

Pub. L. 98-473, set out as a note under section 11101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115 and repealed by Pub. L. 100-690, title VII, § 7266(2), Nov. 18, 1988, 102 Stat. 4449, formerly set out as a note under section 11101 of this title.

§ 11281. Restriction on use of funds

(a) In general

None of the funds contained in this subchapter may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Separate accounting

Any individual or entity who receives any funds contained in this subchapter and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this subchapter.

(Pub. L. 93-415, title III, § 389, as added Pub. L. 108-96, title I, § 120, Oct. 10, 2003, 117 Stat. 1171.)

CODIFICATION

Section was formerly classified to section 5752 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER IV—MISSING CHILDREN

§ 11291. Findings

The Congress finds that—

(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;

(2) many missing children are at great risk of both physical harm and sexual exploitation;

(3) many missing children are runaways;

(4) growing numbers of children are the victims of child sexual exploitation, including child sex trafficking and sextortion, increasingly involving the use of new technology to access the Internet;

(5) children may be separated from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

(6) sex offenders pose a threat to children; and

(7) the Office of Juvenile Justice and Delinquency Prevention administers programs under this subchapter, including programs that prevent and address offenses committed against vulnerable children and support missing children's organizations, including the National Center for Missing and Exploited Children that—

(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of

State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.

(Pub. L. 93-415, title IV, § 402, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2125; amended Pub. L. 106-71, § 2(a), Oct. 12, 1999, 113 Stat. 1032; Pub. L. 108-96, title II, § 201, Oct. 10, 2003, 117 Stat. 1171; Pub. L. 110-240, § 2, June 3, 2008, 122 Stat. 1560; Pub. L. 113-38, § 2(a), Sept. 30, 2013, 127 Stat. 527; Pub. L. 115-267, § 2(a), Oct. 11, 2018, 132 Stat. 3756; Pub. L. 115-393, title II, § 202(a), Dec. 21, 2018, 132 Stat. 5267.)

CODIFICATION

Section was formerly classified to section 5771 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 402 of Pub. L. 93-415 amended section 3888 of Title 42, The Public Health and Welfare, and repealed section 3889 of Title 42, 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

2018—Pub. L. 115-393 made amendments to this section substantially identical to those made by Pub. L. 115-267, § 2(a). See Amendment notes below. Text of section is based on amendments by Pub. L. 115-267.

Par. (1). Pub. L. 115-267, § 2(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent’s consent, under circumstances which immediately place the child in grave danger;”.

Par. (4). Pub. L. 115-267, § 2(a)(2)–(4), redesignated par. (6) as (4), inserted “, including child sex trafficking and sextortion” after “exploitation”, and struck out former par. (4) which read as follows: “in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;”.

Par. (5). Pub. L. 115-267, § 2(a)(2), (3), redesignated par. (7) as (5) and struck out former par. (5) which read as follows: “abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;”.

Par. (6). Pub. L. 115-267, § 2(a)(3), (5), redesignated par. (8) as (6) and inserted “and” at end. Former par. (6) redesignated (4).

Par. (7). Pub. L. 115-267, § 2(a)(3), (6), redesignated par. (10) as (7) and amended it generally. Prior to amendment, text related to the National Center for Missing and Exploited Children. Former par. (7) redesignated (5).

Pars. (8) to (10). Pub. L. 115-267, § 2(a)(2), (3), redesignated pars. (8) and (10) as (6) and (7), respectively, and struck out par. (9) which read as follows: “the Office of

Juvenile Justice and Delinquency Prevention administers programs under this chapter through the Child Protection Division, including programs which prevent or address offenses committed against vulnerable children and which support missing children's organizations; and".

2013—Pub. L. 113-38 added par. (3) and redesignated former pars. (3) to (9) as (4) to (10), respectively.

2008—Pub. L. 110-240 amended section generally. Prior to amendment, section consisted of pars. (1) to (5) stating findings of Congress concerning missing or abducted children and the role of the National Center for Missing and Exploited Children.

2003—Pub. L. 108-96 amended section generally. Prior to amendment, section consisted of pars. (1) to (21) stating findings of Congress.

1999—Pars. (9) to (21). Pub. L. 106-71 added pars. (9) to (21).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-267, § 4, Oct. 11, 2018, 132 Stat. 3760, provided that:

"(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act [see section 1 of Pub. L. 115-267, set out as a Short Title of 2018 Amendment note under section 10101 of this title] and the amendments made by this Act shall take effect on the date of the enactment of this Act [Oct. 11, 2018].

"(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 [enacting section 11295a of this title and amending this section and sections 11292 to 11294, 11296, and 11297 of this title] shall apply with respect to fiscal years that begin after September 30, 2018."

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 11101 of this title.

§ 11292. 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 parent;

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

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

(4) the term "parent" includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.

(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; Pub. L. 115-267, § 2(b), Oct. 11, 2018, 132 Stat. 3757; Pub. L. 115-393, title II, § 202(b), Dec. 21, 2018, 132 Stat. 5268.)

CODIFICATION

Section was formerly classified to section 5772 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 403 of Pub. L. 93-415 amended section 3883 of Title 42, The Public Health and Welfare, 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

2018—Par. (1). Pub. L. 115-267, § 2(b)(1), and Pub. L. 115-393, § 202(b)(1), amended section identically, adding par. (1) and striking out former par. (1) which read as follows: "the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian;"

Par. (4). Pub. L. 115-267, § 2(b)(2)-(4), and Pub. L. 115-393, § 202(b)(2)-(4), amended section identically, adding par. (4).

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).

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-267 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 a note under section 11291 of this title.

§ 11293. 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 hotline, established under subsection (b)(1), 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