

## 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.

## 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 Ad-

ministrator, 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.

**§ 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; and
- (4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

**(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.

(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.)

## 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.

## 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:

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

**(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 com-

parability 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.)

## 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”.

## 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 \$40,000,000 for each of the fiscal years 2014 through 2023, up to \$32,200,000 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, 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; renumbered §409, 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; Pub. L. 115-267, §3(a), Oct. 11, 2018, 132 Stat. 3760.)

## CODIFICATION

Pub. L. 115-267, §2(e)(1), and Pub. L. 115-393, §202(e)(1), identically renumbered section 408 of Pub. L. 93-415 as section 409.

Section was formerly classified to section 5777 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.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-267, §3(a), substituted “2023” for “2018”.

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 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.

## 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.

**§ 11298. Authority of Inspectors General****(a) In general**

An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

(2) by engaging in similar activities.

**(b) Limitations****(1) Priority**

An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

**(2) Funding**

No additional funds are authorized to be appropriated to carry out this section.

(Pub. L. 101-647, title XXXVII, §3703, as added Pub. L. 110-344, §9, Oct. 7, 2008, 122 Stat. 3936.)

## REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in text, is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.