



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

January 19, 2010

The Honorable Bobby Scott  
Chairman  
Subcommittee on Crime, Terrorism,  
and Homeland Security  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This letter presents the views of the Department of Justice (the Department or DOJ) on H.R. 3695, the "Help Find the Missing Act" or "Billy's Law." The Department strongly supports this legislation. The bill will help the Department build on its work in establishing the National Missing and Unidentified Persons System (NamUs).

NamUs, administered by DOJ's National Institute of Justice (NIJ), is the first national system for both missing persons and the unidentified dead. It is a free web-based tool that the public, law enforcement, medical examiners and coroners can access and use to assist in the solving of missing persons and unidentified decedent cases in the United States. NamUs also serves as a central, online national repository for other missing persons' websites, state clearinghouses, contact information, legislation and other resources from around the country. H.R. 3695 would specifically authorize NamUs which would be an important step forward in growing and sustaining these critical activities. Additionally, the Department strongly supports the bill's provisions which specifically encourage and facilitate the sharing of information from disparate systems relevant to the resolution of missing persons and unidentified decedent cases.

Great strides have been made in establishing NamUs, but much work remains to be done. For example, the sharing of information between the Federal Bureau of Investigation's (FBI) National Crime Information Center's (NCIC) Missing and Unidentified Person Files, and NamUs is currently difficult, time consuming, and expensive. Section 4 of H.R. 3695, in particular, would lead to substantial improvements in how information is shared between NCIC and NamUs.

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However, the Department does have some concerns with this section. Specifically, Section 4(b)(1)(C), which requires each law enforcement agency to “[submit] to the Attorney General written authorization” to permit the sharing of its NCIC data with NamUs may be unduly burdensome to administer as currently proposed and may be perceived as burdensome to state and local agencies in such a way that it discourages their participation.

NamUs currently performs the function of obtaining the necessary permissions from the “owner” law enforcement agency because NCIC does not own the data it holds. Section 4(b)(1)(C) does not improve the burdensome and laborious nature of this process, but rather, shifts the burden of obtaining those permissions to NCIC. Additionally, the Section defines the manner in which the necessary permissions must be obtained (in writing) and communicated in a way that may limit the Department’s ability to develop policies that facilitate the permission process in a less burdensome and less costly manner. Therefore, the Department recommends that the Section 4(b)(1)(C) requirement that written permission be provided to the Attorney General be removed. The removal of these sections would allow the FBI/CJIS Policy Board, along with its community of stakeholders, to determine what permissions must be obtained prior to the uploading of state and local data to NCIC and NamUs. By working within this existing policy making structure, the Department will be able to better facilitate data sharing in the least costly, most expeditious, and least burdensome manner.

Currently states are not required to submit missing adults’ cases or unidentified remains cases into NCIC or NamUs. States are only required to submit information on missing children to NCIC. H.R. 3695 will extend the mandatory reporting requirement, as a condition of receiving grants under section 5 of the bill, to missing adults’ cases and unidentified remains cases, as well as allow for the sharing of more information relevant to missing and unidentified decedent adults between NCIC and NamUs. The Department welcomes these important reforms.

Section 5 of the bill would authorize grants for personnel, technology, and training to help states submit data to NCIC and NamUs. The Department believes such grants would provide a strong incentive for states to provide critical information to NCIC and NamUs shortly after a case is reported.

Thank you for your commitment to helping law enforcement agencies solve missing and unidentified persons cases. Please do not hesitate to contact this office if we may be of additional assistance. The Office of Management and Budget has advised

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us that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Weich', written in a cursive style.

Ronald Weich  
Assistant Attorney General

cc: The Honorable Louie Gohmert  
Ranking Member