

Suspend the Rules and Pass the Bill, S. 2174, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
2^D SESSION

S. 2174

IN THE HOUSE OF REPRESENTATIVES

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.

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 2019”.

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

7 (a) JENNIFER’S LAW.—Jennifer’s Law (34 U.S.C.
8 40501 et seq.) is amended—

9 (1) by striking section 202 (34 U.S.C. 40501)

10 and inserting the following:

1 **“SEC. 202. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—

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

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

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

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

22 “(C) Medical examiners offices.

23 “(D) Accredited, publicly funded toxicology
24 laboratories.

25 “(E) Accredited, publicly funded crime lab-
26 oratories.

1 “(F) Publicly funded university forensic
2 anthropology laboratories.

3 “(G) Nonprofit organizations that have
4 working collaborative agreements with State
5 and county forensic offices, including medical
6 examiners, coroners, and justices of the peace,
7 for entry of data into CODIS or the National
8 Missing and Unidentified Persons System (com-
9 monly known as ‘NamUs’), or both.”;
10 (2) in section 203 (34 U.S.C. 40502)—

11 (A) in subsection (a), by striking “a State”
12 and inserting “an entity described in section
13 202”;

14 (B) in subsection (b)—

15 (i) in the matter preceding paragraph
16 (1), by striking “State” and inserting “ap-
17 plicant”;

18 (ii) by striking paragraph (1) and in-
19 serting the following:

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

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

3 (iv) in paragraph (4), by striking the
4 period at the end and inserting “; and”;
5 and

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

7 “(5) collect and report information to the Na-
8 tional Missing and Unidentified Persons System
9 (NamUs) regarding missing persons and unidenti-
10 fied remains.”; and

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

12 “(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAM-
13 ILY REFERENCE SAMPLES.—

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

23 “(2) LIMITATION ON USE.—Any biological fam-
24 ily DNA reference samples from citizens of the
25 United States or foreign nationals entered into

1 CODIS for purposes of identifying missing persons
2 and unidentified remains may not be disclosed to a
3 Federal or State law enforcement agency for law en-
4 forcement purposes.”; and

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

7 **“SEC. 205. USE OF FUNDS.**

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

10 “(1) pay for the costs incurred during or after
11 fiscal year 2017 for the transportation, processing,
12 identification, and reporting of missing persons and
13 unidentified remains, including migrants;

14 “(2) establish and expand programs developed
15 to improve the reporting of unidentified persons in
16 accordance with the assurances provided in the ap-
17 plication submitted pursuant to section 203(b);

18 “(3) hire and maintain additional DNA case
19 analysts and technicians, fingerprint examiners, fo-
20 rensic odontologists, and forensic anthropologists,
21 needed to support such identification programs; and

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

1 (b) KRISTEN’S ACT.—Section 102 of Kristen’s Act
2 (34 U.S.C. 40504 note) is amended to read as follows:

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

4 “To the extent provided in advance in appropriations
5 Acts, the Attorney General is authorized to use funds ap-
6 propriated for the operationalization, maintenance, and
7 expansion of the National Missing and Unidentified Per-
8 sons System (NamUs) for the purpose of carrying out this
9 Act”.

10 **SEC. 3. RESCUE BEACONS.**

11 Section 411(o) of the Homeland Security Act of 2002
12 (6 U.S.C. 211(o)) is amended by adding at the end the
13 following:

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

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

24 Not later than 18 months after the date of enactment
25 of this act, and every year thereafter, the Attorney Gen-

1 eral shall submit a report to the appropriate committees
2 of Congress regarding—

3 (1) the number of unidentified person cases
4 processed;

5 (2) CODIS associations and identifications;

6 (3) the number of anthropology cases processed;

7 (4) the number of suspected border crossing
8 cases and associations made;

9 (5) the number of trials supported with expert
10 testimony;

11 (6) the number of students trained and profes-
12 sions of those students; and

13 (7) the turnaround time and backlog.

14 **SEC. 5. OTHER REPORTING REQUIREMENTS.**

15 (a) UNIDENTIFIED REMAINS.—

16 (1) REPORTING REQUIREMENT.—Not later than
17 1 year after the date of enactment of this Act, and
18 annually thereafter, the Commissioner of U.S. Cus-
19 toms and Border Protection shall submit a report to
20 the appropriate committees of Congress regarding
21 all unidentified remains discovered, during the re-
22 porting period, on or near the border between the
23 United States and Mexico, including—

24 (A) for each deceased person—

1 (i) the cause and manner of death, if
2 known;

3 (ii) the sex, age (at time of death),
4 and country of origin (if such information
5 is determinable); and

6 (iii) the location of each unidentified
7 remain;

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

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

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

23 (i) to identify and map the locations
24 at which migrant deaths occur; and

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

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

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

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

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

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

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

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

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

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

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

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

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

1 iners and coroners and the Centers for Disease Con-
2 trol and Prevention;

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

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

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

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

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

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

Amend the title so as to read: “A bill 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”.