

117TH CONGRESS
2D SESSION

S. 5230

To 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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2022

Mr. MURPHY (for himself, Mr. CORNYN, Mr. HOEVEN, Mr. BLUMENTHAL, and Mr. TILLIS) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

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

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

3 (a) IN GENERAL.—The Attorney General, shall main-
4 tain the “National Missing and Unidentified Persons Sys-
5 tem” or “NamUs”, consistent with the following:

6 (1) The NamUs shall be a national information
7 clearinghouse and resource center for missing, un-
8 identified, and unclaimed person cases across the
9 United States administered by the National Institute
10 of Justice and managed through an agreement with
11 an eligible entity.

12 (2) The NamUs shall coordinate or provide—

13 (A) online database technology which
14 serves as a national information clearinghouse
15 to help expedite case associations and resolu-
16 tions;

17 (B) various free-of-charge forensic services
18 to aid in the identification of missing persons
19 and unidentified remains;

20 (C) investigative support for criminal jus-
21 tice efforts to help missing and unidentified
22 person case resolutions;

23 (D) technical assistance for family mem-
24 bers of missing persons;

25 (E) assistance and training by coordi-
26 nating State and local service providers in order

1 to support individuals and families impacted by
2 the loss or disappearance of a loved one; and

3 (F) training and outreach from NamUs
4 subject matter experts, including assistance
5 with planning and facilitating Missing Person
6 Day events across the country.

7 (b) PERMISSIBLE USE OF FUNDS.—

8 (1) IN GENERAL.—The permissible use of funds
9 awarded under this section for the implementation
10 and maintenance of the agreement created in sub-
11 paragraph (a)(1) include the use of funds—

12 (A) to hire additional personnel to provide
13 case support and perform other core NamUs
14 functions;

15 (B) to develop new technologies to facili-
16 tate timely data entry into the relevant data
17 bases;

18 (C) to conduct contracting activities rel-
19 evant to core NamUs services;

20 (D) to provide forensic analyses to support
21 the identification of missing and unidentified
22 persons, to include, but not limited to DNA
23 typing, forensic odontology, fingerprint exam-
24 ination, and forensic anthropology;

1 (E) to train State, local, and Tribal law
2 enforcement personnel and forensic medicine
3 service providers to use NamUs resources and
4 best practices for the investigation of missing
5 and unidentified person cases;

6 (F) to assist States in providing informa-
7 tion to the NCIC database, the NamUs data-
8 base, or any future database system for miss-
9 ing, unidentified, and unclaimed person cases;

10 (G) to report to law enforcement authori-
11 ties in the jurisdiction in which the remains
12 were found information on every deceased, un-
13 identified person, regardless of age;

14 (H) to participate in Missing Person Days
15 and other events to directly support family
16 members of the missing with NamUs case en-
17 tries and DNA collections;

18 (I) to provide assistance and training by
19 coordinating State and local service providers in
20 order to support individuals and families;

21 (J) to conduct data analytics and research
22 projects for the purpose of enhancing knowl-
23 edge, best practices, and training related to
24 missing and unidentified person cases, as well
25 as developing NamUs system enhancements;

1 (K) to create and maintain a secure, on-
2 line, nationwide critical incident response tool
3 for professionals that will connect law enforce-
4 ment, medico-legal and emergency management
5 professionals, as well as victims and families
6 during a critical incident; and

7 (L) for other purposes consistent with the
8 goals of this section.

9 (c) AMENDMENTS TO THE CRIME CONTROL ACT OF
10 1990 TO REQUIRE REPORTS OF MISSING CHILDREN TO
11 NAMUS.—

12 (1) REPORTING REQUIREMENT.—Section
13 3701(a) of the Crime Control Act of 1990 (34
14 U.S.C. 41307(a)) is amended by striking the period
15 and inserting the following: “and, consistent with
16 section 3 (including rules promulgated pursuant to
17 section 3(c)) of the Help Find the Missing Act, shall
18 also report such case, either directly or through au-
19 thorization described in such section to transmit,
20 enter, or share information on such case, to the
21 NamUs databases.”.

22 (2) STATE REQUIREMENTS.—Section 3702 of
23 the Crime Control Act of 1990 (34 U.S.C. 41308)
24 is amended—

1 (A) in paragraph (2), by striking “or the
2 National Crime Information Center computer
3 database” and inserting “, the National Crime
4 Information Center computer database, or the
5 NamUs databases”;

6 (B) in the matter following paragraph (3),
7 by striking “and the National Crime Informa-
8 tion Center computer networks” and inserting
9 “, the National Crime Information Center com-
10 puter networks, and the NamUs databases”;
11 and

12 (C) in paragraph (4)—

13 (i) in the matter preceding subpara-
14 graph (A), by inserting “or the NamUs
15 databases” after “National Crime Informa-
16 tion Center”; and

17 (ii) in subparagraph (A), by striking
18 “and National Crime Information Center
19 computer networks” and inserting “, Na-
20 tional Crime Information Center computer
21 networks, and the NamUs databases”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall apply with respect to reports
24 made before, on, or after the date of enactment of
25 this Act.

1 **SEC. 3. INFORMATION SHARING.**

2 (a) ACCESS TO NCIC.—Not later than 1 year after
3 the date of enactment of this Act, the Attorney General
4 shall, in accordance with this section, provide access to
5 the NCIC Missing Person and Unidentified Person Files
6 to the National Institute of Justice or its designee admin-
7 istering the NamUs program as a grantee or contractor,
8 for the purpose of reviewing missing and unidentified per-
9 son records in NCIC for case validation and NamUs data
10 reconciliation.

11 (b) ELECTRONIC DATA SHARING.—Not later than 6
12 months after the date of enactment of this Act, the Attor-
13 ney General shall, in accordance with this section, have
14 completed an assessment of the NCIC and NamUs system
15 architectures and governing statutes, policies, and proce-
16 dures and provide a proposed plan for the secure and auto-
17 matic data transmission of missing and unidentified per-
18 son records that are reported to and entered into the
19 NCIC database, with the following criteria, to be electroni-
20 cally transmitted to the NamUs system.

21 (1) Missing Person cases with an MNP (Miss-
22 ing Person) code of CA (Child Abduction) or AA
23 (Amber Alert) within 72 hours of entry into NCIC;

24 (2) Missing Person cases with an MNP code
25 EME (Endangered) or EMI (Involuntary) within 30
26 days of entry into NCIC;

1 (3) All other Missing Person cases that have
2 been active (non-cancelled) in NCIC for 180 days;

3 (4) Unidentified person cases that have been
4 active (non-cancelled) in NCIC for 60 days;

5 (5) Once case data are transmitted to NamUs,
6 cases are marked as such within NCIC, and any up-
7 dates to such cases will be transmitted to NamUs
8 within 24 hours.

9 (c) RULES ON CONFIDENTIALITY.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Attorney Gen-
12 eral, in consultation with the Director of the FBI,
13 shall promulgate rules pursuant to notice and com-
14 ment that specify the information the Attorney Gen-
15 eral may allow NamUs to access from the NCIC
16 Missing Person and Unidentified Person files or be
17 transmitted from the NCIC database to the NamUs
18 databases for purposes of this Act. Such rules
19 shall—

20 (A) provide for the protection of confiden-
21 tial, private, and law enforcement sensitive in-
22 formation contained in the NCIC Missing Per-
23 son and Unidentified Person files; and

24 (B) specify the circumstances in which ac-
25 cess to portions of information in the Missing

1 Person and Unidentified Person files may be
2 withheld from the NamUs databases.

3 **SEC. 4. REPORT ON BEST PRACTICES.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Attorney General shall issue a report to
6 offices of forensic medicine service providers, and Federal,
7 State, local, and Tribal law enforcement agencies describ-
8 ing the best practices for the collection, reporting, and
9 analysis of data and information on missing persons and
10 unidentified human remains. Such best practices shall—

11 (1) provide an overview of the NCIC database
12 and NamUs databases;

13 (2) describe how local law enforcement agen-
14 cies, and offices of forensic medicine service pro-
15 viders should access and use the NCIC database and
16 NamUs databases;

17 (3) describe the appropriate and inappropriate
18 uses of the NCIC database and NamUs databases;
19 and

20 (4) describe the standards and protocols for the
21 collection, reporting, and analysis of data and infor-
22 mation on missing persons and unidentified human
23 remains.

1 **SEC. 5. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act and biennially thereafter,
4 the Attorney General shall submit to the Committee on
5 the Judiciary of the House of Representatives and the
6 Committee on the Judiciary of the Senate a report de-
7 scribing the status of the NCIC database and NamUs
8 databases.

9 (b) CONTENTS.—The report required by subsection
10 (a) shall describe, to the extent available, information on
11 the process of information sharing between the NCIC
12 database and NamUs databases.

13 **SEC. 6. DEFINITIONS.**

14 In this Act:

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 in sec-
19 tion 20.3 of title 28, Code of Federal Regulations.

20 (2) FBI.—The term “FBI” means the Federal
21 Bureau of Investigation.

22 (3) FORENSIC MEDICINE SERVICE PROVIDER.—
23 The term “forensic medicine service provider” means
24 a State or unit of local government forensic medicine
25 service provider having not fewer than 1 part-time
26 or full-time employed forensic pathologist, or foren-

1 sic pathologist under contract, who conducts
2 medicolegal death investigations, including examina-
3 tions of human remains, and who provides reports or
4 opinion testimony with respect to such activity in
5 courts of law within the United States.

6 (4) FORENSIC SCIENCE SERVICE PROVIDER.—
7 The term “forensic science service provider” means
8 a State or unit of local government agency having
9 not fewer than 1 full-time analyst who examines
10 physical evidence in criminal or investigative matters
11 and provides reports or opinion testimony with re-
12 spect to such evidence in courts in the United
13 States.

14 (5) NAMUS DATABASES.—The term “NamUs
15 databases” means the National Missing and Uniden-
16 tified Persons System Missing Persons database and
17 National Missing and Unidentified Persons System
18 Unidentified Decedents database maintained by the
19 National Institute of Justice of the Department of
20 Justice, which serves as a clearinghouse and re-
21 source center for missing, unidentified, and un-
22 claimed person cases.

23 (6) NCIC DATABASE.—The term “NCIC data-
24 base” means the National Crime Information Center
25 Missing Person File and National Crime Informa-

1 tion Center Unidentified Person File of the National
2 Crime Information Center database of the FBI, es-
3 tablished pursuant to section 534 of title 28, United
4 States Code.

5 (7) QUALIFYING LAW ENFORCEMENT AGENCY
6 DEFINED.—The term “qualifying law enforcement
7 agency” means a State, local, or Tribal law enforce-
8 ment agency.

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

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