

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2174

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Missing Persons and  
3 Unidentified Remains Act of 2019”.

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

5 (a) JENNIFER’S LAW.—Jennifer’s Law (34 U.S.C.  
6 40501 et seq.) is amended—

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

9 **“SEC. 202. PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—

11 “(1) GRANTS AUTHORIZED.—The Attorney  
12 General may award grants to eligible entities de-  
13 scribed in paragraph (2) to enable the eligible enti-  
14 ties to improve the transportation, processing, iden-  
15 tification, and reporting of missing persons and un-  
16 identified remains, including migrants.

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

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

20 “(B) Accredited, publicly funded, Com-  
21 bined DNA Index System (commonly known as  
22 ‘CODIS’) forensic laboratories, which dem-  
23 onstrate the grant funds will be used for DNA  
24 typing and uploading biological family DNA  
25 reference samples, including samples from for-  
26 eign nationals, into CODIS, subject to the pro-

1            protocols for inclusion of such forensic DNA pro-  
2            files into CODIS, and the privacy protections  
3            required under section 203(c).

4            “(C) Medical examiners offices.

5            “(D) Accredited, publicly funded toxicology  
6            laboratories.

7            “(E) Accredited, publicly funded crime lab-  
8            oratories.

9            “(F) Publicly funded university forensic  
10           anthropology laboratories.

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

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

19                  (A) in subsection (a), by striking “a State”  
20           and inserting “an entity described in section  
21           202”;

22                  (B) in subsection (b)—

23                          (i) in the matter preceding paragraph  
24           (1), by striking “State” and inserting “ap-  
25           plicant”;

1 (ii) by striking paragraph (1) and in-  
2 sserting the following:

3 “(1) report to the National Crime Information  
4 Center and, when possible, to law enforcement au-  
5 thorities throughout the applicant’s jurisdiction re-  
6 garding every deceased unidentified person, regard-  
7 less of age, found in the applicant’s jurisdiction;”;

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

10 (iv) in paragraph (4), by striking the  
11 period at the end and inserting “; and”;  
12 and

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

14 “(5) collect and report information to the Na-  
15 tional Missing and Unidentified Persons System  
16 (NamUs) regarding missing persons and unidenti-  
17 fied remains.”; and

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

19 “(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAM-  
20 ILY REFERENCE SAMPLES.—

21 “(1) IN GENERAL.—Any suspected biological  
22 family DNA reference samples received from citizens  
23 of the United States or foreign nationals and  
24 uploaded into the Combined DNA Index System  
25 (commonly referred to as ‘CODIS’) by an accredited,

1 publicly funded CODIS forensic laboratory awarded  
2 a grant under this section may be used only for  
3 identifying missing persons and unidentified re-  
4 mains.

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

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

14 **“SEC. 205. USE OF FUNDS.**

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

17 “(1) pay for the costs incurred during or after  
18 fiscal year 2017 for the transportation, processing,  
19 identification, and reporting of missing persons and  
20 unidentified remains, including migrants;

21 “(2) establish and expand programs developed  
22 to improve the reporting of unidentified persons in  
23 accordance with the assurances provided in the ap-  
24 plication submitted pursuant to section 203(b);

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

5           “(4) procure and maintain state of the art  
6 multi-modal, multi-purpose forensic and DNA-typing  
7 and analytical equipment.”.

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

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

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

16 **SEC. 3. RESCUE BEACONS.**

17           Section 411(o) of the Homeland Security Act of 2002  
18 (6 U.S.C. 211(o)) is amended by adding at the end the  
19 following:

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



1 the appropriate committees of Congress regarding  
2 all unidentified remains discovered, during the re-  
3 porting period, on or near the border between the  
4 United States and Mexico, including—

5 (A) for each deceased person—

6 (i) the cause and manner of death, if  
7 known;

8 (ii) the sex, age (at time of death),  
9 and country of origin (if such information  
10 is determinable); and

11 (iii) the location of each unidentified  
12 remain;

13 (B) the total number of deceased people  
14 whose unidentified remains were discovered by  
15 U.S. Customs and Border Protection during the  
16 reporting period;

17 (C) to the extent such information is avail-  
18 able to U.S. Customs and Border Protection,  
19 the total number of deceased people whose un-  
20 identified remains were discovered by Federal,  
21 State, local or Tribal law enforcement officers,  
22 military personnel, or medical examiners offices;

23 (D) the efforts of U.S. Customs and Bor-  
24 der Protection to engage with nongovernmental  
25 organizations, institutions of higher education,



1           medical examiners and coroners, and law en-  
2           forcement agencies—

3                   (i) to identify and map the locations  
4                   at which migrant deaths occur; and

5                   (ii) to count the number of deaths  
6                   that occur at such locations; and

7           (E) a detailed description of U.S. Customs  
8           and Border Protection’s Missing Migrant Pro-  
9           gram, including how the program helps mitigate  
10          migrant deaths while maintaining border secu-  
11          rity.

12          (2) PUBLIC DISCLOSURE.—Not later than 30  
13          days after each report required under paragraph (1)  
14          is submitted, the Commissioner of U.S. Customs and  
15          Border Protection shall publish on the website of the  
16          agency the information described in subparagraphs  
17          (A), (B), and (C) of paragraph (1) during each re-  
18          porting period.

19          (b) RESCUE BEACONS.—Not later than 1 year after  
20          the date of enactment of this Act, and annually thereafter,  
21          the Commissioner of U.S. Customs and Border Protection  
22          shall submit a report to the appropriate committees of  
23          Congress regarding the use of rescue beacons along the  
24          border between the United States and Mexico, including,  
25          for the reporting period—

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

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

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

6           (4) a description of the nature of the distress  
7           that resulted in each rescue beacon activation (if  
8           such information is determinable); and

9           (5) an assessment, in consultation with local  
10          stakeholders, including elected officials, nongovern-  
11          mental organizations, and landowners, of necessary  
12          additional rescue beacons and recommendations for  
13          locations for deployment to reduce migrant deaths.

14         (c) GAO REPORT.—Not later than 6 months after  
15         the report required under subsection (a) is submitted to  
16         the appropriate committees of Congress, the Comptroller  
17         General of the United States shall submit a report to the  
18         same committees that describes—

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

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

24                 (3) how U.S. Customs and Border Protection’s  
25                 data and statistical analysis on trends in the num-

1       bers, locations, causes, and characteristics of border-  
2       crossing deaths compare to other sources of data on  
3       these deaths, including border county medical exam-  
4       iners and coroners and the Centers for Disease Con-  
5       trol and Prevention;

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

9               (5) the extent to which U.S. Customs and Bor-  
10      der Protection engages Federal, State, local, and  
11      Tribal governments, foreign diplomatic and consular  
12      posts, and nongovernmental organizations—

13                   (A) to accurately identify deceased individ-  
14      uals;

15                   (B) to resolve cases involving unidentified  
16      remains;

17                   (C) to resolve cases involving unidentified  
18      persons; and

19                   (D) to share information on missing per-  
20      sons and unidentified remains, specifically with

1           the National Missing and Unidentified Persons  
2           System (NamUs).

Passed the Senate November 16, 2020.

Attest:

*Secretary.*



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