

114TH CONGRESS
1ST SESSION

S. 2105

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 30, 2015

Mr. MURPHY (for himself, Mr. HOEVEN, Mr. SCHUMER, and Mr. BLUMENTHAL) 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 2016 through 2021. Notwithstanding any other pro-
24 vision of law, the total amount of Federal funds made
25 available for any of the fiscal years 2016 through 2021

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

3 **SEC. 3. SHARING OF INFORMATION BETWEEN NCIC AND**
4 **NAMUS.**

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

15 (b) RULES ON CONFIDENTIALITY.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Attorney Gen-
18 eral, in consultation with the Director of the FBI,
19 shall promulgate rules pursuant to notice and com-
20 ment that specify the information the Attorney Gen-
21 eral may provide from the NCIC files to the NamUs
22 databases for purposes of this Act. Such rules
23 shall—

1 (A) provide for the protection of confiden-
2 tial, private, and law enforcement sensitive in-
3 formation contained in the NCIC files;

4 (B) be promulgated only after the Director
5 approves recommendations by the Advisory Pol-
6 icy Board of the Criminal Justice Information
7 Services Division of the FBI;

8 (C) specify the circumstances in which por-
9 tions of information may be withheld from
10 transfer, entry, or sharing from the NCIC data-
11 base to the NamUs databases; and

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

20 (2) ADDITIONAL RULES.—In addition to pro-
21 mulgating rules under paragraph (1), the Attorney
22 General, in consultation with the Director of the
23 FBI, may also promulgate rules to further protect
24 confidential, private, and law enforcement sensitive
25 information, such as by creating process to permit

1 an individual who is 21 years of age or older to
2 proactively prohibit NamUs from creating a profile
3 for the individual within the NamUs database if the
4 individual were to go missing in the future, and to
5 permit an individual who is 21 years of age or older
6 and who is voluntarily missing to request the re-
7 moval of a published profile of the individual from
8 the NamUs database.

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

16 (c) UPDATES.—

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

1 NCIC database to simultaneously be submitted to
2 and entered into the NamUs databases.

3 (2) NCIC FORMAT.—

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

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

18 (ii) subject to subparagraph (B), a re-
19 quirement that as a condition of partici-
20 pating in the NCIC database, States must
21 update their missing persons and unidenti-
22 fied remains collection processes from local
23 and tribal law enforcement, medical exam-
24 iners, and coroners to enable the States to
25 acquire information on whether or not the

authorized agencies originally submitting data with respect to a missing person or unidentified remains have provided authorization to share the information with the NamUs databases.

(B) EXCEPTION.—Subparagraph (A)(ii) shall not apply with respect to any State that has in effect a State law providing for a methodology to authorize the sharing of information between the NCIC database and 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 3 (including rules promulgated pursuant to section 3(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 7 of such Act).”.

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

4 (A) in paragraph (2), by striking “or the
5 National Crime Information Center computer
6 database” and inserting “, the National Crime
7 Information Center computer database, or the
8 NamUs databases (as defined in section 7 of
9 the Help Find the Missing Act)”;

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

15 (C) in paragraph (4)—

16 (i) in the matter preceding subpara-
17 graph (A), by inserting “or the NamUs
18 databases” after “National Crime Informa-
19 tion Center”; and

20 (ii) in subparagraph (A), by striking
21 “and National Crime Information Center
22 computer networks” and inserting “, Na-
23 tional Crime Information Center computer
24 networks, and the NamUs databases”.

1 (3) **EFFECTIVE DATE.**—The amendments made
2 by this subsection shall apply with respect to reports
3 made before, on, or after the date of the enactment
4 of this Act beginning on the last day of the 30-day
5 period described in subsection (a).

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

14 **SEC. 4. INCENTIVE GRANTS PROGRAM.**

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

25 (b) **REQUIREMENTS.**—

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

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

11 (i) in the case of a missing person de-
12 scribed in a category under subsection (e),
13 at least the minimum information de-
14 scribed in subsection (f)(1); and

15 (ii) in the case of unidentified re-
16 mains, at least the minimum information
17 described in subsection (f)(2);

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

1 (i) information on the extent to which
2 DNA samples are available, including the
3 availability of such samples submitted to
4 the National DNA Index System under
5 subparagraph (C);

6 (ii) fingerprints, medical and dental
7 records, and photographs of any distin-
8 guishing characteristics such as scars,
9 marks, tattoos, piercings, and other unique
10 physical characteristics;

11 (iii) in the case of unidentified re-
12 mains, photographs or digital images that
13 may assist in identifying the decedent, in-
14 cluding fingerprint cards, radiographs,
15 palmprints, and distinctive features of the
16 decedent's personal effects; and

17 (iv) any other information determined
18 to be appropriate by the Attorney General;
19 and

20 (C) not later than 60 days after the origi-
21 nal entry of the report, to the greatest extent
22 possible, submit to the National DNA Index
23 System of the FBI, established pursuant to sec-
24 tion 210304 of the Violent Crime Control and
25 Law Enforcement Act of 1994 (42 U.S.C.

1 14132), either directly or through use of
2 NamUs victims assistance resources and DNA
3 collection services, DNA samples and informa-
4 tion relating to such case.

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

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

16 (1) separately to the NCIC database and
17 NamUs databases; or

18 (2) in accordance with section 3, simultaneously
19 to the NamUs databases when reporting to the
20 NCIC database or to the NCIC database when re-
21 porting to the NamUs databases.

22 (d) PERMISSIBLE USE OF FUNDS.—

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

1 (A) to hire additional personnel, to acquire
2 technology to facilitate timely data entry into
3 the relevant databases;

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

9 (C) to train local law enforcement per-
10 sonnel, medical examiners, and coroners to use
11 the NCIC database and NamUs databases;

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

16 (E) for other purposes consistent with the
17 goals of this section.

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

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

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

2 (A) is senile or is suffering from a proven
3 mental or physical disability, as documented by
4 a source deemed credible to an appropriate law
5 enforcement entity; or

6 (B) is missing under circumstances that
7 indicate, as determined by an appropriate law
8 enforcement entity—

9 (i) that the person's physical safety
10 may be endangered;

11 (ii) that the disappearance may not
12 have been voluntary, such as abduction or
13 kidnapping; or

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

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

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

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

4 (f) MINIMUM INFORMATION REQUIRED.—

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

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

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

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

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

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

21 (B) Any distinguishing characteristics such
22 as scars, marks, tattoos, piercings, and other
23 unique physical characteristics.

24 (C) A description of clothing found on the
25 decedent.

1 (D) City and State where the unidentified
2 human remains were found.

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

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

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

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

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

24 (j) QUALIFYING LAW ENFORCEMENT AGENCY DE-
25 FINED.—For purposes of this Act, the term “qualifying

1 law enforcement agency” means a State, local, or tribal
 2 law enforcement agency.

3 (k) FUNDING.—

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

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
 14 There is authorized to be appropriated to carry out
 15 this section \$8,000,000 for each of the fiscal years
 16 2016 through 2020.

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

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

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

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

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

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

14 **SEC. 6. REPORT TO CONGRESS.**

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

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

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

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

5 **SEC. 7. DEFINITIONS.**

6 For the purposes of this Act, the following definitions
7 apply:

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

14 (2) **FBI.**—The term “FBI” means the Federal
15 Bureau of Investigation.

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

23 (4) **NCIC DATABASE.**—The term “NCIC data-
24 base” means the National Crime Information Center
25 Missing Person File and National Crime Informa-

1 tion Center Unidentified Person File of the National
2 Crime Information Center database of the FBI, es-
3 tablished pursuant to section 534 of title 28, United
4 States Code.

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

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