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

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

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

10 (A) is senile or is suffering from a proven
11 mental or physical disability, as documented by
12 a source deemed credible to an appropriate law
13 enforcement entity; or

14 (B) is missing under circumstances that
15 indicate, as determined by an appropriate law
16 enforcement entity—

17 (i) that the person's physical safety
18 may be endangered;

19 (ii) that the disappearance may not
20 have been voluntary, such as abduction or
21 kidnapping; or

22 (iii) that the disappearance may have
23 been caused by a natural disaster or catas-
24 trophe (such as an airplane crash or ter-
25 rorist attack).

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

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

7 (B) The person is under age 21 and eman-
8 cipated under the laws of the person's State of
9 residence.

10 (f) MINIMUM INFORMATION REQUIRED.—

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

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

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

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

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

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

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

6 (C) A description of clothing found on the
7 decedent.

8 (D) City and State where the unidentified
9 human remains were found.

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

13 (F) Information on the extent to which
14 DNA identification records information are
15 available, including the availability of such sam-
16 ples submitted to the National DNA Index Sys-
17 tem under subsection (b)(1)(C).

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

22 (h) CONFIDENTIALITY.—As a condition of a grant
23 under this section, the recipient of the grant shall ensure
24 that information reported under the grant meets the re-

1 quirements promulgated by the Attorney General under
2 section 4(b)(1)(A).

3 (i) ANNUAL SUMMARY.—For each of the fiscal years
4 2015 through 2020, the Attorney General shall publish
5 an annual statistical summary of the reports required by
6 subsection (c).

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

11 (k) FUNDING.—

12 (1) MATCHING REQUIREMENT.—The Attorney
13 General may not make a grant under subsection (a)
14 unless the applicant involved agrees, with respect to
15 the costs to be incurred by the applicant in carrying
16 out the purposes described in this section, to make
17 available non-Federal contributions (in cash or in
18 kind) toward such costs in an amount equal to not
19 less than \$1 for each \$2 of Federal funds provided
20 in the grant.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this section \$8,000,000 for each of the fiscal years
24 2015 through 2020.

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

2 Not later than 18 months after the date on which
3 the GAO report is submitted, the Attorney General shall
4 issue a report to offices of medical examiners, offices of
5 coroners, and Federal, State, local, and tribal law enforce-
6 ment agencies describing the best practices for the collec-
7 tion, reporting, and analysis of data and information on
8 missing persons and unidentified human remains. Such
9 best practices shall—

10 (1) provide an overview of the NCIC database
11 and NamUs databases;

12 (2) describe how local law enforcement agen-
13 cies, offices of medical examiners, and offices of
14 coroners should access and use the NCIC database
15 and NamUs databases;

16 (3) describe the appropriate and inappropriate
17 uses of the NCIC database and NamUs databases;
18 and

19 (4) describe the standards and protocols for the
20 collection, reporting, and analysis of data and infor-
21 mation on missing persons and unidentified human
22 remains.

23 **SEC. 7. REPORT TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 18 months after
25 the date on which the GAO report is submitted, and bien-
26 nially thereafter, the Attorney General shall submit to the

1 Committee on the Judiciary of the House of Representa-
 2 tives and the Committee on the Judiciary of the Senate
 3 a report describing the status of the NCIC database and
 4 NamUs databases.

5 (b) CONTENTS.—The report required by subsection
 6 (a) shall describe, to the extent available, information
 7 on—

8 (1) the process of information sharing between
 9 the NCIC database and NamUs databases; and

10 (2) the programs funded by grants awarded
 11 under section 5.

12 **SEC. 8. DEFINITIONS.**

13 For the purposes of this Act, the following definitions
 14 apply:

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

21 (2) GAO REPORT.—The term “GAO report”
 22 means the report required under section 3(b).

23 (3) FBI.—The term “FBI” means the Federal
 24 Bureau of Investigation.

1 (4) NAMUS DATABASES.—The term “NamUs
2 databases” means the National Missing and Uniden-
3 tified Persons System Missing Persons database and
4 National Missing and Unidentified Persons System
5 Unidentified Decedents database maintained by the
6 National Institute of Justice of the Department of
7 Justice.

8 (5) NCIC DATABASE.—The term “NCIC data-
9 base” means the National Crime Information Center
10 Missing Person File and National Crime Informa-
11 tion Center Unidentified Person File of the National
12 Crime Information Center database of the FBI, es-
13 tablished pursuant to section 534 of title 28, United
14 States Code.

15 (6) STATE.—The term “State” means any
16 State of the United States, the District of Columbia,
17 the Commonwealth of Puerto Rico, the Virgin Is-
18 lands, American Samoa, Guam, and the Common-
19 wealth of the Northern Mariana Islands.

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