

## EFFECTIVE DATE

Subchapter effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

## SHORT TITLE

For short title of title IV of Pub. L. 93-415, which enacted this subchapter, as the "Missing Children's Assistance Act", see section 401 of Pub. L. 93-415, as added by Pub. L. 98-473, set out as a note under section 5601 of this title.

**§ 5772. Definitions**

For the purpose of this subchapter—

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian;

(2) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention; and

(3) the term "Center" means the National Center for Missing and Exploited Children.

(Pub. L. 93-415, title IV, § 403, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126; amended Pub. L. 106-71, § 2(b), Oct. 12, 1999, 113 Stat. 1034; Pub. L. 109-248, title I, § 154(b), July 27, 2006, 120 Stat. 611; Pub. L. 109-295, title VI, § 689b(c), Oct. 4, 2006, 120 Stat. 1450.)

## PRIOR PROVISIONS

A prior section 403 of Pub. L. 93-415 amended section 3883 of this title, and was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061, and Pub. L. 107-273, div. C, title II, § 12221(a)(4), Nov. 2, 2002, 116 Stat. 1894.

## AMENDMENTS

2006—Par. (1), Pub. L. 109-295, which directed amendment of par. (1) by striking out "or" at the end of subpar. (A), inserting "or" after the semicolon in subpar. (B), and adding after subpar. (B) subpar. (C) "the individual is an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of an emergency or major disaster (as those terms are defined in section 5122 of this title).", could not be executed because of the prior amendment by Pub. L. 109-248, see below.

Pub. L. 109-248, which directed amendment of "Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772)" by substituting a semicolon at end for "if—" through subpar. (B), was executed by substituting a semicolon for "if—" and subpars. (A) and (B) of par. (1) of this section, which is section 403 of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as added by section 660 of the Comprehensive Crime Control Act of 1984, to reflect the probable intent of Congress. Prior to amendment, subpars. (A) and (B) read as follows:

"(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

"(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited;"

1999—Par. (3), Pub. L. 106-71 added par. (3).

**§ 5773. Duties and functions of the Administrator****(a) Description of activities**

The Administrator shall—

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this subchapter;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1) of this section, to appropriate entities;

(4) coordinate with the United States Interagency Council on Homelessness to ensure that homeless services professionals are aware of educational resources and assistance provided by the Center regarding child sexual exploitation;

(5) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this subchapter; and

(6) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, the President pro tempore of the Senate, and the Committee on the Judiciary of the Senate—

(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction;

(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) of this section and the number and types of communications referred to the national communications system established under section 5714-11 of this title;

(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2) of this section;

(G) describing all the programs for which assistance was provided under section 5775 of this title in the preceding fiscal year;

(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this subchapter; and

(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 5775(a)(9) of this title in the preceding fiscal year;

(ii) describing the activities carried out by such clearinghouse in such fiscal year;

(iii) specifying the types and amounts of assistance (other than assistance under sec-

tion 5775(a)(9) of this title) received by such clearinghouse in such fiscal year; and

(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such case.<sup>1</sup>

**(b) Annual grant to National Center for Missing and Exploited Children**

**(1) In general**

The Administrator shall annually make a grant to the Center, which shall be used to—

(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of subchapter III;

(B) operate the official national resource center and information clearinghouse for missing and exploited children;

(C) provide to State and local governments, public and private nonprofit agencies, State and local educational agencies, and individuals, information regarding—

(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

(F) based solely on reports received by the National Center for Missing and Exploited Children (NCMEC), and not involving any data collection by NCMEC other than the receipt of those reports, annually provide to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention—

(i) the number of children nationwide who are reported to NCMEC as missing;

(ii) the number of children nationwide who are reported to NCMEC as victims of non-family abductions;

(iii) the number of children nationwide who are reported to NCMEC as victims of parental kidnappings; and

(iv) the number of children recovered nationwide whose recovery was reported to NCMEC;

(G) provide, at the request of State and local governments, and public and private nonprofit agencies, guidance on how to fa-

cilitate the lawful use of school records and birth certificates to identify and locate missing children;

(H) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

(I) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally;

(J) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

(K) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

(L) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

(M) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

(N) provide training and assistance to law enforcement agencies in identifying and locating non-compliant sex offenders;

(O) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

(P) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

(i) possession, manufacture, and distribution of child pornography;

(ii) online enticement of children for sexual acts;

(iii) child sex trafficking, including child prostitution;

(iv) sex tourism involving children;

(v) extrafamilial child sexual molestation;

(vi) unsolicited obscene material sent to a child;

(vii) misleading domain names; and

(viii) misleading words or digital images on the Internet,

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

(Q) work with law enforcement, Internet service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of im-

<sup>1</sup> So in original. Probably should be "case."

ages and videos of sexually exploited children;

(R) operate a child victim identification program in order to assist the efforts of law enforcement agencies in identifying victims of child pornography and other sexual crimes;

(S) develop and disseminate programs and information to the general public, schools, public officials, youth-serving organizations, and nonprofit organizations, directly or through grants or contracts with public agencies and public and private nonprofit organizations, on—

- (i) the prevention of child abduction and sexual exploitation; and
- (ii) internet safety;

(T) provide technical assistance and training to State and local law enforcement agencies and statewide clearinghouses to coordinate with State and local educational agencies in identifying and recovering missing children;

(U) assist the efforts of law enforcement agencies in coordinating with child welfare agencies to respond to foster children missing from the State welfare system; and

(V) provide technical assistance to law enforcement agencies and first responders in identifying, locating, and recovering victims of, and children at risk for, child sex trafficking.

## (2) Limitation

### (A) In general

Notwithstanding any other provision of law, no Federal funds may be used to pay the compensation of an individual employed by the Center if such compensation, as determined at the beginning of each grant year, exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) for that year. The Center may compensate an employee at a higher rate provided the amount in excess of this limitation is paid with non-Federal funds.

### (B) Definition of compensation

For the purpose of this paragraph, the term "compensation"—

- (i) includes salary, bonuses, periodic payments, severance pay, the value of a compensatory or paid leave benefit not excluded by clause (ii), and the fair market value of any employee perquisite or benefit not excluded by clause (ii); and
- (ii) excludes any Center expenditure for health, medical, or life insurance, or disability or retirement pay, including pensions benefits.

### (c) National incidence studies

The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

- (1) triennially conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of chil-

dren who are the victims of parental kidnappings, and the number of children who are recovered each year; and

(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g)<sup>2</sup> to identify and locate missing children.

### (d) Independent status of other Federal agencies

Nothing contained in this subchapter shall be construed to grant to the Administrator any law enforcement responsibility or supervisory authority over any other Federal agency.

(Pub. L. 93-415, title IV, § 404, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126; amended Pub. L. 100-690, title VII, § 7285, Nov. 18, 1988, 102 Stat. 4459; Pub. L. 101-204, title X, § 1004(2), Dec. 7, 1989, 103 Stat. 1828; Pub. L. 106-71, § 2(c), Oct. 12, 1999, 113 Stat. 1034; Pub. L. 107-273, div. C, title II, § 12221(b)(2), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 108-21, title III, §§ 321(b), 323, Apr. 30, 2003, 117 Stat. 664, 665; Pub. L. 108-96, title II, § 202(a), Oct. 10, 2003, 117 Stat. 1172; Pub. L. 110-240, § 3, June 3, 2008, 122 Stat. 1561; Pub. L. 113-38, § 2(b), Sept. 30, 2013, 127 Stat. 527; Pub. L. 114-22, title II, § 211, May 29, 2015, 129 Stat. 249.)

#### REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (c)(2), is section 513 of Pub. L. 93-380, title V, Aug. 21, 1974, 88 Stat. 571, which enacted section 1232g of Title 20, Education, and provisions set out as notes under sections 1221 and 1232g of Title 20. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of Title 20 and Tables.

#### PRIOR PROVISIONS

A prior section 404 of Pub. L. 93-415 amended section 3882 of this title, and was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061, and Pub. L. 107-273, div. C, title II, § 12221(a)(4), Nov. 2, 2002, 116 Stat. 1894.

#### AMENDMENTS

2015—Subsec. (b)(1)(P)(iii). Pub. L. 114-22 substituted "child sex trafficking, including child prostitution" for "child prostitution".

2013—Subsec. (a)(4). Pub. L. 113-38, § 2(b)(1)(C), added par. (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 113-38, § 2(b)(1)(B), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 113-38, § 2(b)(1)(A), in introductory provisions, substituted "Representatives, the Committee on Education and the Workforce of the House of Representatives," for "Representatives, and" and inserted ", and the Committee on the Judiciary of the Senate" after "Senate".

Subsec. (a)(6). Pub. L. 113-38, § 2(b)(1)(B), redesignated par. (5) as (6).

Subsec. (b)(1)(C). Pub. L. 113-38, § 2(b)(2)(A)(i), in introductory provisions, struck out "and" after "governments," and inserted "State and local educational agencies," after "nonprofit agencies,".

Subsec. (b)(1)(T) to (V). Pub. L. 113-38, § 2(b)(2)(A)(ii)-(iv), added subpars. (T) to (V).

Subsec. (b)(2). Pub. L. 113-38, § 2(b)(2)(B), amended par. (2) generally. Prior to amendment, text read as follows: "There is authorized to be appropriated to the Administrator to carry out this subsection, \$40,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2013."

<sup>2</sup>So in original. Probably should be followed by a comma.

Subsec. (c)(1). Pub. L. 113-38, §2(b)(3), substituted “triennially” for “periodically” and “kidnappings” for “kidnapings”.

Subsec. (c)(2). Pub. L. 113-38, §2(b)(4), inserted “, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g)” after “birth certificates”.

2008—Subsec. (b)(1). Pub. L. 110-240, §3(1), amended par. (1) generally. Prior to amendment, par. (1) consisted of subpars. (A) to (H) relating to annual grants to Center.

Subsec. (b)(2). Pub. L. 110-240, §3(2), substituted “\$40,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2013” for “\$20,000,000 for each of the fiscal years 2004 through 2008”.

2003—Subsec. (b)(1)(H). Pub. L. 108-21, §323, added subpar. (H).

Subsec. (b)(2). Pub. L. 108-96 substituted “2008” for “2005”.

Pub. L. 108-21, §321(b), substituted “\$20,000,000 for each of the fiscal years 2004 through 2005” for “\$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003”.

2002—Subsec. (a)(5)(E). Pub. L. 107-273 substituted “section 5714-11” for “section 5712a”.

1999—Subsecs. (b) to (d). Pub. L. 106-71 added subsecs. (b) and (c), redesignated former subsec. (c) as (d), and struck out former subsec. (b) which related to the establishment of toll-free telephone line and national resource center and clearinghouse, conduct of national incidence studies, and use of school records and birth certificates.

1989—Subsec. (a)(5)(C). Pub. L. 101-204, §1004(2)(A), substituted semicolon for comma at end.

Subsec. (b)(2)(A). Pub. L. 101-204, §1004(2)(B), inserted “to” before “provide to State”.

1988—Subsec. (a)(3). Pub. L. 100-690, §7285(a)(1), struck out “law enforcement” before “entities”.

Subsec. (a)(4). Pub. L. 100-690, §7285(a)(2), inserted “and” at end.

Subsec. (a)(5). Pub. L. 100-690, §7285(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

“(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

“(B) effective programs designed to promote community awareness of the problem of missing children;

“(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

“(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or sexual exploitation; and”.

Subsec. (a)(6). Pub. L. 100-690, §7285(a)(4), struck out par. (6), which read as follows: “prepare, in conjunction with and with the final approval of the Advisory Board on Missing Children, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children.”

Subsec. (b)(1). Pub. L. 100-690, §7285(b)(1), designated existing provisions as subpar. (A), inserted “24-hour” after “national” and “and” at end, and added subpar. (B).

Subsec. (b)(2)(A). Pub. L. 100-690, §7285(b)(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “to provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;”.

Subsec. (b)(2)(D). Pub. L. 100-690, §7285(b)(2)(B), inserted “and training” after “assistance” and “and in locating and recovering missing children” before semicolon.

Subsec. (b)(4). Pub. L. 100-690, §7285(b)(3), (4), added par. (4).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 5601 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, with the report required by subsec. (a)(6) of this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in subsec. (a)(6) of this section, see section 7296(a), (b)(3) of Pub. L. 100-690, as amended, set out as a note under section 5601 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a)(6) of this section relating to submittal of annual report to the Speaker of the House of Representatives and the President pro tempore of the Senate, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 2nd item on page 122 of House Document No. 103-7.

#### § 5774. Repealed. Pub. L. 100-690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460

Section, Pub. L. 93-415, title IV, §405, as added Pub. L. 98-473, title II, §660, Oct. 12, 1984, 98 Stat. 2127, provided for an Advisory Board on Missing Children.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

#### § 5775. Grants

##### (a) Authority of Administrator; description of research, demonstration projects, and service programs

The Administrator is authorized to make grants to and enter into contracts with the Center and with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed—

(1) to educate parents, children, schools, school leaders, teachers, State and local educational agencies, homeless shelters and service providers, and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

(2) to provide information to assist in the locating and return of missing children;

(3) to aid communities and schools in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of—

(A) the abduction of a child, both during the period of disappearance and after the child is recovered; and

(B) the sexual exploitation of a missing child;