

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.

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## 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

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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 “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

1 format for the NCIC database and NamUs data-  
2 bases to provide State criminal justice agencies, of-  
3 fices of medical examiners, and offices of coroners  
4 with the option to authorize the submission of new  
5 information and data that is reported to and entered  
6 into the NCIC database to be submitted to and en-  
7 tered into the NamUs databases.

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

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 the following: “and, con-  
25 sistent with section 4 (including rules promulgated

1       pursuant to section 4(b)) of the Help Find the Miss-  
2       ing Act, shall also report such case, either directly  
3       or through authorization described in such section to  
4       transmit, enter, or share information on such case,  
5       to the NamUs databases (as defined in section 8 of  
6       such Act).”.

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

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

16               (B) in paragraph (3), in the undesignated  
17       matter following subparagraph (C), by inserting  
18       after “receive such reports” the following: “and  
19       is entered within 60 days of receipt in the  
20       NamUs databases (as so defined)”;

21               (C) in paragraph (4)—

22                       (i) in the matter preceding subpara-  
23       graph (A), by inserting “or the NamUs  
24       databases” after “National Crime Informa-  
25       tion 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           forcement 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 requirements 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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