

(c) Relating to Public Law 92-544

Nothing in this Compact shall diminish or lessen the obligations, responsibilities, and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information.

ARTICLE IX—RENUNCIATION

(a) In general

This Compact shall bind each Party State until renounced by the Party State.

(b) Effect

Any renunciation of this Compact by a Party State shall—

- (1) be effected in the same manner by which the Party State ratified this Compact; and
- (2) become effective 180 days after written notice of renunciation is provided by the Party State to each other Party State and to the Federal Government.

ARTICLE X—SEVERABILITY

The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any participating State, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If a portion of this Compact is held contrary to the constitution of any Party State, all other portions of this Compact shall remain in full force and effect as to the remaining Party States and in full force and effect as to the Party State affected, as to all other provisions.

ARTICLE XI—ADJUDICATION OF DISPUTES

(a) In general

The Council shall—

- (1) have initial authority to make determinations with respect to any dispute regarding—
 - (A) interpretation of this Compact;
 - (B) any rule or standard established by the Council pursuant to Article V; and
 - (C) any dispute or controversy between any parties to this Compact; and
- (2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. Such decision shall be published pursuant to the requirements of Article VI(e).

(b) Duties of FBI

The FBI shall exercise immediate and necessary action to preserve the integrity of the III

System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the Council holds a hearing on such matters.

(c) Right of appeal

The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority.

(Pub. L. 105-251, title II, §217, Oct. 9, 1998, 112 Stat. 1876.)

REFERENCES IN TEXT

The Privacy Act of 1974, referred to in Article IV(a), (b), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title note set out under section 552a of Title 5 and Tables.

The Federal Advisory Committee Act, referred to in Article VIII(a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973, referred to in Article VIII(c), is Pub. L. 92-544, Oct. 25, 1972, 86 Stat. 1109. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 14616 of title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 405—REPORTING OF UNIDENTIFIED AND MISSING PERSONS

Sec.	
40501.	Program authorized.
40502.	Eligibility.
40503.	Uses of funds.
40504.	Grants for the assistance of organizations to find missing adults.

§ 40501. Program authorized

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

(Pub. L. 106-177, title II, §202, Mar. 10, 2000, 114 Stat. 36.)

CODIFICATION

Section was formerly classified to section 14661 of title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40502. Eligibility**(a) Application**

To be eligible to receive a grant award under this chapter, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) Contents

Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State’s jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

(Pub. L. 106-177, title II, §203, Mar. 10, 2000, 114 Stat. 36.)

CODIFICATION

Section was formerly classified to section 14662 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40503. Uses of funds

A State that receives a grant award under this chapter may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 40502(b) of this title.

(Pub. L. 106-177, title II, §204, Mar. 10, 2000, 114 Stat. 36.)

CODIFICATION

Section was formerly classified to section 14663 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40504. Grants for the assistance of organizations to find missing adults

(a) In general

The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) Regulations

The Attorney General may make such rules and regulations as may be necessary to carry out this title.¹

(Pub. L. 106-468, title I, §101, formerly §2, Nov. 9, 2000, 114 Stat. 2027; renumbered title I, §101, and amended Pub. L. 115-401, §2(1)-(3), Dec. 31, 2018, 132 Stat. 5336.)

REFERENCES IN TEXT

This title, referred to in subsec. (b), is title I of Pub. L. 106-468, Nov. 9, 2000, 114 Stat. 2027, which enacted this section and provisions set out as a note under this section. For complete classification of title I to the Code, see Tables.

CODIFICATION

Section was enacted as part of Kristen’s Act, and not as part of Jennifer’s Law which comprises this chapter.

Section was formerly classified to section 14665 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-401 substituted “this title” for “this Act”.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 106-468, title I, §102, formerly §3, Nov. 9, 2000, 114 Stat. 2028, renumbered title I, §102, and amended by Pub. L. 115-401, §2(1), (2), (4), Dec. 31, 2018, 132 Stat. 5336, provided that: “There are authorized to be appropriated to carry out this title [enacting this section] \$1,000,000 each year for fiscal years 2001 through 2004.”

CHAPTER 407—DNA IDENTIFICATION

SUBCHAPTER I—COLLECTION AND ANALYSIS OF SAMPLES

- Sec.
- 40701. The Debbie Smith DNA Backlog Grant Program.
- 40702. Collection and use of DNA identification information from certain Federal offenders.
- 40703. Collection and use of DNA identification information from certain District of Columbia offenders.
- 40704. Conditions of release generally.
- 40705. Authorization of appropriations.
- 40706. Privacy protection standards.

SUBCHAPTER II—TRAINING, TECHNOLOGY, RESEARCH, AND EXPANDED USE

- 40721. Report to Congress on plans to modify CODIS system.
- 40722. DNA training and education for law enforcement, correctional personnel, and court officers.
- 40723. Sexual assault forensic exam program grants.
- 40724. DNA research and development.
- 40725. National Forensic Science Commission.
- 40726. DNA identification of missing persons.
- 40727. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.
- 40728. Establishment of best practices for evidence retention.

SUBCHAPTER III—DNA ARRESTEE COLLECTION PROCESSES

- 40741. Definitions.
- 40742. Grants to States to implement DNA arrestee collection processes.
- 40743. Expungement of profiles.
- 40744. Offset of funds appropriated.

¹ See References in Text note below.