

114TH CONGRESS
1ST SESSION

H. R. 3653

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

SEPTEMBER 30, 2015

Mr. POE of Texas (for himself and Ms. ESTY) 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 “Billy’s Law” or the “Help
5 Find the Missing Act”.

1 **SEC. 2. AUTHORIZATION OF THE NATIONAL MISSING AND**
2 **UNIDENTIFIED PERSONS SYSTEM.**

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

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section not
19 more than a total of \$2,400,000 for each of the fiscal
20 years 2016 through 2021. Notwithstanding any other pro-
21 vision of law, the total amount of Federal funds made
22 available for any of the fiscal years 2016 through 2021
23 to maintain NamUs may not exceed the amount described
24 in the previous sentence.

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 enactment of this Act, the Attorney Gen-
16 eral, in consultation with the Director of the FBI,
17 shall promulgate rules pursuant to notice and com-
18 ment that specify the information the Attorney Gen-
19 eral may provide from the NCIC files to the NamUs
20 databases for purposes of this Act. Such rules
21 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) ADDITIONAL RULES.—In addition to pro-
16 mulgating rules under paragraph (1), the Attorney
17 General, in consultation with the Director of the
18 FBI, may also promulgate rules to further protect
19 confidential, private, and law enforcement sensitive
20 information, such as by creating process to permit
21 an individual who is 21 years of age or older to
22 proactively prohibit NamUs from creating a profile
23 for the individual within the NamUs database if the
24 individual were to go missing in the future, and to
25 permit an individual who is 21 years of age or older

1 and who is voluntarily missing to request the re-
2 moval of a published profile of the individual from
3 the NamUs database.

4 (3) SUBMISSIONS PRIOR TO ONLINE DATA
5 ENTRY FORMAT UPDATE.—With respect to informa-
6 tion submitted to the NCIC database before the end
7 of the 30-day period described in subsection (a), the
8 Attorney General may solicit from appropriate au-
9 thorized agencies authorization to transmit, enter, or
10 share such information.

11 (c) UPDATES.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Attorney Gen-
14 eral shall update the online data entry format for
15 the NCIC database and NamUs databases to pro-
16 vide State criminal justice agencies, offices of med-
17 ical examiners, and offices of coroners with the op-
18 tion to authorize the submission of new information
19 and data that is reported to and entered into the
20 NCIC database to simultaneously be submitted to
21 and entered into the NamUs databases.

22 (2) NCIC FORMAT.—

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

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

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

1 (B) EXCEPTION.—Subparagraph (A)(ii)
2 shall not apply with respect to any State that
3 has in effect a State law providing for a meth-
4 odology to authorize the sharing of information
5 between the NCIC database and NamUs data-
6 bases.

7 (d) AMENDMENTS TO TITLE XXXVII OF THE CRIME
8 CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISS-
9 ING CHILDREN TO NAMUS.—

10 (1) REPORTING REQUIREMENT.—Section
11 3701(a) of title XXXVII of the Crime Control Act
12 of 1990 (42 U.S.C. 5779(a)) is amended by striking
13 the period and inserting the following: “and, con-
14 sistent with section 3 (including rules promulgated
15 pursuant to section 3(b)) of the Help Find the Miss-
16 ing Act, shall also report such case, either directly
17 or through authorization described in such section to
18 transmit, enter, or share information on such case,
19 to the NamUs databases (as defined in section 7 of
20 such Act).”.

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

24 (A) in paragraph (2), by striking “or the
25 National Crime Information Center computer

1 database” and inserting “, the National Crime
2 Information Center computer database, or the
3 NamUs databases (as defined in section 7 of
4 the Help Find the Missing Act)”;

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

10 (C) in paragraph (4)—

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

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

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

1 (e) **AUTHORIZED AGENCIES AUTHORITY TO OVER-**
2 **RIDE INFORMATION.**—An authorized agency may remove
3 or override information (or portions of information) from
4 the NamUs database and the NCIC database, as trans-
5 ferred from the NamUs database under this Act, if such
6 information is submitted on behalf of a public user and
7 such information is deemed by the authorized agency to
8 be inaccurate.

9 **SEC. 4. INCENTIVE GRANTS PROGRAM.**

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

20 (b) **REQUIREMENTS.**—

21 (1) **IN GENERAL.**—As a condition of a grant
22 under this section, a grant recipient shall, with re-
23 spect to each case reported to the agency or office
24 of the recipient relating to a missing person de-

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

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

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

11 (ii) in the case of unidentified re-
12 mains, at least the minimum information
13 described in subsection (f)(2);

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

21 (i) information on the extent to which
22 DNA samples are available, including the
23 availability of such samples submitted to
24 the National DNA Index System under
25 subparagraph (C);

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

6 (iii) in the case of unidentified re-
7 mains, photographs or digital images that
8 may assist in identifying the decedent, in-
9 cluding fingerprint cards, radiographs,
10 palmprints, and distinctive features of the
11 decedent's personal effects; and

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

15 (C) not later than 60 days after the origi-
16 nal entry of the report, to the greatest extent
17 possible, submit to the National DNA Index
18 System of the FBI, established pursuant to sec-
19 tion 210304 of the Violent Crime Control and
20 Law Enforcement Act of 1994 (42 U.S.C.
21 14132), either directly or through use of
22 NamUs victims assistance resources and DNA
23 collection services, DNA samples and informa-
24 tion relating to such case.

1 (2) SHARING OF INFORMATION.—For purposes
2 of subparagraph (B), in the case of information a
3 grant recipient authorizes to be transferred, entered,
4 or shared under section 3 between the NCIC data-
5 base and NamUs databases, any update to such in-
6 formation shall be simultaneously made with respect
7 to both databases unless specified otherwise by the
8 recipient.

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

12 (1) separately to the NCIC database and
13 NamUs databases; or

14 (2) in accordance with section 3, simultaneously
15 to the NamUs databases when reporting to the
16 NCIC database or to the NCIC database when re-
17 porting to the NamUs databases.

18 (d) PERMISSIBLE USE OF FUNDS.—

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

22 (A) to hire additional personnel, to acquire
23 technology to facilitate timely data entry into
24 the relevant databases;

1 (B) to conduct contracting activities rel-
2 evant to outsourcing the processing of unidenti-
3 fied remains and the reporting of the resulting
4 information to the NCIC database and NamUs
5 databases;

6 (C) to train local law enforcement per-
7 sonnel, medical examiners, and coroners to use
8 the NCIC database and NamUs databases;

9 (D) to assist States' transition into the
10 new system under which information is shared
11 between the NCIC database and NamUs data-
12 bases; and

13 (E) for other purposes consistent with the
14 goals of this section.

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

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

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

24 (A) is senile or is suffering from a proven
25 mental or physical disability, as documented by

1 a source deemed credible to an appropriate law
2 enforcement entity; or

3 (B) is missing under circumstances that
4 indicate, as determined by an appropriate law
5 enforcement entity—

6 (i) that the person's physical safety
7 may be endangered;

8 (ii) that the disappearance may not
9 have been voluntary, such as abduction or
10 kidnapping; or

11 (iii) that the disappearance may have
12 been caused by a natural disaster or catas-
13 trophe (such as an airplane crash or ter-
14 rorist attack).

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

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

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

24 (f) MINIMUM INFORMATION REQUIRED.—

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

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

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

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

11 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-
12 MAINS.—The minimum information described in this
13 section, with respect to unidentified human remains,
14 is the following:

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

17 (B) Any distinguishing characteristics such
18 as scars, marks, tattoos, piercings, and other
19 unique physical characteristics.

20 (C) A description of clothing found on the
21 decedent.

22 (D) City and State where the unidentified
23 human remains were found.

1 (E) Information on how to contact the law
2 enforcement agency handling the investigation
3 and the unidentified human remains.

4 (F) Information on the extent to which
5 DNA samples are available, including the avail-
6 ability of such samples submitted to the Na-
7 tional DNA Index System under subsection
8 (b)(1)(C).

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

13 (h) CONFIDENTIALITY.—As a condition of a grant
14 under this section, the recipient of the grant shall ensure
15 that information reported under the grant meets the re-
16 quirements promulgated by the Attorney General under
17 section 3(b)(1)(A).

18 (i) ANNUAL SUMMARY.—For each of the fiscal years
19 2013 through 2016, the Attorney General shall publish
20 an annual statistical summary of the reports required by
21 subsection (c).

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

1 (k) FUNDING.—

2 (1) MATCHING REQUIREMENT.—The Attorney
3 General may not make a grant under subsection (a)
4 unless the applicant involved agrees, with respect to
5 the costs to be incurred by the applicant in carrying
6 out the purposes described in this section, to make
7 available non-Federal contributions (in cash or in
8 kind) toward such costs in an amount equal to not
9 less than \$1 for each \$2 of Federal funds provided
10 in the grant.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to carry out
13 this section \$8,000,000 for each of the fiscal years
14 2016 through 2020.

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

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

24 (1) provide an overview of the NCIC database
25 and NamUs databases;

1 (2) describe how local law enforcement agen-
2 cies, offices of medical examiners, and offices of
3 coroners should access and use the NCIC database
4 and NamUs databases;

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

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

12 **SEC. 6. REPORT TO CONGRESS.**

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

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

23 (1) the process of information sharing between
24 the NCIC database and NamUs databases; and

1 (2) the programs funded by grants awarded
2 under section 4.

3 **SEC. 7. DEFINITIONS.**

4 For the purposes of this Act, the following definitions
5 apply:

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

12 (2) FBI.—The term “FBI” means the Federal
13 Bureau of Investigation.

14 (3) NAMUS DATABASES.—The term “NamUs
15 databases” means the National Missing and Uniden-
16 tified Persons System Missing Persons database and
17 National Missing and Unidentified Persons System
18 Unidentified Decedents database maintained by the
19 National Institute of Justice of the Department of
20 Justice.

21 (4) NCIC DATABASE.—The term “NCIC data-
22 base” means the National Crime Information Center
23 Missing Person File and National Crime Informa-
24 tion Center Unidentified Person File of the National
25 Crime Information Center database of the FBI, es-

1 tablished pursuant to section 534 of title 28, United
2 States Code.

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

○