

nent 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.)

Editorial Notes

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.	Use of funds.
40504.	Grants for the assistance of organizations to find missing adults.
40505.	Reporting on National Missing and Unidentified Persons System (NamUs) Program.

§ 40501. Program authorized

(a) In general

(1) Grants authorized

The Attorney General may award grants to eligible entities described in paragraph (2) to enable the eligible entities to improve the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants.

(2) Eligible entities

Eligible entities described in this paragraph are the following:

(A) States and units of local government.

(B) Accredited, publicly funded, Combined DNA Index System (commonly known as “CODIS”) forensic laboratories, which demonstrate the grant funds will be used for DNA typing and uploading biological family DNA reference samples, including samples from foreign nationals, into CODIS, subject

to the protocols for inclusion of such forensic DNA profiles into CODIS, and the privacy protections required under section 40502(c) of this title.

(C) Medical examiners offices.

(D) Accredited, publicly funded toxicology laboratories.

(E) Accredited, publicly funded crime laboratories.

(F) Publicly funded university forensic anthropology laboratories.

(G) Nonprofit organizations that have working collaborative agreements with State and county forensic offices, including medical examiners, coroners, and justices of the peace, for entry of data into CODIS or the National Missing and Unidentified Persons System (commonly known as “NamUs”), or both.

(Pub. L. 106–177, title II, §202, as added Pub. L. 116–277, §2(a)(1), Dec. 31, 2020, 134 Stat. 3368.)

Editorial Notes

PRIOR PROVISIONS

A prior section 40501, Pub. L. 106–177, title II, §202, Mar. 10, 2000, 114 Stat. 36, authorized Attorney General to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons, prior to repeal by Pub. L. 116–277, §2(a)(1), Dec. 31, 2020, 134 Stat. 3368. Such section was formerly classified to section 14661 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as section 40501.

§ 40502. Eligibility

(a) Application

To be eligible to receive a grant award under this chapter, an entity described in section 40501 of this title 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 applicant shall, to the greatest extent possible—

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

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

(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains.

(c) Privacy protections for biological family reference samples

(1) In general

Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as “CODIS”) by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

(2) Limitation on use

Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes.

(Pub. L. 106–177, title II, §203, Mar. 10, 2000, 114 Stat. 36; Pub. L. 116–277, §2(a)(2), Dec. 31, 2020, 134 Stat. 3369.)

Editorial Notes

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.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–277, §2(a)(2)(A), substituted “an entity described in section 40501 of this title” for “a State”.

Subsec. (b). Pub. L. 116–277, §2(a)(2)(B)(i), substituted “applicant” for “State” in introductory provisions.

Subsec. (b)(1). Pub. L. 116–277, §2(a)(2)(B)(ii), added par. (1) and struck out former par. (1) which read as follows: “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;”.

Subsec. (b)(5). Pub. L. 116–277, §2(a)(2)(B)(iii)–(v), added par. (5).

Subsec. (c). Pub. L. 116–277, §2(a)(2)(C), added subsec. (c).

§ 40503. Use of funds

An applicant receiving a grant award under this chapter may use such funds to—

(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;

(2) establish and 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;

(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and

(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.

(Pub. L. 106–177, title II, §205, as added Pub. L. 116–277, §2(a)(3), Dec. 31, 2020, 134 Stat. 3369.)