

116TH CONGRESS
2D SESSION

H. R. 8772

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2020

Mr. GONZALEZ of Texas (for himself and Mr. HURD of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Missing Persons and
5 Unidentified Remains Act of 2020”.

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

2 (a) JENNIFER'S LAW.—Jennifer's Law (34 U.S.C.
3 40501 et seq.) is amended—

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

6 **“SEC. 202. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—

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

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

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

17 “(B) Accredited, publicly funded, Com-
18 bined DNA Index System (commonly known as
19 ‘CODIS’) forensic laboratories, which dem-
20 onstrate the grant funds will be used for DNA
21 typing and uploading biological family DNA
22 reference samples, including samples from for-
23 eign nationals, into CODIS, subject to the pro-
24 tocols for inclusion of such forensic DNA pro-
25 files into CODIS, and the privacy protections
26 required under section 203(c).

1 “(C) Medical examiners offices.

2 “(D) Accredited, publicly funded toxicology
3 laboratories.

4 “(E) Accredited, publicly funded crime lab-
5 oratories.

6 “(F) Publicly funded university forensic
7 anthropology laboratories.

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

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

16 (A) in subsection (a), by striking “a State”
17 and inserting “an entity described in section
18 202”;

19 (B) in subsection (b)—

20 (i) in the matter preceding paragraph
21 (1), by striking “State” and inserting “ap-
22 plicant”;

23 (ii) by striking paragraph (1) and in-
24 serting the following:

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

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

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

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

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

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

17 “(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAM-
18 ILY REFERENCE SAMPLES.—

19 “(1) IN GENERAL.—Any suspected biological
20 family DNA reference samples received from citizens
21 of the United States or foreign nationals and
22 uploaded into the Combined DNA Index System
23 (commonly referred to as ‘CODIS’) by an accredited,
24 publicly funded CODIS forensic laboratory awarded
25 a grant under this section may be used only for

1 identifying missing persons and unidentified re-
2 mains.

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

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

12 **“SEC. 205. USE OF FUNDS.**

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

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

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

23 “(3) hire and maintain additional DNA case
24 analysts and technicians, fingerprint examiners, fo-

1 rensic odontologists, and forensic anthropologists,
2 needed to support such identification programs; and

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

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

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

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

14 **SEC. 3. RESCUE BEACONS.**

15 Section 411(o) of the Homeland Security Act of 2002
16 (6 U.S.C. 211(o)) is amended by adding at the end the
17 following:

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

1 **SEC. 4. REPORTING ON NATIONAL MISSING AND UNIDENTI-**
2 **FIED PERSONS SYSTEM (NAMUS) PROGRAM.**

3 Not later than 18 months after the date of enactment
4 of this act, and every year thereafter, the Attorney Gen-
5 eral shall submit a report to the appropriate committees
6 of Congress regarding—

7 (1) the number of unidentified person cases
8 processed;

9 (2) CODIS associations and identifications;

10 (3) the number of anthropology cases processed;

11 (4) the number of suspected border crossing
12 cases and associations made;

13 (5) the number of trials supported with expert
14 testimony;

15 (6) the number of students trained and profes-
16 sions of those students; and

17 (7) the turnaround time and backlog.

18 **SEC. 5. OTHER REPORTING REQUIREMENTS.**

19 (a) UNIDENTIFIED REMAINS.—

20 (1) REPORTING REQUIREMENT.—Not later than
21 1 year after the date of enactment of this Act, and
22 annually thereafter, the Commissioner of U.S. Cus-
23 toms and Border Protection shall submit a report to
24 the appropriate committees of Congress regarding
25 all unidentified remains discovered, during the re-

1 porting period, on or near the border between the
2 United States and Mexico, including—

3 (A) for each deceased person—

4 (i) the cause and manner of death, if
5 known;

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

9 (iii) the location of each unidentified
10 remain;

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

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

21 (D) the efforts of U.S. Customs and Bor-
22 der Protection to engage with nongovernmental
23 organizations, institutions of higher education,
24 medical examiners and coroners, and law en-
25 forcement agencies—

1 (i) to identify and map the locations
2 at which migrant deaths occur; and

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) how U.S. Customs and Border Protection's
23 data and statistical analysis on trends in the num-
24 bers, locations, causes, and characteristics of border-
25 crossing deaths compare to other sources of data on

1 these deaths, including border county medical exam-
2 iners and coroners and the Centers for Disease Con-
3 trol and Prevention;

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

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

11 (A) to accurately identify deceased individ-
12 uals;

13 (B) to resolve cases involving unidentified
14 remains;

15 (C) to resolve cases involving unidentified
16 persons; and

17 (D) to share information on missing per-
18 sons and unidentified remains, specifically with
19 the National Missing and Unidentified Persons
20 System (NamUs).

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