

section of original act, could not be executed to text because of general amendment of section by Pub. L. 100-690, §7288, see below.

Pub. L. 100-690, §7288, amended section generally. Prior to amendment, section read as follows: "The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities."

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 5601 of this title.

§ 5776a. 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 2018, 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, §407, as added Pub. L. 113-38, §4, Sept. 30, 2013, 127 Stat. 529.)

PRIOR PROVISIONS

A prior section 5776a, Pub. L. 93-415, title IV, §407, 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.

§ 5777. Authorization of appropriations

(a) In general

To carry out the provisions of this subchapter, there are authorized to be appropriated \$40,000,000 for each of the fiscal years 2014 through 2018, up to \$32,200,000 of which shall be used to carry out section 5773(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) of this section to conduct an evaluation of the effectiveness of the programs and activities established and operated under this subchapter.

(Pub. L. 93-415, title IV, §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, 102 Stat. 4461; Pub. L. 101-204, title X, §1001(e)(3), Dec. 7, 1989, 103 Stat. 1827; Pub. L. 102-586, §4, Nov. 4, 1992, 106 Stat. 5027; renumbered §408, Pub. L. 103-322, title XVII, §170303(1), Sept. 13, 1994, 108 Stat. 2043; Pub. L. 104-235, title II, §231(a), Oct. 3, 1996, 110 Stat. 3092; Pub. L. 106-71, §2(e), Oct. 12, 1999, 113 Stat. 1035; Pub. L. 108-21, title III, §321(a), Apr. 30, 2003, 117 Stat. 664; Pub. L. 108-96, title II, §202(b), Oct. 10, 2003, 117 Stat. 1172; renumbered §407 and amended Pub. L. 110-240, §§4, 5(2), June 3, 2008, 122 Stat. 1563, 1564; renumbered §408 and amended Pub. L. 113-38, §3, Sept. 30, 2013, 127 Stat. 528.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-38, §3(1), substituted “\$40,000,000 for each of the fiscal years 2014 through 2018, up to \$32,200,000 of which shall be used to carry out section 5773(b) of this title for each such fiscal year.” for “such sums as may be necessary for fiscal years 2008 through 2013.”

2008—Subsec. (a). Pub. L. 110-240, §4, which directed substitution of “2008 through 2013” for “2007 through 2008”, was executed by making the substitution for “2004 through 2008”, to reflect the probable intent of Congress.

2003—Subsec. (a). Pub. L. 108-96 substituted “2008” for “2005.”

Pub. L. 108-21 substituted “fiscal years 2004 through 2005.” for “fiscal years 2000 through 2003”.

1999—Subsec. (a). Pub. L. 106-71 substituted “2000 through 2003” for “1997 through 2001”.

1996—Pub. L. 104-235 designated existing provisions as subsec. (a), inserted heading, substituted “1997 through 2001” for “1993, 1994, 1995, and 1996”, and added subsec. (b).

1992—Pub. L. 102-586 substituted “fiscal years 1993, 1994, 1995, and 1996” for “fiscal years 1989, 1990, 1991, and 1992”.

1989—Pub. L. 101-204 amended directory language of Pub. L. 100-690, §7289(3), see 1988 Amendment note below.

1988—Pub. L. 100-690, §7289, as amended by Pub. L. 101-204, struck out “\$10,000,000 for fiscal year 1985, and” after “appropriated” and “1986, 1987, and 1988” after “fiscal years” and inserted “1989, 1990, 1991, and 1992”.

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 5601 of this title.

§ 5778. Repealed. Pub. L. 104-235, title II, § 231(b), Oct. 3, 1996, 110 Stat. 3092

Section, Pub. L. 93-415, title IV, §409, formerly §408, as added Pub. L. 100-690, title VII, §7291, Nov. 18, 1988, 102 Stat. 4461; renumbered §409, Pub. L. 103-322, title XVII, §170303(1), Sept. 13, 1994, 108 Stat. 2043, related to special study and report to determine obstacles that prevent or impede individuals who have legal custody of children from recovering children from parents who have removed children from such individuals in violation of law.

§ 5779. Reporting requirement

(a) In general

Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) Guidelines

The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.¹

(c) Annual summary

The Attorney General shall publish an annual statistical summary of the reports received under this section and section 5780 of this title.

(Pub. L. 101-647, title XXXVII, §3701, Nov. 29, 1990, 104 Stat. 4966; Pub. L. 108-21, title II, §204, Apr. 30, 2003, 117 Stat. 660.)

REFERENCES IN TEXT

This section and section 5780 of this title, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title XXXVII of Pub. L. 101-647, which enacted this section and section 5780 of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children's Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 substituted “age of 21” for “age of 18”.

¹ See References in Text note below.