

***In the House of Representatives, U. S.,***

*December 16, 2020.*

*Resolved*, That the bill from the Senate (S. 2174) entitled “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.”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

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 Gen-*  
12 *eral may award grants to eligible entities described in*  
13 *paragraph (2) to enable the eligible entities to im-*  
14 *prove the transportation, processing, identification,*

1       *and reporting of missing persons and unidentified re-*  
2       *mains, including migrants.*

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

5                       “(A) *States and units of local government.*

6                       “(B) *Accredited, publicly funded, Combined*  
7       *DNA Index System (commonly known as*  
8       *‘CODIS’) forensic laboratories, which dem-*  
9       *onstrate the grant funds will be used for DNA*  
10       *typing and uploading biological family DNA ref-*  
11       *erence samples, including samples from foreign*  
12       *nationals, into CODIS, subject to the protocols*  
13       *for inclusion of such forensic DNA profiles into*  
14       *CODIS, and the privacy protections required*  
15       *under section 203(c).*

16                      “(C) *Medical examiners offices.*

17                      “(D) *Accredited, publicly funded toxicology*  
18       *laboratories.*

19                      “(E) *Accredited, publicly funded crime lab-*  
20       *oratories.*

21                      “(F) *Publicly funded university forensic an-*  
22       *thropology laboratories.*

23                      “(G) *Nonprofit organizations that have*  
24       *working collaborative agreements with State and*  
25       *county forensic offices, including medical exam-*

1            *iners, coroners, and justices of the peace, for*  
2            *entry of data into CODIS or the National Miss-*  
3            *ing and Unidentified Persons System (commonly*  
4            *known as ‘NamUs’), or both.’;*

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

6                    *(A) in subsection (a), by striking “a State”*  
7                    *and inserting “an entity described in section*  
8                    *202”;*

9                    *(B) in subsection (b)—*

10                    *(i) in the matter preceding paragraph*  
11                    *(1), by striking “State” and inserting “ap-*  
12                    *plicant”;*

13                    *(ii) by striking paragraph (1) and in-*  
14                    *serting the following:*

15                    *“(1) report to the National Crime Information*  
16                    *Center and, when possible, to law enforcement au-*  
17                    *thorities throughout the applicant’s jurisdiction re-*  
18                    *garding every deceased unidentified person, regardless*  
19                    *of age, found in the applicant’s jurisdiction;”;*

20                    *(iii) in paragraph (3), by striking*  
21                    *“and” at the end;*

22                    *(iv) in paragraph (4), by striking the*  
23                    *period at the end and inserting “; and”;*  
24                    *and*

25                    *(v) by adding at the end the following:*

1           “(5) collect and report information to the Na-  
2           tional Missing and Unidentified Persons System  
3           (NamUs) regarding missing persons and unidentified  
4           remains.”; and

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

6           “(c) *PRIVACY PROTECTIONS FOR BIOLOGICAL FAMILY*  
7           *REFERENCE SAMPLES.*—

8                       “(1) *IN GENERAL.*—Any suspected biological  
9           family DNA reference samples received from citizens  
10          of the United States or foreign nationals and  
11          uploaded into the Combined DNA Index System  
12          (commonly referred to as ‘CODIS’) by an accredited,  
13          publicly funded CODIS forensic laboratory awarded  
14          a grant under this section may be used only for iden-  
15          tifying missing persons and unidentified remains.

16                      “(2) *LIMITATION ON USE.*—Any biological fam-  
17          ily DNA reference samples from citizens of the United  
18          States or foreign nationals entered into CODIS for  
19          purposes of identifying missing persons and unidenti-  
20          fied remains may not be disclosed to a Federal or  
21          State law enforcement agency for law enforcement  
22          purposes.”; and

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

1 **“SEC. 205. USE OF FUNDS.**

2 *“An applicant receiving a grant award under this title*  
3 *may use such funds to—*

4 *“(1) pay for the costs incurred during or after*  
5 *fiscal year 2017 for the transportation, processing,*  
6 *identification, and reporting of missing persons and*  
7 *unidentified remains, including migrants;*

8 *“(2) establish and expand programs developed to*  
9 *improve the reporting of unidentified persons in ac-*  
10 *cordance with the assurances provided in the applica-*  
11 *tion submitted pursuant to section 203(b);*

12 *“(3) hire and maintain additional DNA case an-*  
13 *alysts and technicians, fingerprint examiners, foren-*  
14 *sic odontologists, and forensic anthropologists, needed*  
15 *to support such identification programs; and*

16 *“(4) procure and maintain state of the art*  
17 *multi-modal, multi-purpose forensic and DNA-typing*  
18 *and analytical equipment.”.*

19 *(b) KRISTEN’S ACT.—Section 102 of Kristen’s Act (34*  
20 *U.S.C. 40504 note) is amended to read as follows:*

21 **“SEC. 102. AUTHORIZATION OF FUNDING.**

22 *“To the extent provided in advance in appropriations*  
23 *Acts, the Attorney General is authorized to use funds appro-*  
24 *priated for the operationalization, maintenance, and ex-*  
25 *pansion of the National Missing and Unidentified Persons*  
26 *System (NamUs) for the purpose of carrying out this Act”.*

1 **SEC. 3. RESCUE BEACONS.**

2 *Section 411(o) of the Homeland Security Act of 2002*  
 3 *(6 U.S.C. 211(o)) is amended by adding at the end the fol-*  
 4 *lowing:*

5 *“(3) RESCUE BEACONS.—Beginning in fiscal*  
 6 *year 2019, in carrying out subsection (c)(8), the Com-*  
 7 *missioner shall purchase, deploy, and maintain not*  
 8 *more than 170 self-powering, 9–1–1 cellular relay res-*  
 9 *cue beacons along the southern border of the United*  
 10 *States at locations determined appropriate by the*  
 11 *Commissioner to mitigate migrant deaths.”.*

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

14 *Not later than 18 months after the date of enactment*  
 15 *of this act, and every year thereafter, the Attorney General*  
 16 *shall submit a report to the appropriate committees of Con-*  
 17 *gress regarding—*

18 *(1) the number of unidentified person cases proc-*  
 19 *essed;*

20 *(2) CODIS associations and identifications;*

21 *(3) the number of anthropology cases processed;*

22 *(4) the number of suspected border crossing cases*  
 23 *and associations made;*

24 *(5) the number of trials supported with expert*  
 25 *testimony;*

1           (6) *the number of students trained and profes-*  
2           *sions of those students; and*

3           (7) *the turnaround time and backlog.*

4 **SEC. 5. OTHER REPORTING REQUIREMENTS.**

5           (a) *UNIDENTIFIED REMAINS.—*

6           (1) *REPORTING REQUIREMENT.—Not later than*  
7           *1 year after the date of enactment of this Act, and an-*  
8           *nually thereafter, the Commissioner of U.S. Customs*  
9           *and Border Protection shall submit a report to the*  
10           *appropriate committees of Congress regarding all un-*  
11           *identified remains discovered, during the reporting*  
12           *period, on or near the border between the United*  
13           *States and Mexico, including—*

14                   (A) *for each deceased person—*

15                           (i) *the cause and manner of death, if*  
16                           *known;*

17                           (ii) *the sex, age (at time of death), and*  
18                           *country of origin (if such information is de-*  
19                           *terminable); and*

20                           (iii) *the location of each unidentified*  
21                           *remain;*

22                   (B) *the total number of deceased people*  
23                   *whose unidentified remains were discovered by*  
24                   *U.S. Customs and Border Protection during the*  
25                   *reporting period;*

1           (C) to the extent such information is avail-  
2           able to U.S. Customs and Border Protection, the  
3           total number of deceased people whose unidenti-  
4           fied remains were discovered by Federal, State,  
5           local or Tribal law enforcement officers, military  
6           personnel, or medical examiners offices;

7           (D) the efforts of U.S. Customs and Border  
8           Protection to engage with nongovernmental orga-  
9           nizations, institutions of higher education, med-  
10          ical examiners and coroners, and law enforce-  
11          ment agencies—

12                 (i) to identify and map the locations  
13                 at which migrant deaths occur; and

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

16          (E) a detailed description of U.S. Customs  
17          and Border Protection's Missing Migrant Pro-  
18          gram, including how the program helps mitigate  
19          migrant deaths while maintaining border secu-  
20          rity.

21          (2) *PUBLIC DISCLOSURE.*—Not later than 30  
22          days after each report required under paragraph (1)  
23          is submitted, the Commissioner of U.S. Customs and  
24          Border Protection shall publish on the website of the  
25          agency the information described in subparagraphs



1       (A), (B), and (C) of paragraph (1) during each re-  
2       porting period.

3       (b) *RESCUE BEACONS*.—Not later than 1 year after  
4       the date of enactment of this Act, and annually thereafter,  
5       the Commissioner of U.S. Customs and Border Protection  
6       shall submit a report to the appropriate committees of Con-  
7       gress regarding the use of rescue beacons along the border  
8       between the United States and Mexico, including, for the  
9       reporting period—

10           (1) the number of rescue beacons in each border  
11       patrol sector;

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

13           (3) the frequency with which each rescue beacon  
14       was activated by a person in distress;

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

18           (5) an assessment, in consultation with local  
19       stakeholders, including elected officials, nongovern-  
20       mental organizations, and landowners, of necessary  
21       additional rescue beacons and recommendations for  
22       locations for deployment to reduce migrant deaths.

23       (c) *GAO REPORT*.—Not later than 6 months after the  
24       report required under subsection (a) is submitted to the ap-  
25       propriate committees of Congress, the Comptroller General

1 *of the United States shall submit a report to the same com-*  
2 *mittees that describes—*

3 *(1) how U.S. Customs and Border Protection col-*  
4 *lects and records border-crossing death data;*

5 *(2) the differences (if any) in U.S. Customs and*  
6 *Border Protection border-crossing death data collec-*  
7 *tion methodology across its sectors;*

8 *(3) how U.S. Customs and Border Protection’s*  
9 *data and statistical analysis on trends in the num-*  
10 *bers, locations, causes, and characteristics of border-*  
11 *crossing deaths compare to other sources of data on*  
12 *these deaths, including border county medical exam-*  
13 *iners and coroners and the Centers for Disease Con-*  
14 *trol and Prevention;*

15 *(4) how U.S. Customs and Border Protection*  
16 *measures the effectiveness of its programs to mitigate*  
17 *migrant deaths; and*

18 *(5) the extent to which U.S. Customs and Border*  
19 *Protection engages Federal, State, local, and Tribal*  
20 *governments, foreign diplomatic and consular posts,*  
21 *and nongovernmental organizations—*

22 *(A) to accurately identify deceased individ-*  
23 *uals;*

24 *(B) to resolve cases involving unidentified*  
25 *remains;*

1                   (C) to resolve cases involving unidentified  
2                   persons; and  
3                   (D) to share information on missing per-  
4                   sons and unidentified remains, specifically with  
5                   the National Missing and Unidentified Persons  
6                   System (NamUs).

Amend the title so as to read: “An Act to the extent provided in advance in appropriations Act, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act.”.

Attest:

*Clerk.*

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

**S. 2174**

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**AMENDMENTS**