

112TH CONGRESS
1ST SESSION

S. 702

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

MARCH 31, 2011

Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL) 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,*

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, through
4 the Director of the National Institute of Justice, is author-
5 ized to maintain public databases, known as the “National
6 Missing and Unidentified Persons System” or “NamUs”,
7 to contain missing persons records and unidentified re-
8 mains cases for purposes of assisting to identify missing
9 people and solve cases of unidentified human remains. All
10 functions, personnel, assets, liabilities, and administrative
11 actions applicable to the National Missing and Unidenti-
12 fied Persons System carried out by the National Institute
13 of Justice on the date before the date of the enactment
14 of this Act shall be transferred to the National Missing
15 and Unidentified Persons System authorized under this
16 section as of the date of the enactment of this Act.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section not
19 more than a total of \$2,400,000 for each of the fiscal
20 years 2012 through 2017. Notwithstanding any other pro-
21 vision of law, the total amount of Federal funds made
22 available for any of the fiscal years 2012 through 2017
23 to maintain NamUs may not exceed the amount described
24 in the previous sentence.

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 de-
9 fined in section 7) to be transmitted to, entered in, and
10 otherwise shared with the NamUs databases (as defined
11 in such section) and for such information contained in the
12 NamUs databases to be transmitted to, entered in, and
13 otherwise shared with the NCIC database.

14 (b) RULES ON CONFIDENTIALITY.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, the Attorney
17 General, in consultation with the Director of the
18 Federal Bureau of Investigation (in this Act referred
19 to as the “FBI”), shall promulgate rules pursuant
20 to notice and comment that specify the information
21 the Attorney General may provide from the NCIC
22 files to the NamUs databases for purposes of this
23 Act. Such rules shall—

24 (A) provide for the protection of confiden-
25 tial, private, and law enforcement sensitive 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 agen-
10 cy provides an authorization to permit the
11 transmission, entering, or sharing of informa-
12 tion (or portions of information) from the
13 NCIC database to the NamUs databases, such
14 authorization shall be deemed to apply to any
15 updates made to such information, unless other-
16 wise specified by the agency.

17 In addition to promulgating such rules, the Attorney
18 General, in consultation with the Director of the
19 FBI, may also promulgate rules to further protect
20 confidential, private, and law enforcement sensitive
21 information, such as by creating process to permit
22 an individual who is 21 years of age or older to
23 proactively prohibit NamUs from creating a profile
24 for the individual within the NamUs database if the
25 individual were to go missing in the future, and to

1 permit an individual who is 21 years of age or older
2 and who is voluntarily missing to request the re-
3 moval of a published profile of the individual from
4 the NamUs database.

5 (2) SUBMISSIONS PRIOR TO ONLINE DATA
6 ENTRY FORMAT UPDATE.—With respect to informa-
7 tion submitted to the NCIC database before the end
8 of the 30-day period specified in subsection (a), the
9 Attorney General may solicit from appropriate au-
10 thorized agencies authorization to transmit, enter, or
11 share such information.

12 (c) UPDATES.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this Act, the Attorney
15 General shall update the online data entry format
16 for the NCIC database and NamUs databases to
17 provide State criminal justice agencies, offices of
18 medical examiners, and offices of coroners with the
19 option to authorize the submission of new informa-
20 tion and data that is reported to and entered into
21 the NCIC database to simultaneously be submitted
22 to and entered into the NamUs databases.

23 (2) NCIC FORMAT.—

1 (A) IN GENERAL.—In the case of the
2 NCIC database, an update described in para-
3 graph (1) shall include—

4 (i) an update to the NCIC database
5 online data entry format that States use in
6 submitting missing persons and unidenti-
7 fied remains reports, including the addition
8 of a new data field allowing States, on be-
9 half of the authorized agency that origi-
10 nally submitted the data, to select whether
11 or not to have the NCIC report, subject to
12 the rules promulgated under subsection
13 (b), shared with the NamUs databases;
14 and

15 (ii) subject to subparagraph (B), a re-
16 quirement that as a condition of partici-
17 pating in the NCIC database, States must
18 update their missing persons and unidenti-
19 fied remains collection processes from local
20 and tribal law enforcement, medical exam-
21 iners, and coroners to enable the States to
22 acquire information on whether or not the
23 authorized agencies originally submitting
24 data with respect to a missing person or
25 unidentified remains have provided author-

1 ization to share the information with the
2 NamUs databases.

3 (B) EXCEPTION.—Subparagraph (A)(ii)
4 shall not apply with respect to any State that
5 has in effect a State law providing for a meth-
6 odology to authorize the sharing of information
7 between the NCIC database and NamUs data-
8 bases.

9 (d) AMENDMENTS TO TITLE XXXVII OF THE CRIME
10 CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISS-
11 ING CHILDREN TO NAMUS.—

12 (1) REPORTING REQUIREMENT.—Section
13 3701(a) of title XXXVII of the Crime Control Act
14 of 1990 (42 U.S.C. 5779(a)) is amended by striking
15 the period and inserting the following: “and, con-
16 sistent with section 3 (including rules promulgated
17 pursuant to section 3(b)) of the Help Find the Miss-
18 ing Act, shall also report such case, either directly
19 or through authorization described in such section to
20 transmit, enter, or share information on such case,
21 to the NamUs databases (as defined in section 7 of
22 such Act).”.

23 (2) STATE REQUIREMENTS.—Section 3702 of
24 title XXXVII of the Crime Control Act of 1990 (42
25 U.S.C. 5780) 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 (as defined in section 7 of
6 the Help Find the Missing Act)”;

7 (B) in paragraph (3), by striking “and the
8 National Crime Information Center computer
9 networks” and inserting “, the National Crime
10 Information Center computer networks, and the
11 NamUs databases (as so defined)”; 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 the enactment

1 of this Act beginning on the last day of the 30-day
2 period described in subsection (a).

3 (e) **AUTHORIZED AGENCIES AUTHORITY TO OVER-**
4 **RIDE INFORMATION.**—An authorized agency may remove
5 or override information (or portions of information) from
6 the NamUs database and the NCIC database, as trans-
7 ferred from the NamUs database under this Act, if such
8 information is submitted on behalf of a public user and
9 such information is deemed by the authorized agency to
10 be inaccurate.

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

12 (a) **ESTABLISHMENT.**—Not later than 1 year after
13 the date of enactment of this Act, the Attorney General
14 shall establish a program to provide grants to qualifying
15 law enforcement agencies (as defined in subsection (j)),
16 offices of coroners, offices of medical examiners, and other
17 authorized agencies to facilitate the process of reporting
18 information regarding missing persons and unidentified
19 remains to the NCIC database and NamUs databases for
20 purposes of assisting in locating such missing persons and
21 identifying such remains.

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

1 relating to a missing person described in a category under
2 subsection (e) or relating to unidentified remains—

3 (1) not later than 72 hours after such case is
4 reported to the agency or office and consistent with
5 subsection (c), submit to the NCIC database and
6 NamUs 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
10 subsection (f)(1); and

11 (B) in the case of unidentified remains, at
12 least the minimum information described in
13 subsection (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 sys-
17 tem, the NCIC database, or NamUs databases after
18 receipt of the grant with any additional information,
19 including, 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 Na-
23 tional DNA Index System under subsection
24 (b)(3);

1 (B) fingerprints, medical and dental
2 records, and photographs of any distinguishing
3 characteristics such as scars, marks, tattoos,
4 piercings, and other unique physical character-
5 istics;

6 (C) in the case of unidentified remains,
7 photographs or digital images that may assist
8 in identifying the decedent, including finger-
9 print cards, radiographs, palmprints, and dis-
10 tinctive features of the decedent's personal ef-
11 fects; and

12 (D) any other information determined to
13 be appropriate by the Attorney General; and

14 (3) not later than 60 days after the original
15 entry of the report, to the greatest extent possible,
16 submit to the National DNA Index System of the
17 Federal Bureau of Investigation, established pursu-
18 ant to section 210304 of the Violent Crime Control
19 and Law Enforcement Act of 1994, (either directly
20 or through use of NamUs victims assistance re-
21 sources and DNA collection services) DNA samples
22 and information relating to such case.

23 For purposes of paragraph (2), in the case of information
24 a grant recipient authorizes to be transferred, entered, or
25 shared under section 3 between the NCIC database and

1 NamUs databases, any update to such information shall
2 be simultaneously made with respect to both databases un-
3 less specified otherwise by the recipient.

4 (c) SUBMISSION OF REPORTS.—To satisfy subsection
5 (b)(1), a recipient of a grant under this section shall sub-
6 mit information required under such subsection—

7 (1) separately to the NCIC database and
8 NamUs databases; or

9 (2) in accordance with section 3, simultaneously
10 to the NamUs databases when reporting to the
11 NCIC database or to the NCIC database when re-
12 porting to the NamUs databases.

13 (d) PERMISSIBLE USE OF FUNDS.—

14 (1) IN GENERAL.—The permissible uses of
15 grants awarded under this section include the use of
16 funds—

17 (A) to hire additional personnel, to acquire
18 technology to facilitate timely data entry into
19 the relevant databases;

20 (B) to conduct contracting activities rel-
21 evant to outsourcing the processing of unidenti-
22 fied remains and the reporting of the resulting
23 information to the NCIC database and NamUs
24 databases;

1 (C) to train local law enforcement per-
2 sonnel, medical examiners, and coroners to use
3 the NCIC database and NamUs databases;

4 (D) to assist States' transition into the
5 new system under which information is shared
6 between the NCIC database and NamUs data-
7 bases; and

8 (E) for other purposes consistent with the
9 goals of this section.

10 (2) CLARIFICATION.—In no case may a recipi-
11 ent of a grant under this section use funds to enter
12 or help facilitate the entrance of any false or mis-
13 leading information about missing persons or un-
14 identified remains.

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

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

19 (A) is senile or is suffering from a proven
20 mental or physical disability, as documented by
21 a source deemed credible to an appropriate law
22 enforcement entity; or

23 (B) is missing under circumstances that
24 indicate, as determined by an appropriate law
25 enforcement entity—

1 (i) that the person's physical safety
2 may be endangered;

3 (ii) that the disappearance may not
4 have been voluntary, such as abduction or
5 kidnaping; or

6 (iii) that the disappearance may have
7 been caused by a natural disaster or catas-
8 trophe (such as an airplane crash or ter-
9 rorist attack).

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

13 (A) There is a reasonable concern, as de-
14 termined by an appropriate law enforcement en-
15 tity, for the safety of the missing person.

16 (B) The person is under age 21 and eman-
17 cipated under the laws of the person's State of
18 residence.

19 (f) MINIMUM INFORMATION REQUIRED.—

20 (1) CONTENT FOR MISSING PERSONS.—The
21 minimum information described in this section, with
22 respect to a missing person, is the following:

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

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

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

5 (2) CONTENT FOR UNIDENTIFIED HUMAN RE-
6 MAINS.—The minimum information described in this
7 section, with respect to unidentified human remains,
8 is the following:

9 (A) The estimated age, gender, race,
10 height, weight, hair color, and eye color.

11 (B) Any distinguishing characteristics such
12 as scars, marks, tattoos, piercings, and other
13 unique physical characteristics.

14 (C) A description of clothing found on the
15 decedent.

16 (D) City and State where the unidentified
17 human remains were found.

18 (E) Information on how to contact the law
19 enforcement agency handling the investigation
20 and the unidentified human remains.

21 (F) Information on the extent to which
22 DNA samples are available, including the avail-
23 ability of such samples submitted to the Na-
24 tional DNA Index System under subsection
25 (b)(3).

1 (g) ADMINISTRATION.—The Attorney General shall
2 prescribe requirements, including with respect to applica-
3 tions, for grants awarded under this section and shall de-
4 termine the amount of each such grant.

5 (h) CONFIDENTIALITY.—As a condition of a grant
6 under this section, the recipient of the grant shall ensure
7 that information reported under the grant meets the re-
8 quirements promulgated by the Attorney General under
9 section 3(b)(1).

10 (i) ANNUAL SUMMARY.—For each of the fiscal years
11 2013 through 2016, the Attorney General shall publish
12 an annual statistical summary of the reports required by
13 subsection (c).

14 (j) QUALIFYING LAW ENFORCEMENT AGENCY DE-
15 FINED.—For purposes of this Act, the term “qualifying
16 law enforcement agency” means a State, local, or tribal
17 law enforcement agency.

18 (k) FUNDING.—

19 (1) MATCHING REQUIREMENT.—The Attorney
20 General may not make a grant under subsection (a)
21 unless the applicant involved agrees, with respect to
22 the costs to be incurred by the applicant in carrying
23 out the purposes described in this section, to make
24 available non-Federal contributions (in cash or in
25 kind) toward such costs in an amount equal to not

1 less than \$1 for each \$2 of Federal funds provided
2 in the grant.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this section \$8,000,000 for each of the fiscal years
6 2012 through 2016.

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

8 Not later than 1 year after the date of the enactment
9 of this Act, the Attorney General shall issue a report to
10 offices of medical examiners, offices of coroners, and Fed-
11 eral, State, local, and tribal law enforcement agencies de-
12 scribing the best practices for the collection, reporting,
13 and analysis of data and information on missing persons
14 and unidentified human remains. Such best practices
15 shall—

16 (1) provide an overview of the NCIC database
17 and NamUs databases;

18 (2) describe how local law enforcement agen-
19 cies, offices of medical examiners, and offices of
20 coroners should access and use the NCIC database
21 and NamUs databases;

22 (3) describe the appropriate and inappropriate
23 uses of the NCIC database and NamUs databases;
24 and

1 (4) describe the standards and protocols for the
2 collection, reporting, and analysis of data and infor-
3 mation on missing persons and unidentified human
4 remains.

5 **SEC. 6. REPORT TO CONGRESS.**

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

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

16 (1) the process of information sharing between
17 the NCIC database and NamUs databases; and

18 (2) the programs funded by grants awarded
19 under section 4.

20 **SEC. 7. DEFINITIONS.**

21 For the purposes of this Act, the following definitions
22 apply:

23 (1) **AUTHORIZED AGENCY.**—The term “author-
24 ized agency” means a Government agency with an
25 originating agency identification (ORI) number and

1 that is a criminal justice agency, as defined for pur-
2 poses of subpart A of part 20 of title 28, Code of
3 Federal Regulations.

4 (2) **NAMUS DATABASES.**—The term “NamUs
5 databases” means the National Missing and Uniden-
6 tified Persons System Missing Persons database and
7 National Missing and Unidentified Persons System
8 Unidentified Decedents database maintained by the
9 National Institute of Justice of the Department of
10 Justice.

11 (3) **NCIC DATABASE.**—The term “NCIC data-
12 base” means the National Crime Information Center
13 Missing Person File and National Crime Informa-
14 tion Center Unidentified Person File of the National
15 Crime Information Center database of the Federal
16 Bureau of Investigation, established pursuant to sec-
17 tion 534 of title 28, United States Code.

18 (4) **STATE.**—The term “State” means any
19 State of the United States, the District of Columbia,
20 the Commonwealth of Puerto Rico, the Virgin Is-
21 lands, American Samoa, Guam, and the Common-
22 wealth of the Northern Mariana Islands.

○