

Union Calendar No. 242

111TH CONGRESS
2^D SESSION

H. R. 3695

[Report No. 111-416]

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

OCTOBER 1, 2009

Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

FEBRUARY 22, 2010

Additional sponsors: Mr. MINNICK, Mr. WHITFIELD, Ms. SHEA-PORTER, Mr. GORDON of Tennessee, Mrs. MALONEY, Mr. MCCOTTER, Mr. HINCHEY, Ms. NORTON, Ms. FUDGE, Mr. MCINTYRE, Mr. CHANDLER, Ms. DELAURO, Mr. FARR, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. MASSA, Ms. CHU, Mr. THOMPSON of Mississippi, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Ms. WATERS, Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. MURPHY of New York, Mr. PAYNE, Mr. LEE of New York, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, and Mr. ROTHMAN of New Jersey

FEBRUARY 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 1, 2009]

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 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 the*
9 *Director of the National Institute of Justice, is authorized*
10 *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 of*
19 *this Act shall be transferred to the National Missing and*
20 *Unidentified Persons System authorized under this section*
21 *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 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 defined
9 in section 7) to be transmitted to, entered in, and otherwise
10 shared with the NamUs databases (as defined in such sec-
11 tion) and for such information contained in the NamUs
12 databases to be transmitted to, entered in, and otherwise
13 shared with the NCIC database.

14 (b) *RULES ON CONFIDENTIALITY.*—

15 (1) *IN GENERAL.*—Not later than one year after
16 the date of the enactment of this Act, the Attorney
17 General, in consultation with the Director of the Fed-
18 eral Bureau of Investigation (in this Act referred to
19 as the “FBI”), shall promulgate rules pursuant to no-
20 tice and comment that specify the information the At-
21 torney General may provide from the NCIC files to
22 the NamUs databases for purposes of this Act. Such
23 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 agency
10 provides an authorization to permit the trans-
11 mission, entering, or sharing of information (or
12 portions of information) from the NCIC database
13 to the NamUs databases, such authorization shall
14 be deemed to apply to any updates made to such
15 information, unless otherwise specified by the
16 agency.

17 (2) *SUBMISSIONS PRIOR TO ONLINE DATA ENTRY*
18 *FORMAT UPDATE.*—With respect to information sub-
19 mitted to the NCIC database before the end of the 30-
20 day period specified in subsection (a), the Attorney
21 General may solicit from appropriate authorized
22 agencies authorization to transmit, enter, or share
23 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 for
4 the NCIC database and NamUs databases to provide
5 State criminal justice agencies, offices of medical ex-
6 aminers, and offices of coroners with the option to au-
7 thorize the submission of new information and data
8 that is reported to and entered into the NCIC data-
9 base to simultaneously be submitted to and entered
10 into the NamUs databases.

11 (2) *NCIC FORMAT.*—

12 (A) *IN GENERAL.*—In the case of the NCIC
13 database, an update described in paragraph (1)
14 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 originally
21 submitted the data, to select whether or not
22 to have the NCIC report, subject to the rules
23 promulgated under subsection (b), shared
24 with the NamUs databases; 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 method-
17 ology to authorize the sharing of information be-
18 tween the NCIC database and NamUs databases.

19 (d) *AMENDMENTS TO TITLE XXXVII OF THE CRIME*
20 *CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISSING*
21 *CHILDREN TO NAMUS.*—

22 (1) *REPORTING REQUIREMENT.*—Section 3701(a)
23 of title XXXVII of the Crime Control Act of 1990 (42
24 U.S.C. 5779(a)) is amended by striking the period
25 and inserting the following: “and, consistent with sec-

1 *tion 3 (including rules promulgated pursuant to sec-*
2 *tion 3(b)) of the Help Find the Missing Act, shall also*
3 *report such case, either directly or through authoriza-*
4 *tion described in such section to transmit, enter, or*
5 *share information on such case, to the NamUs data-*
6 *bases (as defined in section 7 of 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 7 of the*
15 *Help Find the Missing Act)”;*

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

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 of
9 this Act beginning on the last day of the 30-day pe-
10 riod described in subsection (a).

11 **SEC. 4. INCENTIVE GRANTS PROGRAM.**

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

22 (b) *REQUIREMENTS.*—As a condition of a grant under
23 this section, a grant recipient shall, with respect to each
24 case reported to the agency or office of the recipient relating

1 *to a missing person described in a category under sub-*
2 *section (e) or relating to unidentified remains—*

3 *(1) not later than 72 hours after such case is re-*
4 *ported to the agency or office and consistent with sub-*
5 *section (c), submit to the NCIC database and NamUs*
6 *databases—*

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

11 *(B) in the case of unidentified remains, at*
12 *least the minimum information described in sub-*
13 *section (f)(2); and*

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

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

24 *(B) fingerprints, medical and dental*
25 *records, and photographs of any distinguishing*

1 *characteristics such as scars, marks, tattoos,*
2 *piercings, and other unique physical characteris-*
3 *tics;*

4 *(C) in the case of unidentified remains,*
5 *photographs or digital images that may assist in*
6 *identifying the decedent, including fingerprint*
7 *cards, radiographs, palmprints, and distinctive*
8 *features of the decedent's personal effects; and*

9 *(D) any other information determined to be*
10 *appropriate by the Attorney General; and*

11 *(3) not later than 60 days after the original*
12 *entry of the report, to the greatest extent possible, sub-*
13 *mit to the National DNA Index System of the Federal*
14 *Bureau of Investigation, established pursuant to sec-*
15 *tion 210304 of the Violent Crime Control and Law*
16 *Enforcement Act of 1994, (either directly or through*
17 *use of NamUs victims assistance resources and DNA*
18 *collection services) DNA samples and information re-*
19 *lating to such case.*

20 *For purposes of paragraph (2), in the case of information*
21 *a grant recipient authorizes to be transferred, entered, or*
22 *shared under section 3 between the NCIC database and*
23 *NamUs databases, any update to such information shall be*
24 *simultaneously made with respect to both databases unless*
25 *specified otherwise by the recipient.*

1 (c) *SUBMISSION OF REPORTS.*—*To satisfy subsection*
2 *(b)(1), a recipient of a grant under this section shall submit*
3 *information required under such subsection—*

4 (1) *separately to the NCIC database and NamUs*
5 *databases; or*

6 (2) *in accordance with section 3, simultaneously*
7 *to the NamUs databases when reporting to the NCIC*
8 *database or to the NCIC database when reporting to*
9 *the NamUs databases.*

10 (d) *PERMISSIBLE USE OF FUNDS.*—

11 (1) *IN GENERAL.*—*The permissible uses of grants*
12 *awarded under this section include the use of funds—*

13 (A) *to hire additional personnel, to acquire*
14 *technology to facilitate timely data entry into*
15 *the relevant databases;*

16 (B) *to conduct contracting activities rel-*
17 *evant to outsourcing the processing of unidenti-*
18 *fied remains and the reporting of the resulting*
19 *information to the NCIC database and NamUs*
20 *databases;*

21 (C) *to train local law enforcement per-*
22 *sonnel, medical examiners, and coroners to use*
23 *the NCIC database and NamUs databases;*

24 (D) *to assist States' transition into the new*
25 *system under which information is shared be-*

1 *tween the NCIC database and NamUs databases;*
2 *and*

3 *(E) for other purposes consistent with the*
4 *goals of this section.*

5 (2) *CLARIFICATION.—In no case may a recipient*
6 *of a grant under this section use funds to enter or*
7 *help facilitate the entrance of any false or misleading*
8 *information about missing persons or unidentified re-*
9 *mains.*

10 (e) *CATEGORIES OF MISSING PERSONS.—The cat-*
11 *egories of missing persons described in this subsection are*
12 *the following:*

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

14 (A) *is senile or is suffering from a proven*
15 *mental or physical disability, as documented by*
16 *a source deemed credible to an appropriate law*
17 *enforcement entity; or*

18 (B) *is missing under circumstances that in-*
19 *dicade, as determined by an appropriate law en-*
20 *forcement entity—*

21 (i) *that the person’s physical safety*
22 *may be endangered;*

23 (ii) *that the disappearance may not*
24 *have been voluntary, such as abduction or*
25 *kidnapping; or*

1 (iii) that the disappearance may have
2 been caused by a natural disaster or catas-
3 trophe (such as an airplane crash or ter-
4 rorist attack).

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

8 (A) There is a reasonable concern, as deter-
9 mined by an appropriate law enforcement enti-
10 ty, for the safety of the missing person.

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

14 (f) *MINIMUM INFORMATION REQUIRED.*—

15 (1) *CONTENT FOR MISSING PERSONS.*—The min-
16 imum information described in this section, with re-
17 spect to a missing person, is the following:

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

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

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

1 (2) *CONTENT FOR UNIDENTIFIED HUMAN RE-*
2 *MAINS.—The minimum information described in this*
3 *section, with respect to unidentified human remains,*
4 *is the following:*

5 (A) *The estimated age, gender, race, height,*
6 *weight, hair color, and eye color.*

7 (B) *Any distinguishing characteristics such*
8 *as scars, marks, tattoos, piercings, and other*
9 *unique physical characteristics.*

10 (C) *A description of clothing found on the*
11 *decedent.*

12 (D) *City and State where the unidentified*
13 *human remains were found.*

14 (E) *Information on how to contact the law*
15 *enforcement agency handling the investigation*
16 *and the unidentified human remains.*

17 (F) *Information on the extent to which*
18 *DNA samples are available, including the avail-*
19 *ability of such samples submitted to the National*
20 *DNA Index System under subsection (b)(3).*

21 (g) *ADMINISTRATION.—The Attorney General shall*
22 *prescribe requirements, including with respect to applica-*
23 *tions, for grants awarded under this section and shall deter-*
24 *mine the amount of each such grant.*

1 (h) *CONFIDENTIALITY.*—As a condition of a grant
2 under this section, the recipient of the grant shall ensure
3 that information reported under the grant meets the re-
4 quirements promulgated by the Attorney General under sec-
5 tion 3(b)(1).

6 (i) *ANNUAL SUMMARY.*—For each of the fiscal years
7 2012 through 2015, the Attorney General shall publish an
8 annual statistical summary of the reports required by sub-
9 section (c).

10 (j) *QUALIFYING LAW ENFORCEMENT AGENCY DE-*
11 *FINED.*—For purposes of this Act, the term “qualifying law
12 enforcement agency” means a State, local, or tribal law en-
13 forcement agency.

14 (k) *AUTHORIZATION OF APPROPRIATIONS.*—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of the fiscal years 2011 through 2015.

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 of-
20 fices of medical examiners, offices of coroners, and Federal,
21 State, local, and tribal law enforcement agencies describing
22 the best practices for the collection, reporting, and analysis
23 of data and information on missing persons and unidenti-
24 fied human remains. Such best practices shall—

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

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

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

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

13 **SEC. 6. REPORT TO CONGRESS.**

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

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

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

24 (2) *the programs funded by grants awarded*
25 *under section 4.*

1 **SEC. 7. DEFINITIONS.**

2 *For the purposes of this Act, the following definitions*
3 *apply:*

4 (a) *AUTHORIZED AGENCY.*—*The term “authorized*
5 *agency” means a government agency with an originating*
6 *agency identification (ORI) number and that is a criminal*
7 *justice agency, as defined for purposes of subpart A of part*
8 *20 of title 28, Code of Federal Regulations.*

9 (b) *NAMUS DATABASES.*—*The term “NamUs data-*
10 *bases” means the National Missing and Unidentified Per-*
11 *sons System Missing Persons database and National Miss-*
12 *ing and Unidentified Persons System Unidentified Dece-*
13 *dents database maintained by the National Institute of Jus-*
14 *tice of the Department of Justice.*

15 (c) *NCIC DATABASE.*—*The term “NCIC database”*
16 *means the National Crime Information Center Missing Per-*
17 *son File and National Crime Information Center Unidenti-*
18 *fied Person File of the National Crime Information Center*
19 *database of the Federal Bureau of Investigation, established*
20 *pursuant to section 534 of title 28, United States Code.*

21 (d) *STATE.*—*The term “State” means any State of the*
22 *United States, the District of Columbia, the Commonwealth*
23 *of Puerto Rico, the Virgin Islands, American Samoa,*
24 *Guam, and the Commonwealth of the Northern Mariana Is-*
25 *lands.*

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