

ploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) to address the needs of missing children (as defined in section 11292(1)(A) of this title) and their families following the recovery of such children;

(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

(9) to establish or operate statewide clearinghouses to assist in locating and recovering missing children.

**(b) Priorities of grant applicants**

In considering grant applications under this subchapter, the Administrator shall give priority to applicants who—

(1) have demonstrated or demonstrate ability in—

(A) locating missing children or locating and reuniting missing children with their legal custodians;

(B) providing other services to missing children or their families; or

(C) conducting research relating to missing children; and

(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance.

The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1).

**(c) Non-Federal fund expenditures requisite for receipt of Federal assistance**

In order to receive assistance under this subchapter for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

(Pub. L. 93-415, title IV, § 405, formerly § 406, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2128; renumbered § 405 and amended Pub. L. 100-690, title VII, §§ 7287, 7290(a), Nov. 18, 1988, 102 Stat. 4460, 4461; Pub. L. 101-204, title X, § 1004(3), Dec. 7, 1989, 103 Stat. 1828; Pub. L. 106-71, § 2(d), Oct. 12, 1999, 113 Stat. 1035; Pub. L. 113-38, § 2(c), Sept. 30, 2013, 127 Stat. 528.)

CODIFICATION

Section was formerly classified to section 5775 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93-415 was classified to section 5774 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 100-690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-38, § 2(c)(1), inserted “schools, school leaders, teachers, State and local educational agencies, homeless shelters and service providers,” after “children.”

Subsec. (a)(3). Pub. L. 113-38, § 2(c)(2), inserted “and schools” after “communities”.

1999—Subsec. (a). Pub. L. 106-71 inserted “the Center and with” before “public agencies” in introductory provisions.

1989—Subsec. (a)(9). Pub. L. 101-204 substituted “clearinghouses” for “clearinghouse”.

1988—Subsec. (a)(7) to (9). Pub. L. 100-690, § 7287, added pars. (7) to (9).

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.

**§ 11295. Criteria for grants**

**(a) Establishment of priorities and criteria; publication in Federal Register**

In carrying out the programs authorized by this subchapter, the Administrator shall establish—

(1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 11294 of this title; and

(2) criteria based on merit for making such grants and contracts.

Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria.

**(b) Competitive selection process for grant or contract exceeding \$50,000**

No grant or contract exceeding \$50,000 shall be made under this subchapter unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

**(c) Multiple grants or contracts to same grantee or contractor**

Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors.<sup>1</sup>

(Pub. L. 93-415, title IV, § 406, formerly § 407, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 406 and amended Pub. L. 100-690, title VII, §§ 7288, 7290, Nov. 18, 1988, 102 Stat. 4461.)

CODIFICATION

Section was formerly classified to section 5776 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93-415 was renumbered section 405 and is classified to section 11294 of this title.

<sup>1</sup> So in original. Probably should be “contracts.”

## AMENDMENTS

1988—Pub. L. 100-690, §7290(b), which purported to make technical amendment to reference to section 5775 of this title to reflect renumbering of corresponding 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 11101 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 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.