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2D SESSION

S. 5029

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 SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. MURPHY (for himself, Mr. CORNYN, Mr. TILLIS, Mr. BLUMENTHAL, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Billy’s Law” or the “Help
3 Find the Missing Act”.

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

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

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

15 (2) The NamUs shall coordinate or provide—

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

20 (B) various free-of-charge forensic services
21 to aid in the identification of missing persons
22 and unidentified remains;

23 (C) investigative support for criminal jus-
24 tice efforts to help missing and unidentified
25 person case resolutions;

1 (D) technical assistance for family mem-
2 bers of missing persons;

3 (E) assistance and training by coordi-
4 nating State and local service providers in order
5 to support individuals and families impacted by
6 the loss or disappearance of a loved one; and

7 (F) training and outreach from NamUs
8 subject matter experts, including assistance
9 with planning and facilitating Missing Person
10 Day events across the country.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section not
13 more than a total of \$7,000,000 for each of the fiscal
14 years 2023 through 2028.

15 (c) PERMISSIBLE USE OF FUNDS.—

16 (1) IN GENERAL.—The permissible use of funds
17 awarded under this section for the implementation
18 and maintenance of the agreement created in sub-
19 paragraph (a)(1) include the use of funds—

20 (A) to hire additional personnel to provide
21 case support and perform other core NamUs
22 functions;

23 (B) to develop new technologies to facili-
24 tate timely data entry into the relevant data
25 bases;

1 (C) to conduct contracting activities rel-
2 evant to core NamUs services;

3 (D) to provide forensic analyses to support
4 the identification of missing and unidentified
5 persons, to include, but not limited to DNA
6 typing, forensic odontology, fingerprint exam-
7 ination, and forensic anthropology;

8 (E) to train State, local, and Tribal law
9 enforcement personnel and forensic medicine
10 service providers to use NamUs resources and
11 best practices for the investigation of missing
12 and unidentified person cases;

13 (F) to assist States in providing informa-
14 tion to the NCIC database, the NamUs data-
15 base, or any future database system for miss-
16 ing, unidentified, and unclaimed person cases;

17 (G) to report to law enforcement authori-
18 ties in the jurisdiction in which the remains
19 were found information on every deceased, un-
20 identified person, regardless of age;

21 (H) to participate in Missing Person Days
22 and other events to directly support family
23 members of the missing with NamUs case en-
24 tries and DNA collections;

1 (I) to provide assistance and training by
2 coordinating State and local service providers in
3 order to support individuals and families;

4 (J) to conduct data analytics and research
5 projects for the purpose of enhancing knowl-
6 edge, best practices, and training related to
7 missing and unidentified person cases, as well
8 as developing NamUs system enhancements;

9 (K) to create and maintain a secure, on-
10 line, nationwide critical incident response tool
11 for professionals that will connect law enforce-
12 ment, medico-legal and emergency management
13 professionals, as well as victims and families
14 during a critical incident; and

15 (L) for other purposes consistent with the
16 goals of this section.

17 (d) AMENDMENTS TO THE CRIME CONTROL ACT OF
18 1990 TO REQUIRE REPORTS OF MISSING CHILDREN TO
19 NAMUS.—

20 (1) REPORTING REQUIREMENT.—Section
21 3701(a) of the Crime Control Act of 1990 (34
22 U.S.C. 41307(a)) is amended by striking the period
23 and inserting the following: “and, consistent with
24 section 3 (including rules promulgated pursuant to
25 section 3(c)) of the Help Find the Missing Act, shall

1 also report such case, either directly or through au-
2 thorization described in such section to transmit,
3 enter, or share information on such case, to the
4 NamUs databases.”.

5 (2) STATE REQUIREMENTS.—Section 3702 of
6 the Crime Control Act of 1990 (34 U.S.C. 41308)
7 is amended—

8 (A) in paragraph (2), by striking “or the
9 National Crime Information Center computer
10 database” and inserting “, the National Crime
11 Information Center computer database, or the
12 NamUs databases”;

13 (B) in the matter following paragraph (3),
14 by striking “and the National Crime Informa-
15 tion Center computer networks” and inserting
16 “, the National Crime Information Center com-
17 puter networks, and the NamUs databases”;
18 and

19 (C) in paragraph (4)—

20 (i) in the matter preceding subpara-
21 graph (A), by inserting “or the NamUs
22 databases” after “National Crime Informa-
23 tion Center”; and

24 (ii) in subparagraph (A), by striking
25 “and National Crime Information Center

1 computer networks” and inserting “, Na-
2 tional Crime Information Center computer
3 networks, and the NamUs databases”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to reports
6 made before, on, or after the date of enactment of
7 this Act.

8 **SEC. 3. INFORMATION SHARING.**

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

18 (b) ELECTRONIC DATA SHARING.—Not later than 6
19 months after the date of enactment of this Act, the Attor-
20 ney General shall, in accordance with this section, have
21 completed an assessment of the NCIC and NamUs system
22 architectures and governing statutes, policies, and proce-
23 dures and provide a proposed plan for the secure and auto-
24 matic data transmission of missing and unidentified per-
25 son records that are reported to and entered into the

1 NCIC database, with the following criteria, to be electroni-
2 cally transmitted to the NamUs system.

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

6 (2) Missing Person cases with an MNP code
7 EME (Endangered) or EMI (Involuntary) within 30
8 days of entry into NCIC;

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

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

13 (5) Once case data are transmitted to NamUs,
14 cases are marked as such within NCIC, and any up-
15 dates to such cases will be transmitted to NamUs
16 within 24 hours.

17 (c) RULES ON CONFIDENTIALITY.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Attorney Gen-
20 eral, in consultation with the Director of the FBI,
21 shall promulgate rules pursuant to notice and com-
22 ment that specify the information the Attorney Gen-
23 eral may allow NamUs to access from the NCIC
24 Missing Person and Unidentified Person files or be
25 transmitted from the NCIC database to the NamUs

1 databases for purposes of this Act. Such rules
2 shall—

3 (A) provide for the protection of confiden-
4 tial, private, and law enforcement sensitive in-
5 formation contained in the NCIC Missing Per-
6 son and Unidentified Person files; and

7 (B) specify the circumstances in which ac-
8 cess to portions of information in the Missing
9 Person and Unidentified Person files may be
10 withheld from the NamUs databases.

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

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—The Attorney General shall
14 establish a program to provide grants to qualifying
15 law enforcement agencies, forensic medicine service
16 providers, forensic science service providers, and
17 other authorized agencies to facilitate the process of
18 reporting information regarding missing persons and
19 unidentified remains to the NCIC database and
20 NamUs databases for purposes of assisting in locat-
21 ing such missing persons and identifying such re-
22 mains.

23 (2) CERTIFICATION.—A statewide agency ap-
24 plying for a grant under this section shall certify
25 that the agency will assist other State, local, and

1 Tribal agencies in that State and, upon request, pro-
2 vide information required under subsection (b) in
3 the format and within the timeframe under that sub-
4 section. No applicant may receive a grant in an
5 amount greater than what the Attorney General de-
6 termines necessary to perform its statewide respon-
7 sibilities under this section.

8 (b) REQUIREMENTS.—

9 (1) IN GENERAL.—As a condition of a grant
10 under this section, a grant recipient shall, with re-
11 spect to each case reported to the agency or office
12 of the recipient relating to a missing person de-
13 scribed in a category under subsection (e) or relating
14 to unidentified remains—

15 (A) not later than 72 hours after such case
16 is reported to the agency or office and con-
17 sistent with subsection (c), submit to the NCIC
18 database and NamUs databases—

19 (i) in the case of a missing person de-
20 scribed in a category under subsection (e),
21 at least the minimum information de-
22 scribed in subsection (f)(1); and

23 (ii) in the case of unidentified re-
24 mains, at least the minimum information
25 described in subsection (f)(2);

1 (B) not later than 60 days after the origi-
2 nal entry of the report, verify and update any
3 original report entered into the State law en-
4 forcement system, the NCIC database, or
5 NamUs databases after receipt of the grant
6 with any additional information, including, to
7 the greatest extent possible—

8 (i) information on DNA profiles that
9 have been uploaded to the National DNA
10 Index System under subparagraph (E);

11 (ii) fingerprints, medical and dental
12 records, and photographs of any distin-
13 guishing characteristics such as scars,
14 marks, tattoos, piercings, and other unique
15 physical characteristics;

16 (iii) in the case of unidentified re-
17 mains, photographs or digital images that
18 may assist in identifying the decedent, in-
19 cluding fingerprint cards, radiographs,
20 palmprints, and distinctive features of the
21 decedent's personal effects; and

22 (iv) any other information determined
23 to be appropriate by the Attorney General;
24 and

1 (C) not later than 180 days after such case
2 is reported to the agency office and consistent
3 with subsection (c), submit to the NamUs data-
4 base

5 (i) in the case of a missing person de-
6 scribed in category under subsection (e), at
7 least the minimum information described
8 in subsection (f)(1); and

9 (ii) in the case of unidentified re-
10 mains, at least the minimum information
11 described in subsection (f)(2);

12 (D) not later than 30 days after entry into
13 the NamUs database after receipt of the grant
14 with any additional information, including, to
15 the greatest extent possible—

16 (i) information on DNA profiles that
17 have been uploaded to National DNA
18 Index Systems under subparagraph (C);

19 (ii) fingerprints, medical dental
20 records, and photographs of any distin-
21 guishing characteristics such as scars,
22 marks, tattoos, piercings, and other unique
23 physical characteristics;

24 (iii) in the case of unidentified re-
25 mains, photographs or digital images that

1 may assist in identifying the decedent, in-
2 cluding fingerprint cards, radiographs,
3 palmprints, and distinctive features of the
4 decedent's personal effects; and

5 (iv) any other information determined
6 to be appropriate by the Attorney General;
7 and

8 (E) not later than 60 days after the origi-
9 nal entry of the report, to the greatest extent
10 possible, submit to the National DNA Index
11 System of the FBI, established pursuant to sec-
12 tion 210304 of the Violent Crime Control and
13 Law Enforcement Act of 1994 (34 U.S.C.
14 12592), either directly or through use of
15 NamUs victims assistance resources and DNA
16 collection services, DNA samples and informa-
17 tion relating to such case.

18 (2) SHARING OF INFORMATION.—For purposes
19 of subparagraph (B), in the case of information a
20 grant recipient authorizes to be transferred, entered,
21 or shared under section 3 between the NCIC data-
22 base and NamUs databases, any update to such in-
23 formation shall be made with respect to both data-
24 bases unless specified otherwise by the recipient.

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

5 (d) CLARIFICATION.—In no case may a recipient of
6 a grant under this section use funds to enter or help facili-
7 tate the entrance of any false or misleading information
8 about missing persons or unidentified remains.

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

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

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

17 (B) is missing under circumstances that
18 indicate, as determined by an appropriate law
19 enforcement entity—

20 (i) that the person's physical safety
21 may be endangered;

22 (ii) that the disappearance may not
23 have been voluntary, such as abduction or
24 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 de-
9 termined by an appropriate law enforcement en-
10 tity, 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
16 minimum information described in this section, with
17 respect to a missing person, is the following:

18 (A) The full name, date of birth, gender or
19 biological sex, race or ethnicity, height, weight,
20 eye color, and hair color of the missing person.

21 (B) If the missing person is American In-
22 dian or Alaska Native, any Tribal enrollment or
23 affiliation information, or if the missing person
24 is Native Hawaiian, the Native Hawaiian orga-
25 nization.

1 (C) The date and location of the last
2 known contact with the missing person, includ-
3 ing the city, county, and State where the person
4 went missing.

5 (D) If the missing person was last seen on
6 Tribal or Native Hawaiian land under the juris-
7 diction of the United States.

8 (E) The category described in subsection
9 (e) in which the missing person is classified.

10 (F) Circumstances of the disappearance.

11 (G) The law enforcement agency inves-
12 tigating the case, to include any name, case
13 number, assigned investigator, and contact in-
14 formation.

15 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-
16 MAINS.—The minimum information described in this
17 section, with respect to unidentified human remains,
18 is the following:

19 (A) If possible, the estimated age, gender
20 or biological sex, race or ethnicity, height,
21 weight, hair color, and eye color.

22 (B) If possible, any distinguishing charac-
23 teristics such as scars, marks, tattoos,
24 piercings, and other unique physical character-
25 istics.

1 (C) If possible, a description of clothing
2 found on the decedent.

3 (D) The city, county, or other locality and
4 the State where the unidentified human re-
5 mains were found.

6 (E) If the remains were found on Tribal or
7 Hawaiian Native land under the jurisdiction of
8 the United States.

9 (F) The forensic medicine service provider
10 or Justice of the Peace with primary jurisdic-
11 tion and legal authority over the remains.

12 (G) The name of the lead law enforcement
13 agency investigating the case, to include agency
14 name, case number, assigned investigator, and
15 contact information.

16 (H) Information on the extent to which
17 DNA samples are available, including the avail-
18 ability of such samples submitted to the Na-
19 tional DNA Index System under subsection
20 (b)(1)(C).

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 de-
24 termine 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
5 section 3(c)(1)(A).

6 (i) ANNUAL SUMMARY.—For each of the fiscal years
7 2023 through 2027, the Attorney General shall publish
8 an annual statistical summary of the reports required by
9 subsection (c).

10 (j) FUNDING.—

11 (1) MATCHING REQUIREMENT.—The Attorney
12 General may not make a grant under subsection (a)
13 unless the applicant involved agrees, with respect to
14 the costs to be incurred by the applicant in carrying
15 out the purposes described in this section, to make
16 available non-Federal contributions (in cash or in
17 kind) toward such costs in an amount equal to not
18 less than \$1 for each \$2 of Federal funds provided
19 in the grant.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to carry out
22 this section \$8,000,000 for each of the fiscal years
23 2023 through 2027.

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

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

9 (1) provide an overview of the NCIC database
10 and NamUs databases;

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

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

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

22 **SEC. 6. REPORT TO CONGRESS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act and biennially thereafter,
25 the Attorney General shall submit to the Committee on
26 the Judiciary of the House of Representatives and the

1 Committee on the Judiciary of the Senate a report de-
2 scribing the status of the NCIC database and NamUs
3 databases.

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

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

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

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

13 (1) AUTHORIZED AGENCY.—The term “author-
14 ized agency” means a Government agency with an
15 originating agency identification (ORI) number and
16 that is a criminal justice agency, as defined in sec-
17 tion 20.3 of title 28, Code of Federal Regulations.

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

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

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

5 (4) FORENSIC SCIENCE SERVICE PROVIDER.—

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

13 (5) NAMUS DATABASES.—The term “NamUs

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

22 (6) NCIC DATABASE.—The term “NCIC data-

23 base” means the National Crime Information Center
24 Missing Person File and National Crime Informa-
25 tion Center Unidentified Person File of the National

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

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

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

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