

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 11101 of this title.

§ 11295a. Reporting**(a) Required reporting**

As a condition of receiving funds under section 11293(b) of this title, the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

- (1) the number of children nationwide who are reported to the grantee as missing;
- (2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;
- (3) the number of children nationwide who are reported to the grantee as victims of family abductions;
- (4) the number of missing children recovered nationwide whose recovery was reported to the grantee;
- (5) the number of children nationwide who are reported to the grantee as missing from State-sponsored care;
- (6) the number of children nationwide who are reported to the grantee as missing from State-sponsored care whose recovery was reported to the grantee; and
- (7) the number of children nationwide who are reported to the grantee as missing from State-sponsored care and are likely victims of child sex trafficking.

(b) Incidence of attempted child abductions

As a condition of receiving funds under section 11293(b) of this title, the grant recipient shall—

- (1) track the incidence of attempted child abductions in order to identify links and patterns;
- (2) provide such information to law enforcement agencies; and
- (3) make such information available to the general public, as appropriate.

(c) Criteria for forensic partnerships

As a condition of receiving funds under section 11293(b) of this title, the grant recipient shall annually provide to the Administrator and make available to the general public, as appropriate, the criteria and processes the grantee uses to establish forensic partnerships and recommend forensic resources to law enforcement and shall annually review these forensic partnerships and forensic referrals against the criteria and review new advancements in technology.

(Pub. L. 93-415, title IV, § 407, as added Pub. L. 115-267, § 2(e)(2), Oct. 11, 2018, 132 Stat. 3760, and Pub. L. 115-393, title II, § 202(e)(2), Dec. 21, 2018, 132 Stat. 5271; amended Pub. L. 118-65, § 2(c), June 17, 2024, 138 Stat. 1442.)

Editorial Notes

CODIFICATION

Pub. L. 115-267 and Pub. L. 115-393 enacted identical sections.

PRIOR PROVISIONS

A prior section 407 of Pub. L. 93-415 was renumbered section 408 and is classified to section 11296 of this title.

Another prior section 407 of title IV of Pub. L. 93-415, as added Pub. L. 103-322, title XVII, § 170303(2), Sept. 13, 1994, 108 Stat. 2043, established the Missing and Exploited Children's Task Force, prior to repeal by Pub. L. 110-240, § 5(1), June 3, 2008, 122 Stat. 1564.

AMENDMENTS

2024—Subsec. (a)(5) to (7). Pub. L. 118-65, § 2(c)(1), added pars. (5) to (7).

Subsec. (c). Pub. L. 118-65, § 2(c)(2), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 11, 2018, and applicable to fiscal years beginning after Sept. 30, 2018, see section 4 of Pub. L. 115-267, set out as an Effective Date of 2018 Amendment note under section 11291 of this title.

§ 11296. Oversight and accountability

All grants awarded by the Department of Justice that are authorized under this subchapter shall be subject to the following:

(1) Audit requirement

For 2 of the fiscal years in the period of fiscal years 2014 through 2023, the Inspector General of the Department of Justice shall conduct audits of the recipient of grants under this subchapter to prevent waste, fraud, and abuse by the grantee.

(2) Mandatory exclusion

If the recipient of grant funds under this subchapter is found to have an unresolved audit finding, then that entity shall not be eligible to receive grant funds under this subchapter during the 2 fiscal years beginning after the 12-month period described in paragraph (4).

(3) Repayment of grant funds

If an entity is awarded grant funds under this subchapter during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(4) Defined term

In this section, the term “unresolved audit finding” means an audit report finding in the final report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(5) Nonprofit organization requirements**(A) Definition**

For purposes of this section and the grant programs described in this subchapter, the

term “nonprofit”, relating to an entity, means the entity is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(B) Prohibition

The Attorney General shall not award a grant under any grant program described in this subchapter to a nonprofit organization that holds money in off-shore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(C) Disclosure

Each nonprofit organization that is awarded a grant under this subchapter and uses the procedures prescribed in regulations under section 53.4958-6 of title 26 of the Code of Federal Regulations to create a rebuttable presumption of reasonableness of the compensation for its officers, directors, trustees and key employees, shall disclose to the Attorney General the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information available for public inspection.

(6) Conference expenditures

(A) Limitation

No amounts authorized to be appropriated under this subchapter may be used to host or support any expenditure for conferences that uses more than \$20,000 unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy director as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) Written approval

Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(7) Prohibition on lobbying activity

(A) In general

Amounts authorized to be appropriated under this subchapter may not be utilized by any grant recipient to—

- (i) lobby any representative of the Department of Justice regarding the award of any grant funding; or
- (ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) Penalty

If the Attorney General determines that any recipient of a grant under this subchapter has violated subparagraph (A), the Attorney General shall—

- (i) require the grant recipient to repay the grant in full; and
- (ii) prohibit the grant recipient from receiving another grant under this subchapter for not less than 5 years.

(C) Clarification

For purposes of this paragraph, submitting an application for a grant under this subchapter shall not be considered lobbying activity in violation of subparagraph (A).

(Pub. L. 93-415, title IV, § 408, formerly § 407, as added Pub. L. 113-38, § 4, Sept. 30, 2013, 127 Stat. 529; renumbered § 408, Pub. L. 115-267, § 2(e)(1), Oct. 11, 2018, 132 Stat. 3760, and Pub. L. 115-393, title II, § 202(e)(1), Dec. 21, 2018, 132 Stat. 5271; amended Pub. L. 115-267, § 3(b), Oct. 11, 2018, 132 Stat. 3760.)

Editorial Notes

CODIFICATION

Pub. L. 115-267, § 2(e)(1), and Pub. L. 115-393, § 202(e)(1), identically renumbered section 407 of Pub. L. 93-415 as section 408.

Section was formerly classified to section 5776a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 408 of Pub. L. 93-415 was renumbered section 409 and is classified to section 11297 of this title.

AMENDMENTS

2018—Par. (1). Pub. L. 115-267, § 3(b), substituted “2023” for “2018”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-267 effective Oct. 11, 2018, with amendment by section 2 of Pub. L. 115-267 applicable to fiscal years beginning after Sept. 30, 2018, see section 4 of Pub. L. 115-267, set out as a note under section 11291 of this title.

§ 11297. Authorization of appropriations

(a) In general

To carry out the provisions of this subchapter, there are authorized to be appropriated \$49,300,000 for each of fiscal years 2024 through 2028, up to \$41,500,000 of which shall be used to carry out section 11293(b) of this title for each such fiscal year.

(b) Evaluation

The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this subchapter.

(Pub. L. 93-415, title IV, § 409, formerly § 408, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 407 and amended Pub. L. 100-690, title VII, §§ 7289, 7290(a), Nov. 18, 1988,