

Editorial Notes

REFERENCES IN TEXT

This section and section 41308 of this title, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title XXXVII of Pub. L. 101-647, which enacted this section and section 41308 of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 5779 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 substituted “age of 21” for “age of 18”.

§ 41308. State requirements for reporting missing children

Each State reporting under the provisions of this section and section 41307 of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) a recent photograph of the child, if available;

(C) the date and location of the last known contact with the child; and

(D) the category under which the child is reported missing;

is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) provide that after receiving reports as provided in paragraph (3), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 30 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days;

(B) institute or assist with appropriate search and investigative procedures;

(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing

from a foster care family home or childcare institution;

(D) maintain close liaison with State and local child welfare systems and the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases; and

(E) grant permission to the National Crime Information Center Terminal Contractor for the State to update the missing person record in the National Crime Information Center computer networks with additional information learned during the investigation relating to the missing person.

(Pub. L. 101-647, title XXXVII, § 3702, Nov. 29, 1990, 104 Stat. 4967; Pub. L. 109-248, title I, § 154(a), July 27, 2006, 120 Stat. 611; Pub. L. 114-22, title I, § 116(b), May 29, 2015, 129 Stat. 244.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5780 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2015—Par. (2). Pub. L. 114-22, § 116(b)(1), struck out “and” at end.

Par. (3)(B) to (D). Pub. L. 114-22, § 116(b)(2), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Par. (4). Pub. L. 114-22, § 116(b)(3)(A), substituted “paragraph (3)” for “paragraph (2)” in introductory provisions.

Par. (4)(A). Pub. L. 114-22, § 116(b)(3)(B), substituted “30 days” for “60 days” and inserted “and a photograph taken during the previous 180 days” after “dental records”.

Par. (4)(B), (C). Pub. L. 114-22, § 116(b)(3)(C), (E), struck out “and” at end of subpar. (B) and added subpar. (C). Former subpar. (C) redesignated (D).

Par. (4)(D). Pub. L. 114-22, § 116(b)(3)(F), inserted “State and local child welfare systems and” before “the National Center for Missing and Exploited Children” and substituted “; and” for period at end.

Pub. L. 114-22, § 116(b)(3)(D), redesignated subpar. (C) as (D).

Par. (4)(E). Pub. L. 114-22, § 116(b)(3)(G), added subpar. (E).

2006—Pub. L. 109-248 added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and substituted “within 2 hours of receipt” for “immediately” in concluding provisions of par. (3).

§ 41309. Reporting on human trafficking**(a) Trafficking offense classification**

The Director of the Federal Bureau of Investigation shall—

(1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports;

(2) to the extent feasible, establish subcategories for State sex crimes that involve—

(A) a person who is younger than 18 years of age;

(B) the use of force, fraud or coercion; or

(C) neither of the elements described in subparagraphs (A) and (B); and

(3) classify the offense of human trafficking as a Group A offense for purpose of the National Incident-Based Reporting System.

(b) Additional information

The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System¹ and the National Incident-Based Reporting System to distinguish between reports of—

(1) incidents of assisting or promoting prostitution, which shall include crimes committed by persons who—

(A) do not directly engage in commercial sex acts; and

(B) direct, manage, or profit from such acts, such as State pimping and pandering crimes;

(2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value for commercial sex acts;

(3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts;

(4) incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and

(5) incidents of purchasing or soliciting commercial sex acts, child labor that is a violation of law, or forced labor with an individual under the age of 18 as described in paragraph (2).

(Pub. L. 110-457, title II, §237(a), (b), Dec. 23, 2008, 122 Stat. 5083; Pub. L. 115-392, §17, Dec. 21, 2018, 132 Stat. 5257.)

Editorial Notes**CODIFICATION**

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

Section is comprised of subsecs. (a) and (b) of section 237 of Pub. L. 110-457. Subsec. (c) of section 237 is not classified to the Code.

AMENDMENTS

2018—Subsec. (b)(4), (5). Pub. L. 115-392 added pars. (4) and (5).

§ 41310. Report on theft of trade secrets occurring abroad**(a) Definitions**

In this section:

(1) Director

The term “Director” means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) Foreign instrumentality, etc.

The terms “foreign instrumentality”, “foreign agent”, and “trade secret” have the meanings given those terms in section 1839 of title 18.

(3) State

The term “State” includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(4) United States company

The term “United States company” means an organization organized under the laws of the United States or a State or political subdivision thereof.

(b) Reports

Not later than 1 year after May 11, 2016, and biannually thereafter, the Attorney General, in consultation with the Intellectual Property Enforcement Coordinator, the Director, and the heads of other appropriate agencies, shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, and make publicly available on the Web site of the Department of Justice and disseminate to the public through such other means as the Attorney General may identify, a report on the following:

(1) The scope and breadth of the theft of the trade secrets of United States companies occurring outside of the United States.

(2) The extent to which theft of trade secrets occurring outside of the United States is sponsored by foreign governments, foreign instrumentalities, or foreign agents.

(3) The threat posed by theft of trade secrets occurring outside of the United States.

(4) The ability and limitations of trade secret owners to prevent the misappropriation of trade secrets outside of the United States, to enforce any judgment against foreign entities for theft of trade secrets, and to prevent imports based on theft of trade secrets overseas.

(5) A breakdown of the trade secret protections afforded United States companies by each country that is a trading partner of the United States and enforcement efforts available and undertaken in each such country, including a list identifying specific countries where trade secret theft, laws, or enforcement is a significant problem for United States companies.

(6) Instances of the Federal Government working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the theft of trade secrets outside of the United States.

(7) Specific progress made under trade agreements and treaties, including any new remedies enacted by foreign countries, to protect against theft of trade secrets of United States companies outside of the United States.

(8) Recommendations of legislative and executive branch actions that may be undertaken to—

(A) reduce the threat of and economic impact caused by the theft of the trade secrets of United States companies occurring outside of the United States;

(B) educate United States companies regarding the threats to their trade secrets when taken outside of the United States;

(C) provide assistance to United States companies to reduce the risk of loss of their trade secrets when taken outside of the United States; and

(D) provide a mechanism for United States companies to confidentially or anonymously report the theft of trade secrets occurring outside of the United States.

¹ So in original. Probably should be “Program”.