

111TH CONGRESS
2^D SESSION

H. R. 3695

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2010

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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 the “Help Find the Missing
5 Act” or “Billy’s Law”.

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

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

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$2,400,000 for each of the fiscal years 2011 through
25 2016.

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 (as de-
9 fined in section 7) to be transmitted to, entered in, and
10 otherwise shared with the NamUs databases (as defined
11 in such section) and for such information contained in the
12 NamUs databases to be transmitted to, entered in, and
13 otherwise shared with the NCIC database.

14 (b) RULES ON CONFIDENTIALITY.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, the Attorney
17 General, in consultation with the Director of the
18 Federal Bureau of Investigation (in this Act referred
19 to as the “FBI”), shall promulgate rules pursuant
20 to notice and comment that specify the information
21 the Attorney General may provide from the NCIC
22 files to the NamUs databases for purposes of this
23 Act. Such rules shall—

24 (A) provide for the protection of law en-
25 forcement sensitive, confidential, and private in-
26 formation contained in the NCIC files;

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

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

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

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

24 (c) UPDATES.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Attorney
3 General shall update the online data entry format
4 for the NCIC database and NamUs databases to
5 provide State criminal justice agencies, offices of
6 medical examiners, and offices of coroners with the
7 option to authorize the submission of new informa-
8 tion and data that is reported to and entered into
9 the NCIC database to simultaneously be submitted
10 to and entered into the NamUs databases.

11 (2) NCIC FORMAT.—

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

15 (i) an update to the NCIC database
16 online data entry format that States use in
17 submitting missing persons and unidenti-
18 fied remains reports, including the addition
19 of a new data field allowing States, on be-
20 half of the authorized agency that origi-
21 nally submitted the data, to select whether
22 or not to have the NCIC report, subject to
23 the rules promulgated under subsection
24 (b), shared with the NamUs databases;
25 and

1 (ii) subject to subparagraph (B), a re-
2 quirement that as a condition of partici-
3 pating in the NCIC database, States must
4 update their missing persons and unidenti-
5 fied remains collection processes from local
6 and tribal law enforcement, medical exam-
7 iners, and coroners to enable the States to
8 acquire information on whether or not the
9 authorized agencies originally submitting
10 data with respect to a missing person or
11 unidentified remains have provided author-
12 ization to share the information with the
13 NamUs databases.

14 (B) EXCEPTION.—Subparagraph (A)(ii)
15 shall not apply with respect to any State that
16 has in effect a State law providing for a meth-
17 odology to authorize the sharing of information
18 between the NCIC database and NamUs data-
19 bases.

20 (d) AMENDMENTS TO TITLE XXXVII OF THE CRIME
21 CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISS-
22 ING CHILDREN TO NAMUS.—

23 (1) REPORTING REQUIREMENT.—Section
24 3701(a) of title XXXVII of the Crime Control Act
25 of 1990 (42 U.S.C. 5779(a)) is amended by striking

1 the period and inserting the following: “and, con-
2 sistent with section 3 (including rules promulgated
3 pursuant to section 3(b)) of the Help Find the Miss-
4 ing Act, shall also report such case, either directly
5 or through authorization described in such section to
6 transmit, enter, or share information on such case,
7 to the NamUs databases (as defined in section 7 of
8 such Act).”.

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

12 (A) in paragraph (2), by striking “or the
13 National Crime Information Center computer
14 database” and inserting “, the National Crime
15 Information Center computer database, or the
16 NamUs databases (as defined in section 7 of
17 the Help Find the Missing Act)”;

18 (B) in paragraph (3), by striking “and the
19 National Crime Information Center computer
20 networks” and inserting “, the National Crime
21 Information Center computer networks, and the
22 NamUs databases (as so defined)”;

23 (C) in paragraph (4)—

24 (i) in the matter preceding subpara-
25 graph (A), by inserting “or the NamUs

1 databases” after “National Crime Informa-
2 tion Center”; and

3 (ii) in subparagraph (A), by striking
4 “and National Crime Information Center
5 computer networks” and inserting “, Na-
6 tional Crime Information Center computer
7 networks, and the NamUs databases”.

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

13 **SEC. 4. INCENTIVE GRANTS PROGRAM.**

14 (a) **ESTABLISHMENT.**—Not later than 1 year after
15 the date of enactment of this Act, the Attorney General
16 shall establish a program to provide grants to qualifying
17 law enforcement agencies (as defined in subsection (j)),
18 offices of coroners, offices of medical examiners, and other
19 authorized agencies to facilitate the process of reporting
20 information regarding missing persons and unidentified
21 remains to the NCIC database and NamUs databases for
22 purposes of assisting in locating such missing persons and
23 identifying such remains.

24 (b) **REQUIREMENTS.**—As a condition of a grant
25 under this section, a grant recipient shall, with respect to

1 each case reported to the agency or office of the recipient
2 relating to a missing person described in a category under
3 subsection (e) or relating to unidentified remains—

4 (1) not later than 72 hours after such case is
5 reported to the agency or office and consistent with
6 subsection (e), submit to the NCIC database and
7 NamUs databases—

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

12 (B) in the case of unidentified remains, at
13 least the minimum information described in
14 subsection (f)(2); and

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

21 (A) information on the extent to which
22 DNA samples are available, including the avail-
23 ability of such samples submitted to the Na-
24 tional DNA Index System under subsection
25 (b)(3);

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

6 (C) in the case of unidentified remains,
7 photographs or digital images that may assist
8 in identifying the decedent, including finger-
9 print cards, radiographs, palmprints, and dis-
10 tinctive features of the decedent's personal ef-
11 fects; and

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

14 (3) not later than 60 days after the original
15 entry of the report, to the greatest extent possible,
16 submit to the National DNA Index System of the
17 Federal Bureau of Investigation, established pursu-
18 ant to section 210304 of the Violent Crime Control
19 and Law Enforcement Act of 1994, (either directly
20 or through use of NamUs victims assistance re-
21 sources and DNA collection services) DNA samples
22 and information relating to such case.

23 For purposes of paragraph (2), in the case of information
24 a grant recipient authorizes to be transferred, entered, or
25 shared under section 3 between the NCIC database and

1 NamUs databases, any update to such information shall
2 be simultaneously made with respect to both databases un-
3 less specified otherwise by the recipient.

4 (c) SUBMISSION OF REPORTS.—To satisfy subsection
5 (b)(1), a recipient of a grant under this section shall sub-
6 mit information required under such subsection—

7 (1) separately to the NCIC database and
8 NamUs databases; or

9 (2) in accordance with section 3, simultaneously
10 to the NamUs databases when reporting to the
11 NCIC database or to the NCIC database when re-
12 porting to the NamUs databases.

13 (d) PERMISSIBLE USE OF FUNDS.—

14 (1) IN GENERAL.—The permissible uses of
15 grants awarded under this section include the use of
16 funds—

17 (A) to hire additional personnel, to acquire
18 technology to facilitate timely data entry into
19 the relevant databases;

20 (B) to conduct contracting activities rel-
21 evant to outsourcing the processing of unidenti-
22 fied remains and the reporting of the resulting
23 information to the NCIC database and NamUs
24 databases;

1 (C) to train local law enforcement per-
2 sonnel, medical examiners, and coroners to use
3 the NCIC database and NamUs databases;

4 (D) to assist States' transition into the
5 new system under which information is shared
6 between the NCIC database and NamUs data-
7 bases; and

8 (E) for other purposes consistent with the
9 goals of this section.

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

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

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

19 (A) is senile or is suffering from a proven
20 mental or physical disability, as documented by
21 a source deemed credible to an appropriate law
22 enforcement entity; or

23 (B) is missing under circumstances that
24 indicate, as determined by an appropriate law
25 enforcement entity—

1 (i) that the person's physical safety
2 may be endangered;

3 (ii) that the disappearance may not
4 have been voluntary, such as abduction or
5 kidnapping; or

6 (iii) that the disappearance may have
7 been caused by a natural disaster or catas-
8 trophe (such as an airplane crash or ter-
9 rorist attack).

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

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

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

19 (f) MINIMUM INFORMATION REQUIRED.—

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

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

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

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

5 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-
6 MAINS.—The minimum information described in this
7 section, with respect to unidentified human remains,
8 is the following:

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

11 (B) Any distinguishing characteristics such
12 as scars, marks, tattoos, piercings, and other
13 unique physical characteristics.

14 (C) A description of clothing found on the
15 decedent.

16 (D) City and State where the unidentified
17 human remains were found.

18 (E) Information on how to contact the law
19 enforcement agency handling the investigation
20 and the unidentified human remains.

21 (F) Information on the extent to which
22 DNA samples are available, including the avail-
23 ability of such samples submitted to the Na-
24 tional DNA Index System under subsection
25 (b)(3).

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

5 (h) CONFIDENTIALITY.—As a condition of a grant
6 under this section, the recipient of the grant shall ensure
7 that information reported under the grant meets the re-
8 quirements promulgated by the Attorney General under
9 section 3(b)(1).

10 (i) ANNUAL SUMMARY.—For each of the fiscal years
11 2012 through 2015, the Attorney General shall publish
12 an annual statistical summary of the reports required by
13 subsection (c).

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

18 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$10,000,000 for each of the fiscal years 2011 through
21 2015.

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

23 Not later than 1 year after the date of the enactment
24 of this Act, the Attorney General shall issue a report to
25 offices of medical examiners, offices of coroners, and Fed-

1 eral, State, local, and tribal law enforcement agencies de-
2 scribing the best practices for the collection, reporting,
3 and analysis of data and information on missing persons
4 and unidentified human remains. Such best practices
5 shall—

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

8 (2) describe how local law enforcement agen-
9 cies, offices of medical examiners, and offices of
10 coroners should access and use the NCIC database
11 and NamUs databases;

12 (3) describe the appropriate and inappropriate
13 uses of the NCIC database and NamUs databases;
14 and

15 (4) describe the standards and protocols for the
16 collection, reporting, and analysis of data and infor-
17 mation on missing persons and unidentified human
18 remains.

19 **SEC. 6. REPORT TO CONGRESS.**

20 (a) **IN GENERAL.**—Not later than 1 year after the
21 date of the enactment of this Act and biennially thereafter,
22 the Attorney General shall submit to the Committee on
23 the Judiciary of the House of Representatives and the
24 Committee on the Judiciary of the Senate a report de-

1 scribing the status of the NCIC database and NamUs
2 databases.

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

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

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

10 **SEC. 7. DEFINITIONS.**

11 For the purposes of this Act, the following definitions
12 apply:

13 (a) AUTHORIZED AGENCY.—The term “authorized
14 agency” means a government agency with an originating
15 agency identification (ORI) number and that is a criminal
16 justice agency, as defined for purposes of subpart A of
17 part 20 of title 28, Code of Federal Regulations.

18 (b) NAMUS DATABASES.—The term “NamUs data-
19 bases” means the National Missing and Unidentified Per-
20 sons System Missing Persons database and National Miss-
21 ing and Unidentified Persons System Unidentified Dece-
22 dents database maintained by the National Institute of
23 Justice of the Department of Justice.

24 (c) NCIC DATABASE.—The term “NCIC database”
25 means the National Crime Information Center Missing

1 Person File and National Crime Information Center Un-
2 identified Person File of the National Crime Information
3 Center database of the Federal Bureau of Investigation,
4 established pursuant to section 534 of title 28, United
5 States Code.

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

Passed the House of Representatives February 23,
2010.

Attest: LORRAINE C. MILLER,
Clerk.