

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14222 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 12643. Edward Byrne Memorial Formula Grant Program

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients that would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10151 et seq.].

(Pub. L. 103-322, title XXXII, § 320919, Sept. 13, 1994, 108 Stat. 2130.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in text, is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. The reference to subpart 1 of part E of the Act probably means subpart 1 of part E of title I of the Act which is classified generally to part A (§10151 et seq.) of subchapter V of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14223 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Subtitle II—Protection of Children and Other Persons**CHAPTER 201—VICTIM RIGHTS, COMPENSATION, AND ASSISTANCE****SUBCHAPTER I—CRIME VICTIMS FUND**

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20144.	Justice for United States victims of state sponsored terrorism.
20145.	Elimination of barriers.

SUBCHAPTER I—CRIME VICTIMS FUND**§ 20101. Crime Victims Fund****(a) Establishment**

There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this subchapter referred to as the "Fund").

(b) Fines deposited in Fund; penalties; forfeited appearance bonds

Except as limited by subsection (c), there shall be deposited in the Fund—

(1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 and for the purposes set forth in section 404(a)(7) of title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18;

(2) penalty assessments collected under section 3013 of title 18;¹

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18;

¹ See References in Text note below.

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18;

(5) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

(A) attaches conditions inconsistent with applicable laws or regulations; or

(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime; and

(6) any funds that would otherwise be deposited in the general fund of the Treasury collected pursuant to—

(A) a deferred prosecution agreement; or

(B) a non-prosecution agreement.

(c) Retention of sums in Fund; availability for expenditure without fiscal year limitation

Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subchapter for grants under this subchapter without fiscal year limitation. Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.

(d) Availability for judicial branch administrative costs; grant program percentages

The Fund shall be available as follows:

(1) Repealed. Pub. L. 105–119, title I, § 109(a)(1), Nov. 26, 1997, 111 Stat. 2457.

(2)(A) Except as provided in subparagraph (B), the first \$10,000,000 deposited in the Fund shall be available for grants under section 20104 of this title.

(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 20104 of this title.

(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.

(3)(A) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available only for—

(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in section 3771 or section 3772, as it relates to direct services, of title 18 and section 20141 of this title) through victim coordinators, victims' specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

(ii) a Victim Notification System.

(B) Amounts made available under subparagraph (A) may not be used for any purpose

that is not specified in clause (i) or (ii) of subparagraph (A).

(4) Of the remaining amount to be distributed from the Fund in a particular fiscal year—

(A) 47.5 percent shall be available for grants under section 20102 of this title;

(B) 47.5 percent shall be available for grants under section 20103(a) of this title; and

(C) 5 percent shall be available for grants under section 20103(c) of this title.

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts obligated from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 20105 of this title and to provide compensation to victims of international terrorism under section 20106 of this title.

(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18.

(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

(e) Amounts awarded and unspent

Any amount awarded as part of a grant under this subchapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 3 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be available for

deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General. Any remaining unobligated sums shall be returned to the Fund.

(f) “Offenses against the United States” as excluding

As used in this section, the term “offenses against the United States” does not include—

- (1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);
- (2) an offense against the laws of the District of Columbia; and
- (3) an offense triable by an Indian tribal court or Court of Indian Offenses.

(g) Grants for Indian tribes; child abuse cases

(1) The Attorney General shall use 15 percent of the funds available under subsection (d)(2) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

- (A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and
- (B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

(3) As used in this subsection, the term “tribe”² has the meaning given that term in section 5304(b)¹ of title 25.

(Pub. L. 98-473, title II, §1402, Oct. 12, 1984, 98 Stat. 2170; Pub. L. 99-401, title I, §102(b)(1), (2), Aug. 27, 1986, 100 Stat. 904; Pub. L. 99-646, §82, Nov. 10, 1986, 100 Stat. 3619; Pub. L. 100-690, title VII, §§7121, 7124, Nov. 18, 1988, 102 Stat. 4419, 4422; Pub. L. 101-647, title V, §504, Nov. 29, 1990, 104 Stat. 4822; Pub. L. 102-572, title X, §1001, Oct. 29, 1992, 106 Stat. 4520; Pub. L. 103-121, title I, §110(a), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 103-322, title XXIII, §230201, title XXXIII, §330025(a), Sept. 13, 1994, 108 Stat. 2079, 2151; Pub. L. 104-132, title II, §§232(b), (c)(1), 236, Apr. 24, 1996, 110 Stat. 1243, 1244, 1247; Pub. L. 104-208, div. A, title I, §101(a) [title I, §112], Sept. 30, 1996, 110 Stat. 3009, 3009-21; Pub. L. 105-119, title I, §109(a), Nov. 26, 1997, 111 Stat. 2457; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §119], Nov. 29, 1999, 113 Stat. 1535, 1501A-22; Pub. L. 106-177, title I, §104(a), Mar. 10, 2000, 114 Stat. 36; Pub. L. 106-386, div. C, §2003(b), (c)(2), (d), Oct. 28, 2000, 114 Stat. 1544, 1546; Pub. L. 106-553, §1(a)(2) [title I, §113, formerly §114], Dec. 21, 2000, 114 Stat. 2762, 2762A-68, renumbered Pub. L. 106-554, §1(a)(4) [div. A, §213(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-179; Pub. L. 107-56, title VI, §621(a)-(d), Oct. 26, 2001, 115 Stat. 370, 371; Pub. L. 107-77, title I, §111, Nov. 28, 2001, 115 Stat. 765; Pub. L. 109-162, title XI, §1132, Jan. 5, 2006, 119 Stat. 3107; Pub. L. 109-435, title I, §102(b), Dec. 20, 2006, 120

Stat. 3200; Pub. L. 113-163, §3, Aug. 8, 2014, 128 Stat. 1866; Pub. L. 114-22, title I, §113(b), May 29, 2015, 129 Stat. 241; Pub. L. 114-236, §2(c), Oct. 7, 2016, 130 Stat. 967; Pub. L. 115-299, §5(b), Dec. 7, 2018, 132 Stat. 4387; Pub. L. 117-27, §2(a), July 22, 2021, 135 Stat. 301.)

Editorial Notes

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(1)(B)(i), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

Section 3613 of title 18, referred to in subsec. (b)(1)(B)(iv), was repealed effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), by Pub. L. 98-473, title II, §§212(a)(2), 235(a)(1), Oct. 12, 1984, 98 Stat. 1987, 2031, as amended.

Section 3671(c)(2) of title 18, referred to in subsec. (b)(4), was renumbered section 3681(c)(2) by Pub. L. 99-646, §41(a), Nov. 10, 1986, 100 Stat. 3600.

Section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, referred to in subsec. (d)(5)(C), is section 1(a)(2) [title VI, §619] of Pub. L. 106-553, which was formerly set out as a note below.

The Uniform Code of Military Justice, referred to in subsec. (f)(1), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

Section 5304 of title 25, referred to in subsec. (g)(3), has been amended, and subsec. (b) of section 5304 no longer defines the term “Indian tribe”. However, such term is defined elsewhere in that section.

CODIFICATION

Section was formerly classified to section 10601 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

2021—Subsec. (b)(6). Pub. L. 117-27, §2(a)(1), added par. (6).

Subsec. (e). Pub. L. 117-27, §2(a)(2), substituted “Director, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General” for “Director”.

2018—Subsec. (d)(6). Pub. L. 115-299 added par. (6).

2016—Subsec. (d)(3)(A)(i). Pub. L. 114-236 inserted “or section 3772, as it relates to direct services,” after “section 3771”.

2015—Subsec. (d)(3)(A)(i). Pub. L. 114-22 inserted “section” before “3771”.

2014—Subsec. (d)(3). Pub. L. 113-163 designated existing provisions as subpar. (A), substituted “available only for—” for “available for the United States Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the Federal criminal justice system, and for a Victim Notification System.”, added cls. (i) and (ii) of subpar. (A), and added subpar. (B).

2006—Subsec. (b)(1)(B)(ii). Pub. L. 109-435 substituted “404(a)(7)” for “404(a)(8)”.

Subsec. (b)(5). Pub. L. 109-162, §1132(1), struck out period at end and inserted “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—” and subpars. (A) and (B).

Subsec. (d)(5)(A). Pub. L. 109-162, §1132(2), substituted “obligated” for “expended”.

Subsec. (g)(1). Pub. L. 109-162, §1132(3)(A), struck out “, acting through the Director,” after “Attorney General”.

² So in original. Probably should be “‘Indian tribe’”.

Subsec. (g)(2), (3). Pub. L. 109-162, § 1132(3)(B), (C), added par. (2) and redesignated former par. (2) as (3).

2001—Subsec. (b)(5). Pub. L. 107-56, § 621(a), added par. (5).

Subsec. (c). Pub. L. 107-77, § 111(b), amended heading and text of subsec. (c) to read as it did the day before enactment of amendment by Pub. L. 107-56. Text, as amended generally by Pub. L. 107-56, read as follows:

“(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

“(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d) of this section. All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.”

Pub. L. 107-56, § 621(b), amended heading and text of subsec. (c) generally.

Subsec. (d)(3). Pub. L. 107-77, § 111(a), inserted before period at end “, and for a Victim Notification System”.

Subsec. (d)(4). Pub. L. 107-56, § 621(c), substituted “to be distributed from” for “deposited in” in introductory provisions, “47.5 percent” for “48.5 percent” in subpars. (A) and (B), and “5 percent” for “3 percent” in subpar. (C).

Subsec. (d)(5). Pub. L. 107-56, § 621(d), amended par. (5) generally. Prior to amendment, par. (5) read as follows:

“(5)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 10602(a)(1) of this title, the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed \$100,000,000.

“(B) The emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 10603b of this title, to provide compensation to victims of international terrorism under the program under section 10603c of this title, and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 10602 and 10603 of this title in years in which supplemental grants are needed.”

2000—Subsec. (c). Pub. L. 106-386, § 2003(d), which directed insertion of “Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.” at the end of section 1402(c) of the Victims of Crime Act 1984, was executed by making the insertion at the end of subsec. (c) of this section, which is section 1402 of the Victims of Crime Act of 1984, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 106-177 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the first \$10,000,000” for “The first \$10,000,000”, and added subpar. (B).

Subsec. (d)(3). Pub. L. 106-553, as renumbered by Pub. L. 106-554, inserted “and the Federal Bureau of Investigation” after “United States Attorneys Offices”.

Subsec. (d)(5)(A). Pub. L. 106-386, § 2003(b)(1), substituted “\$100,000,000” for “\$50,000,000”.

Subsec. (d)(5)(B). Pub. L. 106-386, § 2003(c)(2), inserted “, to provide compensation to victims of international terrorism under the program under section 10603c of this title,” after “section 10603b of this title”.

Subsec. (e). Pub. L. 106-386, § 2003(b)(2), substituted “shall be available for deposit into the emergency re-

serve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums” for “in excess of \$500,000 shall be returned to the Treasury. Any remaining unobligated sums in an amount less than \$500,000”.

1999—Subsec. (d)(3) to (5). Pub. L. 106-113 added par. (3), redesignated former pars. (3) and (4) as (4) and (5), respectively, and struck out former par. (5) which read as follows: “The Director may set aside up to \$500,000 of the reserve fund described in paragraph (4) to make supplemental grants to United States Attorneys Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, to facilitate observation of and/or participation by such victims in trial proceedings arising therefrom, including, without limitation, provision of lodging and travel assistance, and to pay such other, related expenses determined to be necessary by the Director.”

1997—Subsec. (d)(1). Pub. L. 105-119, § 109(a)(1), struck out par. (1) which read as follows: “The first \$6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18.”

Subsec. (d)(2). Pub. L. 105-119, § 109(a)(2), substituted “The first” for “the next”.

1996—Subsec. (c). Pub. L. 104-132, § 232(c)(1)(A), substituted “under this chapter” for “under this subsection”.

Subsec. (d)(3)(B). Pub. L. 104-132, § 236, substituted “section 10603(a) of this title” for “section 10603a of this title”.

Subsec. (d)(4). Pub. L. 104-132, § 232(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed \$20,000,000.”

Subsec. (d)(5). Pub. L. 104-208 added par. (5).

Subsec. (e). Pub. L. 104-208 substituted “3 succeeding fiscal years” for “2 succeeding fiscal years”.

Pub. L. 104-132, § 232(c)(1)(B), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) Except as provided in paragraph (2), any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purpose for which such grant is made at any time during the next succeeding fiscal year, at the end of which year any remaining unobligated sums shall be returned to the general fund of the Treasury.

“(2) For the purposes of the application of paragraph (1) to any grant under this chapter with respect to fiscal year 1985, there shall be substituted in such paragraph ‘two succeeding fiscal years’ for ‘succeeding fiscal year’ and ‘which period’ for ‘which year’.”

1994—Subsec. (d)(2). Pub. L. 103-322, § 230201(a)(1), added par. (2) and struck out former par. (2) which read as follows: “Of the next \$100,000,000 deposited in the Fund in a particular fiscal year—

“(A) 49.5 percent shall be available for grants under section 10602 of this title;

“(B) 45 percent shall be available for grants under section 10603(a) of this title;

“(C) 1 percent shall be available for grants under section 10603(c) of this title; and

“(D) 4.5 percent shall be available for grants as provided in section 10603a of this title.”

Subsec. (d)(3). Pub. L. 103-322, § 330025(a), which directed amendment of par. (3) by substituting “section 10603a” for “section 10603(a)” was executed to subpar. (B).

Pub. L. 103-322, § 230201(a)(2), added par. (3) and struck out former par. (3) which read as follows: “The next

\$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603a of this title.”

Subsec. (d)(4). Pub. L. 103-322, § 230201(a)(3), added par. (4) and struck out former par. (4) which read as follows: “The next \$4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title.”

Subsec. (d)(5). Pub. L. 103-322, § 230201(a)(4), struck out par. (5) which read as follows: “Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under paragraphs (1) through (4) shall be available as follows:

“(A) 47.5 percent shall be available for grants under section 10602 of this title.

“(B) 47.5 percent shall be available for grants under section 10603(a) of this title.

“(C) 5 percent shall be available for grants under section 10603(c) of this title.”

Subsec. (g)(1). Pub. L. 103-322, § 230201(b), substituted “subsection (d)(2)” for “subsection (d)(2)(D)”.

1993—Subsec. (d)(2)(C), (D). Pub. L. 103-121, § 110(a)(1), added subpars. (C) and (D).

Subsec. (d)(3). Pub. L. 103-121, § 110(a)(2), substituted “section 10603a of this title” for “section 10603(a) of this title”.

Subsec. (g)(1). Pub. L. 103-121, § 110(a)(3), substituted “subsection (d)(2)(D)” for “subsection (d)(2)(A)(iv)”.

1992—Subsec. (c). Pub. L. 102-572, § 1001(1), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(1)(A) If the total deposited in the Fund during a particular fiscal year reaches the ceiling sum described in subparagraph (B), the excess over the ceiling sum shall not be part of the Fund. The first \$2,200,000 of such excess shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18 and the remaining excess shall be deposited in the general fund of the Treasury.

“(B) The ceiling sum referred to in subparagraph (A) is—

“(i) \$125,000,000 through fiscal year 1990; and

“(ii) \$150,000,000 thereafter through fiscal year 1994.

“(2) No deposits shall be made in the Fund after September 30, 1994.”

Subsec. (d). Pub. L. 102-572, § 1001(2), added subsec. (d) and struck out former subsec. (d) which read as follows:

“(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

“(2) The Fund shall be available as follows:

“(A) Of the first \$100,000,000 deposited in the Fund in a particular fiscal year—

“(i) 49.5 percent shall be available for grants under section 10602 of this title;

“(ii) 45 percent shall be available for grants under section 10603(a) of this title;

“(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

“(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

“(B) The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

“(C) Any deposits in the Fund in a particular fiscal year in excess of \$105,500,000, but not in excess of \$110,000,000, shall be available for grants under section 10603(a) of this title.

“(D) Any deposits in the Fund in a particular fiscal year in excess of \$110,000,000 shall be available as follows:

“(i) 47.5 percent shall be available for grants under section 10602 of this title;

“(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

“(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.”

1990—Subsec. (c)(1)(B)(i). Pub. L. 101-647 substituted “1990” for “1991”.

1988—Subsec. (c). Pub. L. 100-690, § 7121(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(1) If the total deposited in the Fund during a particular fiscal year reaches the sum of \$110 million, the excess over that sum shall be deposited in the general fund of the Treasury and shall not be a part of the Fund.

“(2) No deposits shall be made in the Fund after September 30, 1988.”

Subsec. (d)(2)(C). Pub. L. 100-690, § 7121(b)(2), inserted “, but not in excess of \$110,000,000,” after “\$105,500,000”.

Subsec. (d)(2)(D). Pub. L. 100-690, § 7121(b)(1), added subpar. (D).

Subsec. (g). Pub. L. 100-690, § 7124, added subsec. (g).

1986—Subsec. (c)(1). Pub. L. 99-401, § 102(b)(1), substituted “\$110 million” for “\$100 million”.

Subsec. (d)(2). Pub. L. 99-401, § 102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 10602 of this title and fifty percent shall be available for grants under section 10603 of this title.”

Subsec. (e). Pub. L. 99-646 designated existing provision as par. (1), substituted “Except as provided in paragraph (2), any” for “Any”, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101 of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-690, title VII, § 7129, Nov. 18, 1988, 102 Stat. 4423, as amended by Pub. L. 101-647, title V, § 505, Nov. 29, 1990, 104 Stat. 4822, provided that: “The amendments made by this chapter [probably means this subtitle, subtitle D (§§ 7121-7130) of title VII of Pub. L. 100-690, enacting section 20111 of this title, amending this section and sections 20102, 20103, and 20110 of this title, and enacting provisions set out as a note under this section] shall not apply with respect to a State compensation program that was an eligible State crime victim compensation program on the date of the enactment of this Act [Nov. 18, 1988] until October 1, 1991.”

EFFECTIVE DATE

Pub. L. 98-473, title II, § 1409, Oct. 12, 1984, 98 Stat. 2178, provided that:

“(a) Except as provided in subsection (b), this chapter [chapter XIV (§§ 1401-1411) of title II of Pub. L. 98-473, see Short Title of 1984 Act note set out under section 10101 of this title] and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution [Oct. 12, 1984].

“(b) Sections 1402, 1403, 1404, and 1407 of this chapter [enacting this subchapter] shall take effect on October 1, 1984.”

REPORT

Pub. L. 117-347, title III, § 322, Jan. 5, 2023, 136 Stat. 6206, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date on which the National Academy of Sciences submits the report required under section 3(c) of the Better Cybercrime Metrics Act [Pub. L. 117-116] (34 U.S.C. 30109 note), and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.) for victims of cybercrimes against individuals.

“(b) CONTENTS.—The report required under subsection (a) shall include—

“(1) an analysis of victims’ assistance, victims’ compensation, and discretionary grants under which victims of cybercrimes against individuals received assistance; and

“(2) recommendations for improving services for victims of cybercrimes against individuals.”

[For definition of “cybercrime against individuals” as used in section 322 of Pub. L. 117-347, set out above, see section 30107(a) of this title, as made applicable by section 3 of Pub. L. 117-347, which is set out as a note under section 20145 of this title.]

VICTIMS OF SEPTEMBER 11, 2001

Pub. L. 107-56, title VI, §621(e), Oct. 26, 2001, 115 Stat. 371, provided that: “Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

“(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 [section 1(a)(2) [title VI, §619] of Pub. L. 106-553, formerly set out as a note below], and any similar limitation on Fund obligations in such Act for Fiscal Year 2002 [see Pub. L. 107-77, title VI, §619, Nov. 28, 2001, 115 Stat. 802, formerly set out as a note below]; and

“(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) [now 34 U.S.C. 20101].”

LIMITATION ON AMOUNTS AVAILABLE FOR OBLIGATION

Pub. L. 117-328, div. B, title V, §510, Dec. 29, 2022, 136 Stat. 4556, provided in part that: “Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$1,900,000,000 shall not be available for obligation until the following fiscal year”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 117-103, div. B, title V, §510, Mar. 15, 2022, 136 Stat. 145.

Pub. L. 116-260, div. B, title V, §510, Dec. 27, 2020, 134 Stat. 1277.

Pub. L. 116-93, div. B, title V, §510, Dec. 20, 2019, 133 Stat. 2426.

Pub. L. 116-6, div. C, title V, §510, Feb. 15, 2019, 133 Stat. 130.

Pub. L. 115-141, div. B, title V, §510, Mar. 23, 2018, 132 Stat. 437.

Pub. L. 115-31, div. B, title III, §510, May 5, 2017, 131 Stat. 221.

Pub. L. 114-113, div. B, title V, §510, Dec. 18, 2015, 129 Stat. 2324.

Pub. L. 113-235, div. B, title V, §510, Dec. 16, 2014, 128 Stat. 2210.

Pub. L. 113-76, div. B, title V, §510, Jan. 17, 2014, 128 Stat. 79.

Pub. L. 113-6, div. B, title V, §510, Mar. 26, 2013, 127 Stat. 271.

Pub. L. 112-55, div. B, title V, §512, Nov. 18, 2011, 125 Stat. 632.

Pub. L. 111-117, div. B, title V, §512, Dec. 16, 2009, 123 Stat. 3151.

Pub. L. 111-8, div. B, title V, §512, Mar. 11, 2009, 123 Stat. 596.

Pub. L. 110-161, div. B, title V, §513, Dec. 26, 2007, 121 Stat. 1926.

Pub. L. 109-108, title VI, §612, Nov. 22, 2005, 119 Stat. 2336.

Pub. L. 108-447, div. B, title VI, §616, Dec. 8, 2004, 118 Stat. 2915.

Pub. L. 108-199, div. B, title VI, §618, Jan. 23, 2004, 118 Stat. 95.

Pub. L. 108-7, div. B, title VI, §617, Feb. 20, 2003, 117 Stat. 102.

Pub. L. 107-77, title VI, §619, Nov. 28, 2001, 115 Stat. 802.

Pub. L. 106-553, §1(a)(2) [title VI, §619], Dec. 21, 2000, 114 Stat. 2762, 2762A-107.

Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §620], Nov. 29, 1999, 113 Stat. 1535, 1501A-55.

INTERACTION WITH ANY CAP

Pub. L. 106-177, title I, §104(b), Mar. 10, 2000, 114 Stat. 36, provided that: “Subsection (a) [amending this section] shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984 [34 U.S.C. 20101 et seq.]”.

TRANSFER OF CERTAIN UNOBLIGATED FUNDS

Pub. L. 105-119, title I, §109(b), Nov. 26, 1997, 111 Stat. 2457, provided that: “Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by subsection (a) [former 34 U.S.C. 20101(d)(1)] shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof [Nov. 26, 1997] and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the Federal criminal justice system.”

RETROACTIVE TRANSFER TO FUND

Pub. L. 100-690, title VII, §7130, Nov. 18, 1988, 102 Stat. 4423, provided that: “An amount equivalent to those sums which would have been placed in the Fund under section 1402(b) of the Victims of Crime Act [34 U.S.C. 20101(b)], but for the effect of section 1402(c)(2) of such Act, is hereby transferred to the Fund from any sums not appropriated from the general treasury.”

§ 20102. Crime victim compensation

(a) Authority of Director; grants

(1) Except as provided in paragraph (2), the Director shall make an annual grant from the Fund to an eligible crime victim compensation program of 75 percent of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. Except as provided in paragraph (4), a grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants as provided in paragraph (1), the Director shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(3) For the purposes of calculating amounts awarded in the previous fiscal year under this subsection, the Director shall not require eligible crime victim compensation programs to deduct recovery costs or collections from restitution or from subrogation for payment under a civil lawsuit.

(4) Not more than 5 percent of a grant made under this section may be used for training purposes and the administration of the State crime victim compensation program receiving the grant.

(b) Eligible crime victim compensation programs

A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities, except if a program determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's wellbeing;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;

(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

(A) the crimes would be compensable crimes had they occurred inside that State; and

(B) the places the crimes occurred in are States not having eligible crime victim compensation programs;

(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;

(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense;

(9) beginning not later than 3 years after March 15, 2022, such program—

(A) provides a waiver for any application filing deadline imposed by the program for a crime victim if—

(i) the crime victim is otherwise eligible for compensation; and

(ii) the delay in filing the application was a result of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense; and

(B) does not require the crime victim to undergo an appeals process to have the application of the crime victim considered for a filing deadline waiver under subparagraph (A); and

(10) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require.

(c) Exclusion from income, resources, and assets for purposes of means tests

Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

(d) Definitions

As used in this section—

(1) the term “property damage” does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices;

(2) the term “medical expenses” includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses or other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term “compensable crime” means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and includes crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, driving while intoxicated, and domestic violence;

(4) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other possession or territory of the United States; and

(5) the term “recovery costs” means expenses for personnel directly involved in the recovery efforts to obtain collections from restitution or from subrogation for payment under a civil law suit.

(e) Relationship to certain Federal programs

Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, including the program established under title IV of Public Law 107–42, or a feder-

ally financed State or local program, would otherwise pay,—¹

(1) such crime victim compensation program shall not pay that compensation; and

(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.

(Pub. L. 98-473, title II, §1403, Oct. 12, 1984, 98 Stat. 2171; Pub. L. 100-690, title VII, §§7123(b)(1)–(3), 7125, 7126, Nov. 18, 1988, 102 Stat. 4421–4423; Pub. L. 103-322, title XXIII, §§230202, 230203, title XXXIII, §330025(b), Sept. 13, 1994, 108 Stat. 2079, 2151; Pub. L. 104-132, title II, §§233(a), (b), 234(a)(1), (b), Apr. 24, 1996, 110 Stat. 1244, 1245; Pub. L. 104-155, §5, July 3, 1996, 110 Stat. 1394; Pub. L. 107-56, title VI, §622(a)–(e)(1), Oct. 26, 2001, 115 Stat. 371, 372; Pub. L. 109-162, title XI, §1133(a), Jan. 5, 2006, 119 Stat. 3108; Pub. L. 117-27, §2(b), July 22, 2021, 135 Stat. 301; Pub. L. 117-103, div. W, title XIII, §§1311, 1316(b), Mar. 15, 2022, 136 Stat. 935, 939.)

Editorial Notes

REFERENCES IN TEXT

Title IV of Public Law 107-42, referred to in subsecs. (c) and (e), is set out as a note under section 40101 of Title 49, Transportation.

CODIFICATION

Section was formerly classified to section 10602 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117-103, §1311, substituted “paragraph (4)” for “paragraph (3)”.

Subsec. (b)(9), (10). Pub. L. 117-103, §1316(b), added par. (9) and redesignated former par. (9) as (10).

2021—Subsec. (a)(1). Pub. L. 117-27, §2(b)(1)(A), substituted “75 percent” for “40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years”.

Subsec. (a)(2). Pub. L. 117-27, §2(b)(1)(B), struck out “of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years” after “to provide grants”.

Subsec. (a)(3), (4). Pub. L. 117-27, §2(b)(1)(C), (D), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(2). Pub. L. 117-27, §2(b)(2), substituted “authorities, except if a program determines such cooperation may be impacted due to a victim’s age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim’s wellbeing;” for “authorities;”.

Subsec. (d)(5). Pub. L. 117-27, §2(b)(3), added par. (5).

2006—Subsec. (a)(3). Pub. L. 109-162 inserted “training purposes and” after “may be used for”.

2001—Subsec. (a)(1), (2). Pub. L. 107-56, §622(a), inserted “in fiscal year 2002 and of 60 percent in subsequent fiscal years” after “40 percent”.

Subsec. (b)(6)(B). Pub. L. 107-56, §622(b), which directed striking out “are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or”, was executed by striking out “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or” after “the places the crimes occurred in” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 107-56, §622(c), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local gov-

ernment program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”

Subsec. (d)(3). Pub. L. 107-56, §622(d)(1), struck out “crimes involving terrorism,” after “section 247 of title 18,”.

Subsec. (d)(4). Pub. L. 107-56, §622(d)(2), inserted “the United States Virgin Islands,” after “the Commonwealth of Puerto Rico,”.

Subsec. (e). Pub. L. 107-56, §622(e)(1), inserted “including the program established under title IV of Public Law 107-42,” after “Federal program,” in introductory provisions.

1996—Subsec. (b)(6)(B). Pub. L. 104-132, §233(b), inserted “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or” before “are States not having”.

Subsec. (b)(8), (9). Pub. L. 104-132, §234(a)(1), added par. (8) and redesignated former par. (8) as (9).

Subsec. (c). Pub. L. 104-132, §234(b), added subsec. (c).

Subsec. (d)(3). Pub. L. 104-155 inserted “crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18,” after “includes”.

Pub. L. 104-132, §233(a), substituted “crimes involving terrorism, driving while intoxicated,” for “driving while intoxicated”.

1994—Subsec. (a)(1). Pub. L. 103-322, §230203(a), substituted “Except as provided in paragraph (3), a grant” for “A grant” in last sentence.

Subsec. (a)(3). Pub. L. 103-322, §230203(b), added par. (3).

Subsec. (b)(1). Pub. L. 103-322, §330025(b), inserted before semicolon at end “for—” and subpars. (A) to (C).

Subsec. (e). Pub. L. 103-322, §230202, added subsec. (e). 1988—Subsec. (a). Pub. L. 100-690, §§7123(b)(1), (2), 7125(b), substituted “Director” for “Attorney General” and “40 percent” for “35 percent” in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 100-690, §7125(c)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “such program is operated by a State and offers compensation to victims of crime and survivors of victims of crime for—

“(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

“(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

“(C) funeral expenses attributable to a death resulting from a compensable crime;”.

Subsec. (b)(5). Pub. L. 100-690, §7125(d), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “such program provides compensation to victims of crimes occurring within such State that would be compensable crimes, but for the fact that such crimes are subject to Federal jurisdiction, on the same basis that such program provides compensation to victims of compensable crimes; and”.

Subsec. (b)(6), (7). Pub. L. 100-690, §7125(a)(1), added pars. (6) and (7). Former par. (6) redesignated (8).

Subsec. (b)(8). Pub. L. 100-690, §§7123(b)(3), 7125(a)(2), redesignated par. (6) as (8) and substituted “Director” for “Attorney General”.

Subsec. (c). Pub. L. 100-690, §7125(e), struck out subsec. (c) which read as follows: “A State crime victim compensation program in effect on the date grants may first be made under this section shall be deemed an eligible crime victim compensation program for the purposes of this section until the day after the close of the first regular session of the legislature of that State that begins after such date.”

¹ So in original. The comma probably should not appear.

Subsec. (d)(1). Pub. L. 100-690, §7126(a), inserted reference to eyeglasses or other corrective lenses.

Subsec. (d)(2). Pub. L. 100-690, §7126(b), inserted reference to eyeglasses or other corrective lenses and inserted comma after “prosthetic devices”.

Subsec. (d)(3). Pub. L. 100-690, §7125(c)(2), inserted reference to driving while intoxicated and domestic violence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-132, title II, §233(d), Apr. 24, 1996, 110 Stat. 1245, as amended by Pub. L. 105-119, title I, §120, Nov. 26, 1997, 111 Stat. 2468, provided that: “This section [amending this section] and the amendments made by this section shall take effect October 1, 1999.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 20101 of this title.

APPLICATION OF AMENDMENT BY SECTION 234(a)(1) OF PUB. L. 104-132

Pub. L. 104-132, title II, §234(a)(2), Apr. 24, 1996, 110 Stat. 1245, provided that: “Section 1403(b)(8) of the Victims of Crime Act of 1984 [34 U.S.C. 20102(b)(8)], as added by paragraph (1) of this section, shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.”

§ 20103. Crime victim assistance

(a) Grant authority of Director; chief executive of States; amount; insufficient funds

(1) Subject to the availability of money in the Fund, the Director shall make an annual grant from any portion of the Fund made available by section 20101(d)(2)¹ of this title for the purpose of grants under this subsection, or for the purpose of grants under section 20102 of this title but not used for that purpose, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation

with State and local officials and representatives from private organizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;

(C) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(D) provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) the base amount to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide the base amount to each State, the funds available shall be distributed equally among the States.

(5) As used in this subsection, the term “base amount” means—

(A) except as provided in subparagraph (B), \$500,000; and

(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau's share governed by the Compact of Free Association between the United States and the Republic of Palau.

(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).

(7)(A) Each chief executive may waive a matching requirement imposed by the Director, in accordance with subparagraph (B), as a condition for the receipt of funds under any program to provide assistance to victims of crimes authorized under this subchapter. The chief executive shall report to the Director the approval of any waiver of the matching requirement.

(B) Each chief executive shall establish and make public, a policy including—

(i) the manner in which an eligible crime victim assistance program can request a match waiver;

(ii) the criteria used to determine eligibility of the match waiver; and

(iii) the process for decision making and notifying the eligible crime victim assistance program of the decision.

(8) Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, each chief executive shall issue

¹ See References in Text note below.

waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.

(b) Eligibility of program; factors; limitation on expending of sums

(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a non-profit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims;

(E) assists potential recipients in seeking crime victim compensation benefits; and

(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.

(2) Except as provided in paragraph (3), an eligible crime victim assistance program shall expend sums received under subsection (a) only for providing services to victims of crime.

(3) Not more than 5 percent of sums received under subsection (a) may be used for training purposes and the administration of the State crime victim assistance program receiving such sums.

(c) Grants: purposes; distribution; duties of Director; reimbursement by Director

(1) The Director shall make grants—

(A) for victim services, demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs;

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and

(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

(2) Of the amount available for grants under this subsection—

(A) not less than 50 percent shall be used for grants under paragraphs (1)(A) and (1)(C);

(B) not more than 50 percent shall be used for grants under paragraph (1)(B); and

(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).

(3) The Director shall—

(A) be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of

the Victim and Witness Protection Act of 1982 (Public Law 97-291) [18 U.S.C. 1512 note];

(B) consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C) coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations;

(D) perform such other functions related to the purposes of this title¹ as the Director deems appropriate; and

(E) use funds made available to the Director under this subsection—

(i) for fellowships and clinical internships and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process; and

(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.

(4) The Director may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

(d) Definitions

As used in this section—

(1) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

(2) the term “services to victims of crime” includes—

(A) crises intervention services;

(B) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C) assistance in participating in criminal justice proceedings; and

(D) payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are otherwise not reimbursed or paid;

(3) the term “services to victims of Federal crime” means services to victims of crime with respect to Federal crime, and includes—

(A) training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B) preparation, publication, and distribution of informational materials—

(i) setting forth services offered to victims of crime; and

(ii) concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C) salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

(4) the term “crises intervention services” means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5) the term “chief executive” includes a person designated by a chief executive to per-

form the functions of the chief executive under this section.

(Pub. L. 98-473, title II, §1404, Oct. 12, 1984, 98 Stat. 2172; Pub. L. 99-401, title I, §102(b)(4), (5), Aug. 27, 1986, 100 Stat. 905; Pub. L. 99-646, §71, Nov. 10, 1986, 100 Stat. 3617; Pub. L. 100-690, title VII, §§7122, 7123(b)(4)–(9), 7127, 7128, title IX, §9306(a), Nov. 18, 1988, 102 Stat. 4420, 4421, 4423, 4537; Pub. L. 103-317, title I, §112, Aug. 26, 1994, 108 Stat. 1736; Pub. L. 103-322, title XXIII, §§230204, 230205, 230208, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 104-132, title II, §232(c)(2), Apr. 24, 1996, 110 Stat. 1244; Pub. L. 107-56, title VI, §623, Oct. 26, 2001, 115 Stat. 372; Pub. L. 109-162, title XI, §§1131, 1133(b), Jan. 5, 2006, 119 Stat. 3107, 3108; Pub. L. 111-8, div. B, title II, Mar. 11, 2009, 123 Stat. 579; Pub. L. 114-324, §17(a), Dec. 16, 2016, 130 Stat. 1962; Pub. L. 117-27, §3, July 22, 2021, 135 Stat. 302.)

Editorial Notes

REFERENCES IN TEXT

Section 20101(d)(2) of this title, referred to in subsec. (a)(1), was repealed and a new section 20101(d)(2) was added by Pub. L. 103-322, title XXIII, §230201(a)(1), Sept. 13, 1994, 108 Stat. 2079. The new section 20101(d)(2) does not contain provisions relating to availability of Fund money for grants under this section or section 20102 of this title. See section 20101(d)(4) of this title.

The National Emergencies Act, referred to in subsec. (a)(8), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

This title, referred to in subsec. (c)(3)(D), means title II of Pub. L. 98-473, Oct. 12, 1984, 98 Stat. 1976, known as the Comprehensive Crime Control Act of 1984. For complete classification of title II to the Code, see Short Title of 1984 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

CODIFICATION

Section was formerly classified to section 10603 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

2021—Subsec. (a)(7). Pub. L. 117-27, §3(a), added par. (7).

Subsec. (a)(8). Pub. L. 117-27, §3(b), added par. (8).

2016—Subsec. (c)(1)(A). Pub. L. 114-324 inserted “victim services,” before “demonstration projects”.

2009—Subsec. (c)(3)(E)(i). Pub. L. 111-8 inserted “and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process” after “internships”.

2006—Subsec. (b)(3). Pub. L. 109-162, §1133(b), inserted “training purposes and” after “may be used for”.

Subsec. (c)(1). Pub. L. 109-162, §1131(1)(A), struck out comma after “Director” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 109-162, §1131(1)(B)–(D), added subpar. (C).

Subsec. (c)(2)(A). Pub. L. 109-162, §1131(2)(A)(i), substituted “paragraphs (1)(A) and (1)(C)” for “paragraph (1)(A)”.

Subsec. (c)(2)(C). Pub. L. 109-162, §1131(2)(A)(ii)–(2)(C), added subpar. (C).

2001—Subsec. (a)(6). Pub. L. 107-56, §623(a), added par. (6).

Subsec. (b)(1)(F). Pub. L. 107-56, §623(b), added subpar. (F).

Subsec. (c)(1)(A). Pub. L. 107-56, §623(c), inserted “, program evaluation, compliance efforts,” after “demonstration projects”.

Subsec. (c)(2)(A). Pub. L. 107-56, §623(d)(1), substituted “not less than 50 percent” for “not more than 50 percent”.

Subsec. (c)(2)(B). Pub. L. 107-56, §623(d)(2), substituted “not more than 50 percent” for “not less than 50 percent”.

Subsec. (c)(3)(E). Pub. L. 107-56, §623(e), added subpar. (E).

1996—Subsec. (a)(5). Pub. L. 104-132 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “As used in this subsection, the term ‘base amount’ means—

“(A) \$150,000 for fiscal years 1989 through 1991; and

“(B) \$200,000 thereafter.”

1994—Subsec. (a)(5)(B). Pub. L. 103-322, §230208, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “\$200,000 thereafter through fiscal year 1995.”

Pub. L. 103-317 substituted “1995” for “1994”.

Subsec. (b)(2). Pub. L. 103-322, §230205(a), substituted “Except as provided in paragraph (3), an eligible” for “An eligible”.

Subsec. (b)(3). Pub. L. 103-322, §230205(b), added par. (3).

Subsec. (c)(1)(A). Pub. L. 103-322, §230204, inserted “demonstration projects and” before “training”.

1988—Subsec. (a)(1). Pub. L. 100-690, §7123(b)(4), substituted “Director” for “Attorney General”.

Subsec. (a)(2)(B). Pub. L. 100-690, §7122(1), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (a)(2)(C). Pub. L. 100-690, §7122(2), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 100-690, §7123(b)(5), which directed substitution of “Director” for “Attorney General” in subpar. (C), was executed by making substitution in subpar. (D) to reflect the probable intent of Congress and the intervening redesignation of subpar. (C) as (D), see below.

Pub. L. 100-690, §7122(2), redesignated subpar. (C) as (D).

Subsec. (a)(3) to (5). Pub. L. 100-690, §7128, substituted “the base amount” for “\$100,000” in pars. (3)(A) and (4) and added par. (5).

Subsec. (c)(1). Pub. L. 100-690, §7123(b)(6), substituted “Director” for “Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs”.

Subsec. (c)(3). Pub. L. 100-690, §7123(b)(7), (8), substituted “Director” for “Assistant Attorney General for the Office of Justice Programs” in introductory provisions and “Director deems appropriate” for “Attorney General may assign” in subpar. (D).

Subsec. (c)(4). Pub. L. 100-690, §7123(b)(9), substituted “Director” for “Attorney General”.

Subsec. (d)(1). Pub. L. 100-690, §9306(a), struck out “, except for the purposes of paragraphs (3)(A) and (4) of subsection (a) of this section,” before “any other territory”.

Pub. L. 100-690, §7127, inserted reference to the United States Virgin Islands.

1986—Subsec. (a)(1). Pub. L. 99-401, §102(b)(5), substituted “made available by section 10601(d)(2) of this title for the purpose of grants under this subsection, or for the purpose of grants under section 10602 of this title but not used for that purpose” for “not used for grants under section 10602 of this title with respect to a particular fiscal year, and after any deduction under subsection (c) of this section”.

Subsec. (c)(1), (2). Pub. L. 99-401, §102(b)(4), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) The Attorney General may in any fiscal year deduct from amounts available under this section an amount not to exceed 5 percent of the amount in the

Fund, and may expend the amount so deducted to provide services to victims of Federal crimes by the Department of Justice, or reimburse other instrumentalities of the Federal Government otherwise authorized to provide such services.

“(2) The Attorney General shall appoint or designate an official of the Department of Justice to be the Federal Crime Victim Assistance Administrator (hereinafter in this chapter referred to as the ‘Federal Administrator’) to exercise the responsibilities of the Attorney General under this subsection.”

Subsec. (c)(2)(A). Pub. L. 99-646, §71(1), substituted “not more than” for “not less than”.

Subsec. (c)(2)(B). Pub. L. 99-646, §71(2), substituted “not less than” for “not more than”.

Subsec. (c)(3). Pub. L. 99-401, §102(b)(4), substituted “The Assistant Attorney General for the Office of Justice Programs shall” for “The Federal Administrator shall”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by sections 7122, 7123(b)(4)–(9), 7127, and 7128 of Pub. L. 100-690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 20101 of this title.

§ 20104. Child abuse prevention and treatment grants

Amounts made available by section 20101(d)(2) of this title for the purposes of this section shall be obligated and expended by the Secretary of Health and Human Services for grants under section 5106c¹ of title 42. Any portion of an amount which is not obligated by the Secretary by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award under section 20103(a) of this title, except that with respect to funds deposited during fiscal year 1986 and made available for obligation during fiscal year 1987, any unobligated portion of such amount shall remain available for obligation until September 30, 1988.

(Pub. L. 98-473, title II, §1404A, as added Pub. L. 99-401, title I, §102(b)(3), Aug. 27, 1986, 100 Stat. 905; amended Pub. L. 103-121, title I, §110(b), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-235, title I, §113(b), Oct. 3, 1996, 110 Stat. 3079.)

Editorial Notes

REFERENCES IN TEXT

Section 5106c of title 42, referred to in text, was in the original “section 109 of the Child Abuse Prevention and Treatment Act”, meaning section 109 of Pub. L. 93-247, and was translated as reading section 107 of that act to reflect the probable intent of Congress and the renumbering of section 109 as section 107 by section 113(a)(1)(B) of Pub. L. 104-235, title I, Oct. 3, 1996, 110 Stat. 3079.

CODIFICATION

Section was formerly classified to section 10603a 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.

¹ See References in Text note below.

AMENDMENTS

1996—Pub. L. 104-235 substituted “section 10601(d)(2) of this title” for “section 10601(d)(2)(D) and (d)(3) of this title,” and “section 5106c” for “section 5103(d)”.

1993—Pub. L. 103-121 substituted “section 10601(d)(2)(D) and (d)(3) of this title.” for “section 10601(d)(2) of this title”.

§ 20105. Compensation and assistance to victims of terrorism or mass violence

(a) Victims of acts of terrorism outside the United States

(1) In general

The Director may make supplemental grants as provided in 20101(d)(5)¹ of this title to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States.

(2) Victim defined

In this subsection, the term “victim”—

(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

(3) Rule of construction

Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 1801(a) of title 50) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.

(b) Victims of terrorism within the United States

The Director may make supplemental grants as provided in section 20101(d)(5) of this title to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.

(Pub. L. 98-473, title II, §1404B, as added Pub. L. 104-132, title II, §232(a), Apr. 24, 1996, 110 Stat. 1243; amended Pub. L. 106-386, div. C, §2003(a)(1), (4), Oct. 28, 2000, 114 Stat. 1543, 1544; Pub. L.

¹ So in original. Probably should be preceded by “section”.

107–56, title VI, § 624(a), (b), Oct. 26, 2001, 115 Stat. 373.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 10603b 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

2001—Subsec. (a)(1). Pub. L. 107–56, § 624(b), struck out “who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986” before period at end.

Subsec. (b). Pub. L. 107–56, § 624(a), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The Director may make supplemental grants as provided in section 10601(d)(5) of this title to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney’s Offices for use in coordination with State victim compensation and assistance efforts in providing emergency relief.”

2000—Subsec. (a). Pub. L. 106–386, § 2003(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Director may make supplemental grants as provided in section 10603(a) of this title to States to provide compensation and assistance to the residents of such States who, while outside of the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”

Subsec. (b). Pub. L. 106–386, § 2003(a)(4), substituted “10601(d)(5) of this title” for “10603(d)(4)(B) of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–386, div. C, § 2003(a)(2), Oct. 28, 2000, 114 Stat. 1544, provided that: “The amendment made by this subsection [amending this section] shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.”

ADMINISTRATIVE GUIDELINES

Pub. L. 106–386, div. C, § 2003(a)(3), Oct. 28, 2000, 114 Stat. 1544, provided that: “Not later than 90 days after the date of the enactment of this Act [Oct. 28, 2000], the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) [now 34 U.S.C. 20110(a)] to specify the categories of organizations and agencies to which the Director may make grants under this subsection [amending this section and enacting provisions set out as a note under this section].”

§ 20106. Compensation to victims of international terrorism

(a) Definitions

In this section:

(1) International terrorism

The term “international terrorism” has the meaning given the term in section 2331 of title 18.

(2) National of the United States

The term “national of the United States” has the meaning given the term in section 1101(a) of title 8.

(3) Victim

(A) In general

The term “victim” means a person who—

(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after October 23, 1983, with respect to which an investigation or civil or criminal prosecution was ongoing after April 24, 1996; and

(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

(B) Incompetent, incapacitated, or deceased victims

In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

(C) Exception

Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

(b) Award of compensation

The Director may use the emergency reserve referred to in section 20101(d)(5)(A) of this title to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization. The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(c) Annual report

The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

(1) an explanation of the procedures for filing and processing of applications for compensation;

(2) a description of the procedures and policies instituted to promote public awareness about the program;

(3) a complete statistical analysis of the victims assisted under the program, including—

(A) the number of applications for compensation submitted;

(B) the number of applications approved and the amount of each award;

(C) the number of applications denied and the reasons for the denial;

(D) the average length of time to process an application for compensation; and

(E) the number of applications for compensation pending and the estimated future liability of the program; and

(4) an analysis of future program needs and suggested program improvements.

(Pub. L. 98–473, title II, §1404C, as added Pub. L. 106–386, div. C, §2003(c)(1), Oct. 28, 2000, 114 Stat. 1544; amended Pub. L. 107–56, title VI, §624(c), Oct. 26, 2001, 115 Stat. 373; Pub. L. 110–181, div. A, title X, §1083(b)(4), Jan. 28, 2008, 122 Stat. 342.)

Editorial Notes

REFERENCES IN TEXT

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (b), is Pub. L. 99–399, Aug. 27, 1986, 100 Stat. 853. Title VIII of the Act, known as the “Victims of Terrorism Compensation Act”, enacted sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1051, 1095, and 2181 to 2185 of Title 10, Armed Forces, and sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, amended section 6325 of Title 5, and enacted provisions set out as notes under section 5569 of Title 5, sections 1051, 1095, and 2181 of Title 10, and section 559 of Title 37. For complete classification of title VIII to the Code, see Short Title of 1986 Amendment note set out under section 5569 of Title 5 and Tables.

CODIFICATION

Section was formerly classified to section 10603c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2008—Subsec. (a)(3)(A)(i). Pub. L. 110–181 substituted “October 23, 1983, with respect to which an investigation or civil or criminal” for “December 21, 1988 with respect to which an investigation or”.

2001—Subsec. (b). Pub. L. 107–56 inserted at end “The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

For applicability of amendments by Pub. L. 110–181 to pending cases, see section 1083(c) of Pub. L. 110–181, set out as an Effective Date note under section 1605A of Title 28, Judiciary and Judicial Procedure.

§ 20107. Crime victims legal assistance grants

(a) In general

The Director may make grants as provided in section 20103(c)(1)(A) of this title to State, tribal, and local prosecutors’ offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of crime victims’ rights as provided in law.

(b) Prohibition

Grant amounts under this section may not be used to bring a cause of action for damages.

(c) False Claims Act

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31 (commonly known as the “False Claims Act”) may be used for grants under this section, subject to appropriation.

(Pub. L. 98–473, title II, §1404D, as added Pub. L. 108–405, title I, §103(a), Oct. 30, 2004, 118 Stat. 2264.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 10603d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20108. Crime victims notification grants

(a) In general

The Director may make grants as provided in section 20103(c)(1)(A) of this title to State, tribal, and local prosecutors’ offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public or private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue in a timely and efficient manner, provided that the jurisdiction has laws substantially equivalent to the provisions of chapter 237 of title 18.

(b) Integration of systems

Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

(c) Authorization of appropriations

In addition to funds made available under section 20101(d) of this title, there are authorized to be appropriated to carry out this section—

- (1) \$5,000,000 for fiscal year 2005; and
- (2) \$5,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009.

(d) False Claims Act

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31 (commonly known as the “False Claims Act”) may be used for grants under this section, subject to appropriation.

(Pub. L. 98–473, title II, §1404E, as added Pub. L. 108–405, title I, §103(c), Oct. 30, 2004, 118 Stat. 2265.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 10603e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20109. Sexual assault survivors’ notification grants

(a) In general

The Attorney General may make grants as provided in section 20103(c)(1)(A) of this title to States to develop and disseminate to entities described in subsection (c)(1) of this section written notice of applicable rights and policies for sexual assault survivors.

(b) Notification of rights

Each recipient of a grant awarded under subsection (a) shall make its best effort to ensure that each entity described in subsection (c)(1) provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies regarding—

(1) the right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit;

(2) the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement;

(3) the availability of a sexual assault advocate;

(4) the availability of protective orders and policies related to their enforcement;

(5) policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits;

(6) the process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits; and

(7) the availability of victim compensation and restitution.

(c) Dissemination of written notice

Each recipient of a grant awarded under subsection (a) shall—

(1) provide the written notice described in subsection (b) to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies, and any other State agency or department reasonably likely to serve sexual assault survivors; and

(2) make the written notice described in subsection (b) publicly available on the Internet website of the attorney general of the State.

(d) Provision to promote compliance

The Attorney General may provide such technical assistance and guidance as necessary to help recipients meet the requirements of this section.

(e) Integration of systems

Any system developed and implemented under this section may be integrated with an existing case management system operated by the recipient of the grant if the system meets the requirements listed in this section.

(Pub. L. 98-473, title II, §1404F, as added Pub. L. 114-236, §3, Oct. 7, 2016, 130 Stat. 967.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 10603f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20110. Administrative provisions

(a) Authority of Director to establish rules and regulations

The Director may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Director under this subchapter.

(b) Recordkeeping

Each recipient of sums under this subchapter shall keep such records as the Director shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other

sources, and such other records as will facilitate an effective audit.

(c) Access of Director to books and records for purpose of audit and examination

The Director shall have access, for purpose of audit and examination, to any books, documents, papers, and records of the recipient of sums under this subchapter that, in the opinion of the Director, may be related to the expenditure of funds received under this subchapter.

(d) Revealing research or statistical information; prohibition; immunity from legal proceedings; permission; admission of information as evidence

Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this subchapter, shall use or reveal any research or statistical information furnished under this subchapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this subchapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

(e) Discrimination prohibited

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this subchapter.

(f) Failure to comply with provisions; notice and hearing; power of Director

If, after reasonable notice and opportunity for a hearing on the record, the Director finds that a State has failed to comply substantially with any provision of this subchapter or a rule, regulation, guideline, or procedure issued under this subchapter, or an application submitted in accordance with this subchapter or the provisions of any other applicable law, the Director shall—

(1) terminate payments to such State;

(2) suspend payments to such State until the Director is satisfied that such noncompliance has ended; or

(3) take such other action as the Director deems appropriate.

(g) Report

The Director shall, on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 20101 of this title and on the effectiveness of the activities supported under this subchapter. The Director may include in such report recommendations for legislation to improve this subchapter.

(h) Maintenance of effort

Each entity receiving sums made available under this subchapter for administrative pur-

poses shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.

(Pub. L. 98-473, title II, §1407, Oct. 12, 1984, 98 Stat. 2176; Pub. L. 99-646, §48, Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100-690, title VII, §7123(b)(10)–(14), Nov. 18, 1988, 102 Stat. 4421, 4422; Pub. L. 103-322, title XXIII, §§230206, 230207, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 104-294, title VI, §604(b)(9), Oct. 11, 1996, 110 Stat. 3507.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (h), was in the original “this Act”, and was translated as reading “this chapter”, meaning chapter XIV of title II of Pub. L. 98-473, to reflect the probable intent of Congress, and subsequently was translated as “this subchapter” after chapter 112 of Title 42, The Public Health and Welfare, was editorially reclassified as this subchapter.

CODIFICATION

Section was formerly classified to section 10604 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

1996—Subsec. (g). Pub. L. 104-294 amended directory language of Pub. L. 103-322, §230207. See 1994 Amendment note below.

1994—Subsec. (g). Pub. L. 103-322, §230207, as amended by Pub. L. 104-294, substituted “and on June 30 every two years thereafter” for “and on December 31 every 2 years thereafter”.

Subsec. (h). Pub. L. 103-322, §230206, added subsec. (h). 1988—Subsec. (a). Pub. L. 100-690, §7123(b)(10), substituted “Director” for “Attorney General” in two places and “under this chapter” for “under this chapter and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate”.

Subsec. (b). Pub. L. 100-690, §7123(b)(11), substituted “Director” for “Attorney General”.

Subsec. (c). Pub. L. 100-690, §7123(b)(12), which directed substitution of “Director” for “Attorney General or any duly authorized representative of the Attorney General”, was executed by making substitution in two places.

Subsec. (f). Pub. L. 100-690, §7123(b)(13), substituted “Director” for “Attorney General” two places in introductory provisions and in pars. (2) and (3).

Subsec. (g). Pub. L. 100-690, §7123(b)(14), substituted “Director” for “Attorney General” in two places and “on December 31, 1990, and on December 31 every 2 years thereafter” for “no later than December 31, 1987”.

1986—Subsecs. (g), (h). Pub. L. 99-646 redesignated subsec. (h) as (g) and substituted “1402”, which was translated as “section 10601 of this title” for “1302”, which had been editorially translated as “section 10601 of this title”, thereby requiring no change in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 not applicable with respect to a State compensation program that was an eli-

gible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 20101 of this title.

§ 20111. Establishment of Office for Victims of Crime

(a) Office established within Department of Justice

There is established within the Department of Justice an Office for Victims of Crime (hereinafter in this subchapter referred to as the “Office”).

(b) Appointment of Director; authority; restrictions

The Office shall be headed by a Director (referred to in this subchapter as the “Director”), who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under this subchapter.¹

(c) Duties of Director

The Director shall have the following duties:

(1) Administering funds made available by section 20101 of this title.

(2) Providing funds to eligible States pursuant to sections 20102 and 20103 of this title.

(3) Establishing programs in accordance with section 20103(c) of this title on terms and conditions determined by the Director to be consistent with that subsection.

(4) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in activities related to crime victims.

(5) Such other functions as the Attorney General may delegate.

(Pub. L. 98-473, title II, §1411, as added Pub. L. 100-690, title VII, §7123(a), Nov. 18, 1988, 102 Stat. 4420; amended Pub. L. 112-166, §2(h)(5), Aug. 10, 2012, 126 Stat. 1285.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, the last place it appears in subsec. (b), was in the original “this part”, which has been translated as reading in the original “this chapter” meaning chapter XIV of title II of Pub. L. 98-473 to reflect the probable intent of Congress because chapter XIV of title II of Pub. L. 98-473, which comprises this subchapter, does not contain parts.

CODIFICATION

Section was formerly classified to section 10605 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ See References in Text note below.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” before period at end of first sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE

Section not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as an Effective Date of 1988 Amendment note under section 20101 of this title.

SUBCHAPTER II—VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

§ 20121. Legal assistance for victims

(a) In general

The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimal or no cost to the victims. When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to or arising out of domestic violence, sexual assault, dating violence, and stalking.

(b) Definitions and grant conditions

In this section, the definitions and grant conditions provided in section 12291 of this title shall apply.

(c) Legal assistance for victims grants

The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim service providers and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to implement, expand, and establish efforts and projects to provide competent, super-

vised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.

(d) Eligibility

To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under this section—

(A)(i) is a licensed attorney or is working under the direct supervision of a licensed attorney;

(ii) in immigration proceedings, is a Board of Immigration Appeals accredited representative;

(iii) in Veterans' Administration claims, is an accredited representative; or

(iv) is any person who functions as an attorney or lay advocate in Tribal court; and

(B)(i) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or

(ii)(I) is partnered with an entity or person that has demonstrated expertise described in clause (i); and

(II) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, local, or culturally specific domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, stalking, or child sexual abuse is an issue.

(e) Evaluation

The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2023 through 2027.

(2) Allocation of funds**(A) Tribal programs**

Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) Tribal government program**(i) In general**

Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 10452 of this title.

(ii) Applicability of part¹

The requirements of this section shall not apply to funds allocated for the program described in clause (i).

(C) Victims of sexual assault

Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) Nonsupplantation

Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

(Pub. L. 106–386, div. B, title II, § 1201, Oct. 28, 2000, 114 Stat. 1504; Pub. L. 108–405, title II, § 205, Oct. 30, 2004, 118 Stat. 2271; Pub. L. 109–162, title I, § 103, title IX, § 906(f), formerly § 906(g), Jan. 5, 2006, 119 Stat. 2978, 3082, renumbered § 906(f), Pub. L. 109–271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109–271, § 7(d)(1), Aug. 12, 2006, 120 Stat. 765; Pub. L. 113–4, title I, § 103, Mar. 7, 2013, 127 Stat. 73; Pub. L. 117–103, div. W, title I, § 103, Mar. 15, 2022, 136 Stat. 850.)

Editorial Notes**REFERENCES IN TEXT**

The reference to “part” in subsec. (f)(2)(B)(ii) heading, appearing in the original, is unidentifiable because title II of div. B of Pub. L. 106–386 does not contain parts.

CODIFICATION

Section was formerly classified to section 3796gg–6 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

2022—Subsec. (a). Pub. L. 117–103, § 103(1), inserted “When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided.” after “no cost to the victims.”

Subsec. (d)(1). Pub. L. 117–103, § 103(2)(A), amended par. (1) generally. Prior to amendment, par. (1) related

to any person providing legal assistance through a program funded under subsection (c) of this section.

Subsec. (d)(2). Pub. L. 117–103, § 103(2)(B), substituted “local, or culturally specific” for “or local”.

Subsec. (d)(4). Pub. L. 117–103, § 103(2)(C), inserted “stalking,” after “dating violence,”.

Subsec. (f)(1). Pub. L. 117–103, § 103(3), substituted “\$60,000,000” for “\$57,000,000” and “2023 through 2027” for “2014 through 2018”.

2013—Subsec. (a). Pub. L. 113–4, § 103(1), substituted “relating to or arising out of” for “arising as a consequence of” and inserted “or arising out of” after “criminal matters relating to”.

Subsec. (b). Pub. L. 113–4, § 103(2), inserted “and grant conditions” after “Definitions” in heading and after “definitions” in text.

Subsec. (c)(1). Pub. L. 113–4, § 103(3)(A), which directed the substitution of “victim service providers” for “victims services organizations”, was executed by making the substitution for “victim services organizations” to reflect the probable intent of Congress.

Subsec. (c)(3). Pub. L. 113–4, § 103(3)(B), added par. (3) and struck out former par. (3) which read as follows: “to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault.”

Subsec. (d)(1). Pub. L. 113–4, § 103(4)(A), which directed substitution of “this section—” and subpars. (A) and (B) for “this section has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;”, was executed by making the substitution for “has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;” to reflect the probable intent of Congress because “this section” did not appear in text prior to the amendment.

Subsec. (d)(2). Pub. L. 113–4, § 103(4)(B), substituted “stalking victim service provider” for “stalking organization”.

Subsec. (f)(1). Pub. L. 113–4, § 103(5), substituted “this section \$57,000,000 for each of fiscal years 2014 through 2018.” for “this section \$65,000,000 for each of fiscal years 2007 through 2011.”

2006—Subsec. (a). Pub. L. 109–162, § 103(1), inserted “civil and criminal” after “availability of”, “adult and youth” after “effective aid to”, and “Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.” at end.

Subsec. (b). Pub. L. 109–162, § 103(2), reenacted subsec. heading without change and amended text generally. Prior to amendment, text defined for purposes of this section the terms “dating violence”, “domestic violence”, “legal assistance”, and “sexual assault”.

Subsec. (c). Pub. L. 109–162, § 103(3), inserted “and tribal organizations, territorial organizations” after “Indian tribal governments” in introductory provisions.

Subsec. (d)(2). Pub. L. 109–162, § 103(4), added par. (2) and struck out former par. (2) which read as follows: “any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;”.

Subsec. (e). Pub. L. 109–162, § 103(5), which directed amendment identical to that made by Pub. L. 108–405, § 205(5), was not executed. See 2004 Amendment note below.

Subsec. (f)(1). Pub. L. 109–162, § 103(6)(A), added par. (1) and struck out former par. (1). Former text read as follows: “There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”

Subsec. (f)(2)(A). Pub. L. 109–271, § 7(d)(1)(A)(i), substituted “3 percent” for “10 percent”.

¹ See References in Text note below.

Pub. L. 109-162, §103(6)(B), substituted “10 percent” for “5 percent” and inserted “adult and youth” after “that assist”.

Subsec. (f)(2)(B), (C). Pub. L. 109-271, §7(d)(1)(A)(ii), (iii), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (f)(4). Pub. L. 109-271, §7(d)(1)(B), struck out par. (4) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(f), formerly §906(g), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added par. (4).

2004—Subsec. (a). Pub. L. 108-405, §205(1), inserted “dating violence,” after “domestic violence.”

Subsec. (b)(1) to (4). Pub. L. 108-405, §205(2), added par. (1), redesignated former pars. (1) to (3) as (2) to (4), respectively, and inserted “dating violence,” after “domestic violence,” in par. (3).

Subsec. (c)(1). Pub. L. 108-405, §205(3)(A), inserted “, dating violence,” after “between domestic violence” and “dating violence,” after “victims of domestic violence.”

Subsec. (c)(2), (3). Pub. L. 108-405, §205(3)(B), (C), inserted “dating violence,” after “domestic violence.”

Subsec. (d)(1) to (3). Pub. L. 108-405, §205(4)(A)–(C), inserted “, dating violence,” after “domestic violence.”

Subsec. (d)(4). Pub. L. 108-405, §205(4)(D), inserted “dating violence,” after “domestic violence.”

Subsec. (e). Pub. L. 108-405, §205(5), inserted “dating violence,” after “domestic violence.”

Subsec. (f)(2)(A). Pub. L. 108-405, §205(6), inserted “dating violence,” after “domestic violence.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 10261 of this title.

§ 20122. Education, training, and enhanced services to end violence against and abuse of individuals with disabilities and Deaf people

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, sexual assault, and abuse by caregivers against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and Deaf people; and

(2) to enhance direct services to such individuals.

(b) Use of funds

Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities and Deaf people;

(2) to conduct outreach activities to ensure that individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement and other first responders, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for individuals with disabilities and Deaf people;

(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service providers for individuals with disabilities and Deaf people;

(5) to provide training and technical assistance on the requirements of shelters and victim service providers under Federal anti-discrimination laws, including—

(A) the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.]; and

(B) section 794 of title 29;

(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of individuals with disabilities and Deaf people;

(7) to provide advocacy and intervention services for individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, stalking, or sexual assault; or

(8) to develop model programs to enhance the capacity of organizations serving individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Eligible entities

(1) In general

An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;

(B) a unit of local government;

(C) an Indian tribal government or tribal organization; or

(D) a victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving individuals with disabilities and Deaf people.

(2) Limitation

A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 796f-5¹ of title 29).

¹ See References in Text note below.

(d) Underserved populations

In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations

There are authorized to be appropriated \$15,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

(Pub. L. 106-386, div. B, title IV, §1402, Oct. 28, 2000, 114 Stat. 1513; Pub. L. 109-162, title II, §204(a), Jan. 5, 2006, 119 Stat. 3000; Pub. L. 113-4, title II, §203, Mar. 7, 2013, 127 Stat. 82; Pub. L. 117-103, div. W, title II, §203, Mar. 15, 2022, 136 Stat. 857.)

Editorial Notes**REFERENCES IN TEXT**

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(5)(A), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Section 796f-5 of title 29, referred to in subsec. (c)(2), was in the original “section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f-5)” and was translated as meaning section 726 of the Rehabilitation Act of 1973, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 3796gg-7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Pub. L. 117-103, §203(1), substituted “individuals with disabilities and Deaf people” for “women with disabilities” in section catchline.

Subsec. (a)(1). Pub. L. 117-103, §203(2), substituted “sexual assault, and abuse by caregivers” for “and sexual assault” and inserted “and Deaf people” after “with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))”.

Subsec. (b). Pub. L. 117-103, §203(3)(A), substituted “individuals with disabilities and Deaf people” for “disabled individuals” wherever appearing.

Subsec. (b)(3). Pub. L. 117-103, §203(3)(B), inserted “and other first responders” after “law enforcement”.

Subsec. (b)(8). Pub. L. 117-103, §203(3)(C), substituted “to enhance the capacity of” for “providing advocacy and intervention services within”.

Subsec. (c)(1)(D). Pub. L. 117-103, §203(4), substituted “individuals with disabilities and Deaf people” for “disabled individuals”.

Subsec. (e). Pub. L. 117-103, §203(5), substituted “\$15,000,000” for “\$9,000,000” and “2023 through 2027” for “2014 through 2018”.

2013—Subsec. (b)(1). Pub. L. 113-4, §203(1)(A), inserted “(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)” after “risk reduction”.

Subsec. (b)(4). Pub. L. 113-4, §203(1)(B), substituted “victim service providers” for “victim service organizations”.

Subsec. (b)(5). Pub. L. 113-4, §203(1)(C), substituted “victim service providers” for “victim services organizations” in introductory provisions.

Subsec. (c)(1)(D). Pub. L. 113-4, §203(2), substituted “victim service provider, such as a State or tribal” for “nonprofit and nongovernmental victim services organization, such as a State”.

Subsec. (e). Pub. L. 113-4, §203(3), substituted “\$9,000,000 for each of fiscal years 2014 through 2018” for

“\$10,000,000 for each of the fiscal years 2007 through 2011”.

2006—Pub. L. 109-162 substituted “Education, training, and enhanced services to end violence against and abuse of women with disabilities” for “Education and training to end violence against and abuse of women with disabilities” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to award of grants to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities and authorized appropriations for fiscal years 2001 through 2005.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2022 AMENDMENT**

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 10261 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, set out as a note under section 10447 of this title.

§ 20123. Grants for outreach and services to underserved populations**(a) Grants authorized****(1) In general**

Of the amounts appropriated under the grant programs identified in paragraph (2), the Attorney General shall take 2 percent of such appropriated amounts and combine them to award grants to eligible entities described in subsection (b) of this section to develop and implement outreach strategies targeted at adult or youth victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations and to provide victim services to meet the needs of adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in underserved populations. The requirements of the grant programs identified in paragraph (2) shall not apply to this grant program.

(2) Programs covered

The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 10441 of this title (Grants to Combat Violent Crimes Against Women).

(B) Section 10461 of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program).

(b) Eligible entities

Eligible entities under this section are—

(1) population specific organizations that have demonstrated experience and expertise in providing population specific services in the relevant underserved communities, or population specific organizations working in partnership with a victim service provider or domestic violence or sexual assault coalition;

(2) victim service providers offering population specific services for a specific underserved population; or

(3) victim service providers working in partnership with a national, State, tribal, Native Hawaiian, or local organization that has demonstrated experience and expertise in providing population specific services in the relevant underserved population.

(c) Planning grants

The Attorney General may use up to 25 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including—

(1) identifying, building and strengthening partnerships with potential collaborators within underserved populations, Federal, State, tribal, territorial or local government entities, and public and private organizations;

(2) conducting a needs assessment of the community and the targeted underserved population or populations to determine what the barriers are to service access and what factors contribute to those barriers, using input from the targeted underserved population or populations;

(3) identifying promising prevention, outreach and intervention strategies for victims from a targeted underserved population or populations; and

(4) developing a plan, with the input of the targeted underserved population or populations, for implementing prevention, outreach and intervention strategies to address the barriers to accessing services, promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations, and evaluating the program.

(d) Implementation grants

The Attorney General shall make grants to eligible entities for the purpose of providing or enhancing population specific outreach and services to adult and youth victims in one or more underserved populations, including—

(1) working with Federal, State, tribal, territorial and local governments, agencies, and organizations to develop or enhance population specific services;

(2) strengthening the capacity of underserved populations to provide population specific services;

(3) strengthening the capacity of traditional victim service providers to provide population specific services;

(4) strengthening the response of criminal and civil justice interventions by providing population-specific training for law enforcement, prosecutors, judges and other court per-

sonnel on domestic violence, dating violence, sexual assault, or stalking in underserved populations;

(5) working in cooperation with an underserved population to develop and implement outreach, education, prevention, and intervention strategies that highlight available resources and the specific issues faced by victims of domestic violence, dating violence, sexual assault, or stalking from underserved populations;

(6) developing, enlarging, or strengthening culturally specific programs and projects to provide culturally specific services regarding responses to, and prevention of, female genital mutilation and cutting; or

(7) strengthening the response of social and human services by providing population-specific training for service providers on domestic violence, dating violence, sexual assault, or stalking in underserved populations.

(e) Application

An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) Reports

Each eligible entity receiving a grant under this section shall submit to the Director of the Office on Violence Against Women a report that describes the activities carried out with grant funds.

(g) Authorization of appropriations

In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2023 through 2027.

(h) Definitions and grant conditions

In this section the definitions and grant conditions in section 12291 of this title shall apply.

(Pub. L. 109-162, title I, §120, Jan. 5, 2006, 119 Stat. 2990; Pub. L. 109-271, §§1(c)(2), 2(h), Aug. 12, 2006, 120 Stat. 750, 752; Pub. L. 113-4, title I, §108, Mar. 7, 2013, 127 Stat. 78; Pub. L. 117-103, div. W, title I, §105, Mar. 15, 2022, 136 Stat. 851.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14045 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (b)(3). Pub. L. 117-103, §105(1), inserted “Native Hawaiian,” before “or local organization”.

Subsec. (d)(4). Pub. L. 117-103, §105(2)(A)(i), (ii), substituted “response” for “effectiveness” and inserted “population-specific” before “training”.

Subsec. (d)(6), (7). Pub. L. 117-103, §105(2)(A)(iii), (B), (C), added pars. (6) and (7).

Subsec. (g). Pub. L. 117-103, §105(3), substituted “\$6,000,000” for “\$2,000,000” and “2023 through 2027” for “2014 through 2018”.

2013—Pub. L. 113-4 amended section generally. Prior to amendment, section related to grants for outreach to underserved populations.

2006—Subsec. (g). Pub. L. 109-271, §2(h), struck out “, every 18 months,” after “Office of Violence Against Women”.

Subsec. (i). Pub. L. 109-271, §1(c)(2), added subsec. (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

§ 20124. Enhancing culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking

(a) Establishment

(1) In general

Of the amounts appropriated under certain grant programs identified in paragraph (2), the Attorney General, through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), shall take 15 percent of such appropriated amounts for the program under paragraph (2)(A) and 5 percent of such appropriated amounts for the programs under subparagraphs (B) through (E) of paragraph (2) and combine them to establish a new grant program to enhance culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director. The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.

(2) Programs covered

The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 10461 of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).

(B) Section 20121 of this title¹ (Legal Assistance for Victims).

(C) Section 12341 of this title (Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance).

(D) Section 14041a of title 42 (Enhanced Training and Services to End Violence Against Women Later in Life).¹

(E) Section 20122 of this title (Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities).

(3) Additional authorization of appropriations

In addition to the amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2023 through 2027.

(4) Distribution

(A) In general

Of the total amount available for grants under this section, not less than 40 percent

of such funds shall be allocated for programs or projects that meaningfully address non-intimate partner relationship sexual assault.

(B) Alternative allocation

Notwithstanding 12291(b)(11)² of this title, the Director may allocate a portion of funds described in subparagraph (A) to enhanced technical assistance relating to non-intimate partner sexual assault if the Office on Violence Against Women does not receive sufficient qualified applications proposing to address non-intimate partner relationship sexual assault.

(b) Purpose of program and grants

(1) General program purpose

The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally specific services and other resources.

(B) The development of innovative culturally specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) Purposes for which grants may be used

The Director shall make grants to community-based programs for the purpose of enhancing culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) increasing communities' capacity to provide culturally specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally specific responses to domestic violence, dating violence, sexual assault, and stalking;

(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally specific

¹ See References in Text note below.

² So in original. Probably should be preceded by “section”.

issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

(F) providing culturally specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

(G) providing culturally specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

(H) examining the dynamics of culture and its impact on victimization and healing.

(3) Technical assistance and training

The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking. Not less than 1 such organization shall have demonstrated expertise primarily in domestic violence services, and not less than 1 such organization shall have demonstrated expertise primarily in non-intimate partner sexual assault services.

(c) Eligible entities

Eligible entities for grants under this Section³ include—

(1) community-based programs whose primary purpose is providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) Reporting

The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) Evaluation

The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face ob-

stacles to using more traditional services and resources.

(f) Non-exclusivity

Nothing in this Section³ shall be interpreted to exclude culturally specific community-based programs from applying to other grant programs authorized under this Act.

(g) Definitions and grant conditions

In this section the definitions and grant conditions in section 12291 of this title shall apply.

(Pub. L. 109-162, title I, §121, Jan. 5, 2006, 119 Stat. 2991; Pub. L. 109-271, §§1(c)(3), 2(k), Aug. 12, 2006, 120 Stat. 751, 753; Pub. L. 113-4, title I, §109, Mar. 7, 2013, 127 Stat. 80; Pub. L. 117-103, div. W, title I, §108, title IX, §901(e), Mar. 15, 2022, 136 Stat. 852, 911.)

Editorial Notes

REFERENCES IN TEXT

Section 20121 of this title, referred to in subsec. (a)(2)(B), was in the original “Section 14201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg-6)”, which was translated as meaning “Section 1201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg-6)”, which is section 1201 of title II of div. B of Pub. L. 106-386, to reflect the probable intent of Congress. Section 1201 of title II of div. B of Pub. L. 106-386 was classified as section 3796gg-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as section 20121 of this title.

The parenthetical reference “(Enhanced Training and Services to End Violence Against Women Later in Life)” appearing after “Section 14041a of title 42” in subsec. (a)(2)(D), probably should be “(Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life)”. Section 14041a of Title 42, The Public Health and Welfare, was omitted in the general amendment of Part G of subchapter III of chapter 136 of Title 42 by Pub. L. 113-4, title II, §204(a), Mar. 7, 2013, 127 Stat. 82.

This Act, referred to in subsections. (b)(3) and (f), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14045a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117-103, §901(e), substituted “the Office on Violence Against Women” for “the Violence Against Women Office”.

Pub. L. 117-103, §108(1)(A)(ii), substituted “shall take 15 percent of such appropriated amounts for the program under paragraph (2)(A) and 5 percent of such appropriated amounts for the programs under subparagraphs (B) through (E) of paragraph (2)” for “shall take 5 percent of such appropriated amounts”.

Pub. L. 117-103, §108(1)(A)(i), which directed substitution of “paragraph (2)” for “paragraph (a)(2) of this subsection”, was executed by making the substitution for “paragraph (a)(2) of this Section”, to reflect the probable intent of Congress.

Subsec. (a)(3), (4). Pub. L. 117-103, §108(1)(B), added pars. (3) and (4).

Subsec. (b)(3). Pub. L. 117-103, §108(2), inserted at end “Not less than 1 such organization shall have demonstrated expertise primarily in domestic violence services, and not less than 1 such organization shall

³ So in original. Probably should not be capitalized.

have demonstrated expertise primarily in non-intimate partner sexual assault services.”

Subsecs. (e) to (h). Pub. L. 117–103, § 108(3), (4), redesignated subsecs. (f) to (h) as (e) to (g), respectively, and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: “The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.”

2013—Pub. L. 113–4, § 109(1)–(3), struck out “and linguistically” after “culturally” in section catchline and wherever appearing in text and struck out “and linguistic” after “cultural” in subsecs. (b)(2) and (f).

Subsec. (a)(2). Pub. L. 113–4, § 109(4), added par. (2) and struck out former par. (2) which related to covered programs.

Subsec. (g). Pub. L. 113–4, § 109(5), struck out “linguistic and” before “culturally”.

2006—Subsec. (a)(1). Pub. L. 109–271, § 2(k)(1), inserted “The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.” at end.

Subsec. (b)(2). Pub. L. 109–271, § 2(k)(2), which directed substituting “, including—” and subpars. (A) to (H) for the period, was executed by making the substitution for the period at the end to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 109–271, § 1(c)(3), added subsec. (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113–4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113–4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10261 of this title.

§ 20125. Grants to combat violent crimes on campuses

(a) Grants authorized

(1) In general

The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, to develop and strengthen victim services in cases involving such crimes on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies, and to develop and strengthen prevention education and awareness programs.

(2) Equitable participation

The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) Use of grant funds

Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and all participants in the resolution process, including personnel from the Title IX coordinator’s office, student conduct office, and campus disciplinary or judicial boards on such policies, protocols, and services that promote a prompt, fair, and impartial investigation.

(3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.

(4) To develop, enlarge, or strengthen victim services programs and population specific services on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any victim service providers in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph, regardless of whether the services are provided by the institution

or in coordination with community victim service providers.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(9) To develop or adapt, provide, and disseminate developmental, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and stalking.

(10) To develop or adapt and disseminate population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.

(11) To train campus health centers and appropriate campus faculty, such as academic advisors or professionals who deal with students on a daily basis, on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.

(12) To train campus personnel in how to use a victim-centered, trauma-informed interview technique, which means asking questions of a student or a campus employee who is reported to be a victim of sexual assault, domestic violence, dating violence, or stalking, in a manner that is focused on the experience of the reported victim, that does not judge or blame the reported victim for the alleged crime, and that is informed by evidence-based research on trauma response. To the extent practicable, campus personnel shall allow the reported victim to participate in a recorded interview and to receive a copy of the recorded interview.

(13) To develop and implement restorative practices (as defined in section 12291(a) of this title).

(c) Applications

(1) In general

In order to be eligible to be awarded a grant under this section for any fiscal year, an insti-

tution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) Contents

Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with victim service providers, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) describe how underserved populations in the campus community will be adequately served, including the provision of relevant population specific services;

(E) provide measurable goals and expected results from the use of the grant funds;

(F) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(G) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) Compliance with campus crime reporting required

No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 1092(f) of title 20. Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2023 through 2027 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 1092(f) of title 20.

(d) General terms and conditions

(1) Nonmonetary assistance

In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) Grantee reporting

(A) Annual report

Each institution of higher education receiving a grant under this section shall submit a performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) Final report

Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) Grantee minimum requirements

Each grantee shall comply with the following minimum requirements during the grant period:

(A) The grantee shall create a coordinated community response including both organizations external to the institution and relevant divisions of the institution.

(B) The grantee shall establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all students.

(C) The grantee shall train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking.

(D) The grantee shall train all participants in the resolution process, including the campus disciplinary board, the title IX coordinator's office, and the student conduct office, to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.

(4) Report to Congress

Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, sexual orientation, gender identity, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.¹

(e) Authorization of appropriations

For the purpose of carrying out this section, there is authorized to be appropriated \$15,000,000 for each of fiscal years 2023 through 2027, of which not less than 10 percent shall be made available for grants to historically Black colleges and universities.

(f) Omitted**(g) Definitions and grant conditions**

In this section the definitions and grant conditions in section 12291 of this title shall apply.

(Pub. L. 109-162, title III, §304, Jan. 5, 2006, 119 Stat. 3013; Pub. L. 109-271, §§1(c)(1), 4(b), (d), Aug. 12, 2006, 120 Stat. 750, 758; Pub. L. 113-4,

title III, §303, Mar. 7, 2013, 127 Stat. 87; Pub. L. 117-103, div. W, title III, §303(a), Mar. 15, 2022, 136 Stat. 866.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsec. (d)(4)(D), appearing in the original, is unidentifiable because title III of Pub. L. 109-162 does not contain parts.

CODIFICATION

Section is comprised of section 304 of Pub. L. 109-162. Subsec. (f) of section 304 of Pub. L. 109-162 repealed section 1152 of Title 20, Education.

Section was formerly classified to section 14045b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a)(2), (3). Pub. L. 117-103, §303(a)(1), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than \$300,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.”

Subsec. (b)(2). Pub. L. 117-103, §303(a)(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. Within 90 days after January 5, 2006, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.”

Subsec. (b)(3). Pub. L. 117-103, §303(a)(2)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.”

Subsec. (b)(9). Pub. L. 117-103, §303(a)(2)(C), substituted “, provide, and disseminate” for “and provide”.

Subsec. (b)(10). Pub. L. 117-103, §303(a)(2)(D), inserted “and disseminate” after “or adapt”.

Subsec. (b)(11) to (13). Pub. L. 117-103, §303(a)(2)(E), added pars. (11) to (13).

Subsec. (c)(3). Pub. L. 117-103, §303(a)(3), substituted “2023 through 2027” for “2014 through 2018”.

Subsec. (d)(3)(B). Pub. L. 117-103, §303(a)(4)(A)(i), substituted “for all students” for “for all incoming students”.

Subsec. (d)(3)(D). Pub. L. 117-103, §303(a)(4)(A)(ii), added subpar. (D) and struck out former subpar. (D). Prior to amendment, subpar. (D) read as follows: “The grantee shall train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.”

Subsec. (d)(4)(C). Pub. L. 117-103, §303(a)(4)(B), inserted “sexual orientation, gender identity,” after “sex,”.

Subsec. (e). Pub. L. 117-103, §303(a)(5), substituted “\$15,000,000 for each of fiscal years 2023 through 2027, of which not less than 10 percent shall be made available

¹ See References in Text note below.

for grants to historically Black colleges and universities” for “\$12,000,000 for each of fiscal years 2014 through 2018”.

2013—Subsec. (a)(1). Pub. L. 113-4, §303(1)(A), substituted “stalking on campuses,” for “stalking on campuses, and,” and “crimes on” for “crimes against women on” and inserted “, and to develop and strengthen prevention education and awareness programs” before period at end.

Subsec. (a)(2). Pub. L. 113-4, §303(1)(B), substituted “\$300,000” for “\$500,000”.

Subsec. (b)(2). Pub. L. 113-4, §303(2)(A), inserted “, strengthen,” after “To develop” and “including the use of technology to commit these crimes,” after “sexual assault and stalking,”.

Subsec. (b)(4). Pub. L. 113-4, §303(2)(B), inserted “and population specific services” after “strengthen victim services programs” and “, regardless of whether the services are provided by the institution or in coordination with community victim service providers” before period at end, and substituted “victim service providers” for “entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs”.

Subsec. (b)(9), (10). Pub. L. 113-4, §303(2)(C), added pars. (9) and (10).

Subsec. (c)(2)(B). Pub. L. 113-4, §303(3)(A)(i), substituted “victim service providers” for “any non-profit, nongovernmental entities carrying out other victim services programs”.

Subsec. (c)(2)(D) to (G). Pub. L. 113-4, §303(3)(A)(ii), (iii), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (c)(3). Pub. L. 113-4, §303(3)(B), substituted “2014 through 2018” for “2007 through 2011”.

Subsec. (d)(3), (4). Pub. L. 113-4, §303(4), added par. (3) and redesignated former par. (3) as (4).

Subsec. (e). Pub. L. 113-4, §303(5), substituted “there is authorized to be appropriated \$12,000,000 for each of fiscal years 2014 through 2018.” for “there are authorized to be appropriated \$12,000,000 for fiscal year 2007 and \$15,000,000 for each of fiscal years 2008 through 2011.”

2006—Subsec. (b)(2). Pub. L. 109-271, §4(b), inserted first sentence and struck out former first sentence which read as follows: “To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking.”

Subsec. (d)(2)(A). Pub. L. 109-271, §4(d), struck out “biennial” before “performance report”.

Subsec. (g). Pub. L. 109-271, §1(c)(1), added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as an Effective Date of 2006 Amendment note under section 10261 of this title.

§ 20126. Consultation

(a) In general

The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), and the Violence Against Women Reauthorization Act of 2013.

(b) Recommendations

During consultations under subsection (a), the Secretary of Health and Human Services, the Secretary of the Interior, and the Attorney General shall solicit recommendations from Indian tribes concerning—

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- (3) strengthening the Federal response to such violent crimes; and
- (4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.

(c) Annual report

The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

- (1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;
- (2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and
- (3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

(d) Notice

Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.

(Pub. L. 109-162, title IX, §903, Jan. 5, 2006, 119 Stat. 3078; Pub. L. 113-4, title IX, §903, Mar. 7, 2013, 127 Stat. 120; Pub. L. 116-165, §4(b)(3), Oct. 10, 2020, 134 Stat. 761.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act of 1994, referred to in subsec. (a), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act of 2000, referred to in subsec. (a), is div. B of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1491. For complete classification of this Act to the Code, see Short Title of 2000 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Reauthorization Act of 2013, referred to in subsec. (a), is Pub. L. 113-4, Mar. 7, 2013, 127 Stat. 54. For complete classification of this Act to the Code, see Short Title of 2013 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14045d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2020—Subsec. (b)(2). Pub. L. 116-165, §4(b)(3)(A), added par. (2) and struck out former par. (2) which read as follows: “enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and”.

Subsec. (b)(4). Pub. L. 116-165, §4(b)(3)(B), (C), added par. (4).

2013—Subsec. (a). Pub. L. 113-4, §903(1), substituted “, the Violence Against Women Act of 2000” for “and the Violence Against Women Act of 2000” and inserted “, and the Violence Against Women Reauthorization Act of 2013” before period at end.

Subsec. (b). Pub. L. 113-4, §903(2)(A), substituted “Secretary of Health and Human Services, the Secretary of the Interior,” for “Secretary of the Department of Health and Human Services” in introductory provisions.

Subsec. (b)(2). Pub. L. 113-4, §903(2)(B), substituted “stalking, and sex trafficking” for “and stalking”.

Subsecs. (c), (d). Pub. L. 113-4, §903(3), added subsecs. (c) and (d).

§ 20127. Emergency and transitional pet shelter and housing assistance grant program

(1) Grant program

(A) In general

The Secretary, acting in consultation with the Office of the Violence Against Women¹ of the Department of Justice, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, shall award grants under this section to eligible entities to carry out programs to provide the assistance described in paragraph (3) with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets, service animals, emotional support animals, or horses of such victims.

(B) Memorandum of understanding

The Secretary may enter into a memorandum of understanding with the head of another Department or agency, as appropriate, to carry out any of the authorities provided to the Secretary under this section.²

(2) Application

(A) In general

An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(i) a description of the activities for which a grant under this section is sought;

(ii) such assurances as the Secretary determines to be necessary to ensure compliance by the entity with the requirements of this section; and

(iii) a certification that the entity, before engaging with any individual domestic violence victim, will disclose to the victim any mandatory duty of the entity to report instances of abuse and neglect (including instances of abuse and neglect of pets, service animals, emotional support animals, or horses).

(B) Additional requirements

In addition to the requirements of subparagraph (A), each application submitted by an eligible entity under that subparagraph shall—

(i) not include proposals for any activities that may compromise the safety of a domestic violence victim, including—

(I) background checks of domestic violence victims; or

(II) clinical evaluations to determine the eligibility of such a victim for support services;

(ii) not include proposals that would require mandatory services for victims or that a victim obtain a protective order in order to receive proposed services; and

(iii) reflect the eligible entity’s understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking.

(C) Rules of construction

Nothing in this paragraph shall be construed to require—

(i) domestic violence victims to participate in the criminal justice system in order to receive services; or

(ii) eligible entities receiving a grant under this section to breach client confidentiality.

(3) Use of funds

Grants awarded under this section may only be used for programs that provide—

(A) emergency and transitional shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to any construction or operating expenses of newly developed or existing emergency and transitional pet, service animal, emotional support animal, or horse shelter and housing (regardless of whether such shelter and housing is co-located at a victim service provider or within the community);

(B) short-term shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to expenses incurred for the temporary shelter, housing, boarding, or fostering of the pets, service animals, emotional support animals, or horses of domestic violence victims and other expenses that are incidental to securing the safety of such a pet, service animal, emotional support animal, or horse during the

¹ So in original. Probably should be “Office on Violence Against Women”.

² See References in Text note below.

sheltering, housing, or relocation of such victims;

(C) support services designed to enable a domestic violence victim who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(i) locate and secure—

(I) safe housing with the victim's pet, service animal, emotional support animal, or horse; or

(II) safe accommodations for the victim's pet, service animal, emotional support animal, or horse; or

(ii) provide the victim with pet, service animal, emotional support animal, or horse related services, such as transportation, care services, and other assistance; or

(D) for the training of relevant stakeholders on—

(i) the link between domestic violence, dating violence, sexual assault, or stalking and the abuse and neglect of pets, service animals, emotional support animals, and horses;

(ii) the needs of domestic violence victims;

(iii) best practices for providing support services to such victims;

(iv) best practices for providing such victims with referrals to victims' services; and

(v) the importance of confidentiality.

(4) Grant conditions

An eligible entity that receives a grant under this section shall, as a condition of such receipt, agree—

(A) to be bound by the nondisclosure of confidential information requirements of section 12291(b)(2) of this title; and

(B) that the entity shall not condition the receipt of support, housing, or other benefits provided pursuant to this section on the participation of domestic violence victims in any or all of the support services offered to such victims through a program carried out by the entity using grant funds.

(5) Duration of assistance provided to victims

(A) In general

Subject to subparagraph (B), assistance provided with respect to a pet, service animal, emotional support animal, or horse of a domestic violence victim using grant funds awarded under this section shall be provided for a period of not more than 24 months.

(B) Extension

An eligible entity that receives a grant under this section may extend the 24-month period referred to in subparagraph (A) for a period of not more than 6 months in the case of a domestic violence victim who—

(i) has made a good faith effort to acquire permanent housing for the victim and the victim's pet, service animal, emotional support animal, or horse during that 24-month period; and

(ii) has been unable to acquire such permanent housing within that period.

(6) Report to the Secretary

Not later than 1 year after the date on which an eligible entity receives a grant under this

section and each year thereafter in which the grant funds are used, the entity shall submit to the Secretary a report that contains, with respect to assistance provided by the entity to domestic violence victims with pets, service animals, emotional support animals, or horses using grant funds received under this section, information on—

(A) the number of domestic violence victims with pets, service animals, emotional support animals, or horses provided such assistance; and

(B) the purpose, amount, type of, and duration of such assistance.

(7) Report to Congress

(A) Reporting requirement

Not later than November 1 of each even-numbered fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains a compilation of the information contained in the reports submitted under paragraph (6).

(B) Availability of report

The Secretary shall transmit a copy of the report submitted under subparagraph (A) to—

(i) the Office on Violence Against Women of the Department of Justice;

(ii) the Office of Community Planning and Development of the Department of Housing and Urban Development; and

(iii) the Administration for Children and Families of the Department of Health and Human Services.

(8) Authorization of appropriations

(A) In general

There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2019 through 2023.

(B) Limitation

Of the amount made available under subparagraph (A) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, salaries, and administrative expenses.

(9) Definitions

In this section:

(A) Domestic violence victim defined

The term “domestic violence victim” means a victim of domestic violence, dating violence, sexual assault, or stalking.

(B) Eligible entity

The term “eligible entity” means—

(i) a State;

(ii) a unit of local government;

(iii) an Indian tribe; or

(iv) any other organization that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (as determined by the Secretary), including—

(I) a domestic violence and sexual assault victim service provider;

(II) a domestic violence and sexual assault coalition;

(III) a community-based and culturally specific organization;

(IV) any other nonprofit, nongovernmental organization; and

(V) any organization that works directly with pets, service animals, emotional support animals, or horses and collaborates with any organization referred to in clauses (i) through (iv), including—

(aa) an animal shelter; and

(bb) an animal welfare organization.

(C) Emotional support animal

The term “emotional support animal” means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

(D) Pet

The term “pet” means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

(E) Service animal

The term “service animal” has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

(F) Other terms

Except as otherwise provided in this section, terms used in this section² shall have the meaning given such terms in section 12291(a) of this title.

(Pub. L. 115-334, title XII, § 12502(b), Dec. 20, 2018, 132 Stat. 4983.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to par. (1)(B) and the second time appearing in par. (9)(F), was so in the original, meaning section 12502 of title XII of Pub. L. 115-334. For classification of section 12502 to the Code, see Codification note below.

CODIFICATION

Section is comprised of section 12502(b) of title XII of Pub. L. 115-334. Section 12502(a) of Pub. L. 115-334 amended sections 2261A, 2262, 2264, and 2266 of Title 18, Crimes and Criminal Procedure. Section 12502(c) of Pub. L. 115-334 is not classified to the Code.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 2 of Pub. L. 115-334, set out as a note under section 9001 of Title 7, Agriculture.

§ 20128. Agency and department coordination

Each head of an Executive department (as defined in section 101 of title 5) responsible for carrying out a program under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109-162; 119 Stat. 3080)¹, or the Violence Against Women

Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 54) may coordinate and collaborate on the prevention of domestic violence, dating violence, sexual assault, and stalking, including sharing best practices and efficient use of resources and technology for victims and those seeking assistance from the Federal Government.

(Pub. L. 117-103, div. W, § 3, Mar. 15, 2022, 136 Stat. 846.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is div. W of Pub. L. 117-103, Apr. 6, 2022, 136 Stat. 840, known as the Violence Against Women Act Reauthorization Act of 2022. For complete classification of this Act to the Code, see section 1 of div. W of Pub. L. 117-103, set out as a Short Title of 2022 Amendment note under section 10101 of this title, and Tables.

The Violence Against Women Act of 1994, referred to in text, is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902. For complete classification of this Act to the Code, see section 40001 of Pub. L. 103-322, set out as a Short Title of 1994 Act note under section 10101 of this title, and Tables.

The Violence Against Women Act of 2000, referred to in text, is div. B of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1491. For complete classification of this Act to the Code, see Short Title of 2000 Act note set out under section 10101 of this title and Tables.

The Violence Against Women and Department of Justice Reauthorization Act of 2005, referred to in text, is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960. Section 3 and Titles I to IX of the Act are known as the Violence Against Women Reauthorization Act of 2005. For complete classification of this Act to the Code, see section 1 of Pub. L. 109-162, set out as a Short Title of 2006 Act note under section 10101 of this title, and Tables.

The Violence Against Women Reauthorization Act of 2013, referred to in text, is Pub. L. 113-4, Mar. 7, 2013, 127 Stat. 54. For complete classification of this Act to the Code, see section 1 of Pub. L. 113-4, set out as a Short Title of 2013 Act note under section 10101 of this title, and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

DEFINITIONS

For definitions of terms used in this section, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of this title.

§ 20129. LGBT specific services program

(a) Establishment

The Attorney General, acting through the Director of the Violence Against Women Office¹ (referred to in this section as the “Director”), shall make grants to eligible entities to enhance lesbian, gay, bisexual, and transgender (referred to in this section as “LGBT”) specific services for victims of domestic violence, dating violence, sexual assault and stalking.

¹So in original. Probably should be “Office on Violence Against Women”.

¹ See References in Text note below.

(b) Purpose of program and grants**(1) General program purpose**

The purpose of the program required by this section is to promote the following:

(A) The maintenance and replication of existing successful LGBT specific domestic violence, dating violence, sexual assault, and stalking community-based programs providing services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking.

(B) The development of innovative LGBT specific strategies and projects to enhance access to services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) Purposes for which grants may be used

The Director shall make grants to community-based programs for the purpose of enhancing LGBT specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive LGBT specific responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) providing or enhancing services for LGBT victims of domestic violence, dating violence, sexual assault, or stalking, including services that address the safety, emotional well-being, economic, housing, legal and workplace needs of LGBT victims;

(B) supporting programs that specifically address underserved LGBT communities, including culturally specific communities, to provide specific resources and support for LGBT underserved victims of domestic violence, dating violence, sexual assault, and stalking;

(C) working in cooperation with the community to develop education and prevention strategies highlighting LGBT specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

(D) conducting outreach activities to ensure that LGBT people who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(E) providing training for victim service providers, governmental agencies, courts, law enforcement and other first responders, and nonprofit, nongovernmental organizations serving the LGBT community about risk reduction, intervention, prevention, and the nature of domestic violence, dating violence, stalking, and sexual assault;

(F) developing and implementing LGBT specific programming that focuses on victim autonomy, agency, and safety in order to provide resolution and restitution for the victim; and

(G) providing LGBT specific programs for the non-offending LGBT parents of children exposed to domestic violence, dating violence, sexual assault, and stalking.

(3) Technical assistance and training

The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective LGBT specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of LGBT specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) Eligible entities

Eligible entities for grants under this section include—

(1) community-based organizations, the primary purpose of which is providing LGBT specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based organizations, the primary purpose of which is providing LGBT specific services that can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking, and that agrees to receive technical assistance from a program with LGBT specific expertise.

(d) Reporting

The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to LGBT victims of domestic violence, dating violence, sexual assault, and stalking and the types of LGBT specific programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) Evaluation

The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(f) Non-exclusivity

Nothing in this section shall be construed to exclude LGBT community-based organizations from applying to other grant programs authorized under this Act.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(Pub. L. 117–103, div. W, title II, § 206, Mar. 15, 2022, 136 Stat. 861.)

Editorial Notes**REFERENCES IN TEXT**

This Act, referred to in subsecs. (b)(3) and (f), is div. W of Pub. L. 117–103, Apr. 6, 2022, 136 Stat. 840, known as the Violence Against Women Act Reauthorization

Act of 2022. For complete classification of this Act to the Code, see section 1 of div. W of Pub. L. 117-103, set out as a Short Title of 2022 Amendment note under section 10101 of this title, and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

DEFINITIONS

For definitions of terms used in this section, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of this title.

§ 20130. Study and reports on barriers to survivors' economic security access

(a) Study

The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall conduct a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID-19 pandemic on such victims' ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

(b) Reports

Not later than 1 year after March 15, 2022, and every 5 years thereafter, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall submit a report to Congress on the study conducted under subsection (a).

(c) Contents

The study and reports under this section shall include—

(1) identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—

(A) any rights under this title (including any amendments made by this title) without compromising personal safety or the safety of others, including family members and excluding the abuser; and

(B) other components of economic security, including financial empowerment, affordable housing, transportation, health care access, credit history, and quality education and training opportunities;

(2) identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;

(3) analysis of the unique barriers faced by such survivors living in rural communities;

(4) analysis of factors related to industries, workplace settings, employer practices, trends, and other elements that impact the ability of such survivors to exercise any rights under this Act (including any amendments made by this Act) without compromising per-

sonal safety or the safety of others, including family members;

(5) the recommendations of the Secretary of Health and Human Services and the Secretary of Labor with respect to resources, oversight, and enforcement tools to ensure successful implementation of the provisions of this Act in order to support the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking;

(6) best practices for States, employers, health carriers, insurers, and other private entities in addressing issues related to domestic violence, dating violence, sexual assault, or stalking; and

(7) barriers that impede victims' ability to pursue legal action, including legal costs and filing fees, and complexities of the jurisdiction of law enforcement agencies.

(Pub. L. 117-103, div. W, title VII, § 704, Mar. 15, 2022, 136 Stat. 894.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (c)(1)(A), means title VII of div. W of Pub. L. 117-103, Mar. 15, 2022, 136 Stat. 889, which enacted this section, amended section 12501 of this title and section 602 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 12501 of this title and section 602 of Title 42. For complete classification of title VII to the Code, see Tables.

This Act, referred to in subsec. (c)(4), (5), is div. W of Pub. L. 117-103, Apr. 6, 2022, 136 Stat. 840, known as the Violence Against Women Act Reauthorization Act of 2022. For complete classification of this Act to the Code, see section 1 of div. W of Pub. L. 117-103, set out as a Short Title of 2022 Amendment note under section 10101 of this title, and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

DEFINITIONS

For definitions of terms used in this section, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of this title.

§ 20131. Media campaign

(1) Definitions

In this subsection:

(A) Director

The term “Director” means the Director of the Office on Violence Against Women.

(B) National media campaign

The term “national media campaign” means the national “Choose Respect” media campaign described in paragraph (2).

(2) Media campaign

The Director shall, to the extent feasible and appropriate, conduct a national “Choose Respect” media campaign in accordance with this section for the purposes of—

(A) preventing and discouraging violence against women, including domestic violence, dating violence, sexual assault, and stalking by targeting the attitudes, perceptions, and beliefs of individuals who have or are likely to commit such crimes;

(B) encouraging victims of the crimes described in subparagraph (A) to seek help through the means determined to be most effective by the most current evidence available, including seeking legal representation; and

(C) informing the public about the help available to victims of the crimes described in subparagraph (A).

(3) Use of funds

(A) In general

Amounts made available to carry out this section for the national media campaign may only be used for the following:

(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

(ii) Creative and talent costs, consistent with subparagraph (B).

(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

(iv) Testing and evaluation of advertising.

(v) Evaluation of the effectiveness of the national media campaign.

(vi) Costs of contracts to carry out activities authorized by this subsection.

(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations and culturally specific organizations, and government organizations related to the national media campaign.

(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, corporate sponsorship and participation, and professional sports associations and military branch participation.

(ix) Operational and management expenses.

(B) Specific requirements

(i) Creative services

In using amounts for creative and talent costs under subparagraph (A), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) Testing and evaluation of advertising

In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all adver-

tisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using not more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and not more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

(iii) Consultation

For the planning of the campaign under paragraph (2), the Director may consult with—

(I) the Office for Victims of Crime, the Administration on Children, Youth and Families, and other related Federal Government entities;

(II) State, local, and Indian Tribal governments;

(III) the prevention of domestic violence, dating violence, sexual assault, or stalking, including national and local non-profits; and

(IV) communications professionals.

(iv) Evaluation of effectiveness of national media campaign

In using amounts for the evaluation of the effectiveness of the national media campaign under subparagraph (A)(v), the Attorney General shall—

(I) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from any relevant studies or publications, as determined by the Attorney General, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(II) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to violence against women and such other measures of evaluation as the Attorney General determines are appropriate.

(4) Advertising

In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(5) Responsibilities and functions under the program

(A) In general

The Director shall determine the overall purposes and strategy of the national media campaign.

(B) Director

(i) In general

The Director shall approve—

(I) the strategy of the national media campaign;

(II) all advertising and promotional material used in the national media campaign; and

(III) the plan for the purchase of advertising time and space for the national media campaign.

(ii) Implementation

The Director shall be responsible for implementing a focused national media campaign to meet the purposes described in paragraph (2) and shall ensure—

(I) information disseminated through the campaign is accurate and scientifically valid; and

(II) the campaign is designed using strategies demonstrated to be the most effective at achieving the goals and requirements of paragraph (2), which may include—

(aa) a media campaign, as described in paragraph (3);

(bb) local, regional, or population specific messaging;

(cc) the development of websites to publicize and disseminate information;

(dd) conducting outreach and providing educational resources for women;

(ee) collaborating with law enforcement agencies; and

(ff) providing support for school-based public health education classes to improve teen knowledge about the effects of violence against women.

(6) Prohibitions

None of the amounts made available under paragraph (3) may be obligated or expended for any of the following:

(A) To supplant current antiviolenence against women campaigns by community-based coalitions.

(B) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

(C) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(D) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to schedule C of subpart C of title 5, Code of Federal Regulations.

(E) To fund advertising that does not contain a primary message intended to reduce or prevent violence against women.

(F) To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

(7) Financial and performance accountability

The Director shall cause to be performed—

(A) audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41; and

(B) an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41.

(8) Report to Congress

The Director shall submit on an annual basis a report to Congress that describes—

(A) the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;

(B) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

(C) plans to purchase advertising time and space;

(D) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(E) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

(F) the results of any financial audit of the national media campaign;

(G) a description of any evidence used to develop the national media campaign;

(H) specific policies and steps implemented to ensure compliance with this subsection;

(I) a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and

(J) a review and evaluation of the effectiveness of the national media campaign strategy for the previous year.

(9) Authorization of appropriations

There are authorized to be appropriated to the Director to carry out this section \$5,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(Pub. L. 117–103, div. W, title XIII, § 1310(c), Mar. 15, 2022, 136 Stat. 931.)

Editorial Notes

REFERENCES IN TEXT

This subsection, referred to in pars. (1), (3)(A)(vi), (4), and (8)(H), is subsec. (c) of section 1310 of div. W of Pub. L. 117–103, which is classified to this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as a note under section 6851 of Title 15, Commerce and Trade.

DEFINITIONS

For definitions of terms used in this section, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117–103, which is set out as a note under section 12291 of this title.

SUBCHAPTER III—ADDITIONAL VICTIM
COMPENSATION AND SERVICES

§ 20141. Services to victims

(a) Designation of responsible officials

The head of each department and agency of the United States engaged in the detection, investigation, or prosecution of crime shall designate by names and office titles the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) at each stage of a criminal case.

(b) Identification of victims

At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall—

- (1) identify the victim or victims of a crime;
- (2) inform the victims of their right to receive, on request, the services described in subsection (c); and
- (3) inform each victim of the name, title, and business address and telephone number of the responsible official to whom the victim should address a request for each of the services described in subsection (c).

(c) Description of services

- (1) A responsible official shall—

(A) inform a victim of the place where the victim may receive emergency medical and social services;

(B) inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and¹ manner in which such relief may be obtained;

(C) inform a victim of public and private programs that are available to provide counseling, treatment, and other support to the victim; and

(D) assist a victim in contacting the persons who are responsible for providing the services and relief described in subparagraphs (A), (B), and (C).

(2) A responsible official shall arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender.

(3) During the investigation and prosecution of a crime, a responsible official shall provide a victim the earliest possible notice of—

(A) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

(B) the arrest of a suspected offender;

(C) the filing of charges against a suspected offender;

(D) the scheduling of each court proceeding that the witness is either required to attend or, under section 10606(b)(4)² of title 42, is entitled to attend;

(E) the release or detention status of an offender or suspected offender;

(F) the acceptance of a plea of guilty or nolo contendere or the rendering of a verdict after trial; and

(G) the sentence imposed on an offender, including the date on which the offender will be eligible for parole.

(4) During court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of the sight and hearing of the defendant and defense witnesses.

(5) After trial, a responsible official shall provide a victim the earliest possible notice of—

(A) the scheduling of a parole hearing for the offender;

(B) the escape, work release, furlough, or any other form of release from custody of the offender; and

(C) the death of the offender, if the offender dies while in custody.

(6) At all times, a responsible official shall ensure that any property of a victim that is being held for evidentiary purposes be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.

(7) The Attorney General or the head of another department or agency that conducts an investigation of a sexual assault shall pay, either directly or by reimbursement of payment by the victim, the cost of a physical examination of the victim which an investigating officer determines was necessary or useful for evidentiary purposes. The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.

(8) A responsible official shall provide the victim with general information regarding the corrections process, including information about work release, furlough, probation, and eligibility for each.

(d) No cause of action or defense

This section does not create a cause of action or defense in favor of any person arising out of the failure of a responsible person to provide information as required by subsection (b) or (c).

(e) Definitions

For the purposes of this section—

(1) the term “responsible official” means a person designated pursuant to subsection (a) to perform the functions of a responsible official under that section; and

(2) the term “victim” means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including—

(A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and

(B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference):

¹ So in original. Probably should be followed by “the”.

² See References in Text note below.

- (i) a spouse;
- (ii) a legal guardian;
- (iii) a parent;
- (iv) a child;
- (v) a sibling;
- (vi) another family member; or
- (vii) another person designated by the court.

(Pub. L. 101-647, title V, § 503, Nov. 29, 1990, 104 Stat. 4820; Pub. L. 103-322, title IV, § 40503(a), Sept. 13, 1994, 108 Stat. 1946.)

Editorial Notes

REFERENCES IN TEXT

Section 10606(b)(4) of title 42, referred to in subsec. (c)(3)(D), was in the original “section 1102(b)(4)”, meaning section 1102(b)(4) of Pub. L. 101-647, which has been translated as reading section 502(b)(4) of Pub. L. 101-647 to reflect the probable intent of Congress because Pub. L. 101-647 does not contain a section 1102 and section 502(b)(4) relates to the right of crime victims to be present at public court proceedings. Section 10606 of Title 42, The Public Health and Welfare, was repealed by Pub. L. 108-405, title I, § 102(c), Oct. 30, 2004, 118 Stat. 2264.

CODIFICATION

Section was formerly classified to section 10607 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1994—Subsec. (c)(7). Pub. L. 103-322 inserted at end “The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.”

§ 20142. Closed circuit televised court proceedings for victims of crime

(a) In general

Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

- (1) out of the State in which the case was initially brought; and
- (2) more than 350 miles from the location in which those proceedings originally would have taken place;

the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) Limited access

(1) Generally

No other person, other than official court and security personnel, or other persons spe-

cifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

(2) Exception

The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(c) Restrictions

(1) The signal transmitted pursuant to subsection (a) shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a). In the event any tapes are produced in carrying out subsection (a), such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18.

(d) Donations

The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a).

(e) Construction

(1)¹ Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

(f) “State” defined

As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

(g) Rules

The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, may promulgate and issue rules, or amend existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective.

(h) Effective date

This section shall only apply to cases filed after January 1, 1995.

(Pub. L. 104-132, title II, § 235, Apr. 24, 1996, 110 Stat. 1246.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly classified to section 10608 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ So in original. No par. (2) has been enacted.

§ 20143. Grants for young witness assistance**(a) In general**

The Director of the Bureau of Justice Assistance of the Office of Justice Programs may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) Use of funds

Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Definitions

In this section:

(1) The term “juvenile” means an individual who is age 17 or younger.

(2) The term “young adult” means an individual who is age 21 or younger but not a juvenile.

(3) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006 through 2009.

(Pub. L. 109–162, title XI, § 1136, Jan. 5, 2006, 119 Stat. 3109; Pub. L. 109–271, § 8(c), Aug. 12, 2006, 120 Stat. 766.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 3743 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–271 substituted “The Director of the Bureau of Justice Assistance of the Office of Justice Programs may” for “The Attorney General, acting through the Bureau of Justice Assistance, may”.

§ 20144. Justice for United States victims of state sponsored terrorism**(a) Short title**

This section may be cited as the “Justice for United States Victims of State Sponsored Terrorism Act”.

(b) Administration of the United States Victims of State Sponsored Terrorism Fund**(1) Administration of the Fund****(A) Appointment and terms of Special Master****(i) Initial appointment**

Not later than 60 days after December 18, 2015, the Attorney General shall appoint a Special Master. The initial term for the Special Master shall be 18 months.

(ii) Additional terms

Thereafter, each time there exists funds in excess of \$100,000,000 in the Fund, the Attorney General shall appoint or reappoint a Special Master for such period as is appropriate, not to exceed 1 year. In addition, if there exists in the Fund funds that are less than \$100,000,000, the Attorney General may appoint or reappoint a Special Master each time the Attorney General determines there are sufficient funds available in the Fund to compensate eligible claimants, for such period as is appropriate, not to exceed 1 year.

(iii) Special Master to administer compensation from the Fund

The Special Master shall administer the compensation program described in this section for United States persons who are victims of state sponsored terrorism.

(B) Administrative costs and use of Department of Justice personnel

The Special Master may utilize, as necessary, no more than 5 full-time equivalent Department of Justice personnel to assist in carrying out the duties of the Special Master under this section, except that, during the 1-year period beginning on November 21, 2019, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel and during the 1-year period beginning on December 29, 2022, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel. Any costs associated with the use of such personnel, and any other administrative costs of carrying out this section, shall be paid from the Fund.

(C) Compensation of Special Master

The Special Master shall be compensated from the Fund at a rate not to exceed the annual rate of basic pay for level IV of the Executive Schedule, as prescribed by section 5315 of title 5.

(2) Publication of regulations and procedures**(A) In general**

Not later than 60 days after the date of the initial appointment of the Special Master, the Special Master shall publish in the Federal Register and on a website maintained by the Department of Justice a notice specifying the procedures necessary for United States persons to apply and establish eligibility for payment, including procedures by which eligible United States persons may apply by and through their attorney. Not later than 30 days after the date of enact-

ment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master. Not later than 30 days after the date of enactment of the Fairness for 9/11 Families Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master. Such notice and any updates to that notice or other guidance are not subject to the requirements of section 553 of title 5.

(B) Information regarding other sources of compensation

As part of the procedures for United States persons to apply and establish eligibility for payment, the Special Master shall require applicants to provide the Special Master with information regarding compensation from any source other than this Fund that the claimant (or, in the case of a personal representative, the victim's beneficiaries) has received or is entitled or scheduled to receive as a result of the act of international terrorism that gave rise to a claimant's final judgment, including information identifying the amount, nature, and source of such compensation.

(3) Decisions of the Special Master

All decisions made by the Special Master with regard to compensation from the Fund shall be—

(A) in writing and provided to the Attorney General, each claimant and, if applicable, the attorney for each claimant; and

(B) final and, except as provided in paragraph (4), not subject to administrative or judicial review.

(4) Review hearing

(A) Not later than 30 days after receipt of a written decision by the Special Master, a claimant whose claim is denied in whole or in part by the Special Master may request a hearing before the Special Master pursuant to procedures established by the Special Master.

(B) Not later than 90 days after any such hearing, the Special Master shall issue a final written decision affirming or amending the original decision. The written decision is final and nonreviewable.

(c) Eligible claims

(1) In general

For the purposes of this section, a claim is an eligible claim if the Special Master determines that—

(A) the judgment holder, or claimant, is a United States person;

(B) the claim is described in paragraph (2); and

(C) the requirements of paragraph (3) are met.

(2) Certain claims

The claims referred to in paragraph (1) are claims for—

(A) compensatory damages awarded to a United States person in a final judgment—

(i) issued by a United States district court under State or Federal law against a foreign state that was designated as a state sponsor of terrorism at the time the acts described in clause (ii) occurred or was so designated as a result of such acts; and

(ii) arising from acts of international terrorism, for which the foreign state was determined not to be immune from the jurisdiction of the courts of the United States under section 1605A, or section 1605(a)(7) (as such section was in effect on January 27, 2008), of title 28;

(B) the sum total of \$10,000 per day for each day that a United States person was taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981; or

(C) damages for the spouses and children of the former hostages described in subparagraph (B), if such spouse or child is identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States Court for the District of Columbia, in the following amounts:

(i) For each spouse of a former hostage identified as a member of the proposed class described in this subparagraph, a \$600,000 lump sum.

(ii) For each child of a former hostage identified as a member of the proposed class described in this subparagraph, a \$600,000 lump sum.

(3) Deadline for application submission

(A) In general

The deadline for submitting an application for a payment under this subsection is as follows:

(i) Not later than 90 days after the date of the publication required under subsection (b)(2)(A), with regard to an application based on—

(I) a final judgment described in paragraph (2)(A) obtained before that date of publication; or

(II) a claim described in paragraph (2)(B) or (2)(C), except that any United States person with an eligible claim described in paragraph (2)(B) who did not have an eligible claim before November 21, 2019, shall have 90 days from November 21, 2019, to submit an application for payment.

(ii) Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication, unless—

(I) the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before November 21, 2019, in which case such United States person shall have 90 days from the date of enactment of such Act to submit an application for payment; or

(II) the final judgment was awarded to a 1983 Beirut barracks bombing victim or

a 1996 Khobar Towers bombing victim before December 29, 2022, in which case such United States person shall have 180 days from December 29, 2022, to submit an application for payment.

(B) Good cause

For good cause shown, the Special Master may grant a claimant a reasonable extension of a deadline under this paragraph.

(d) Payments

(1) To whom made

The Special Master shall order payment from the Fund for each eligible claim of a United States person to that person or, if that person is deceased, to the personal representative of the estate of that person.

(2) Timing of initial payments

The Special Master shall authorize all initial payments to satisfy eligible claims under this section not later than 1 year after December 18, 2015.

(3) Payments to be made pro rata

(A) In general

(i) Pro rata basis

Except as provided in subparagraph (B) and subject to the limitations described in clause (ii), the Special Master shall carry out paragraph (1), by—

(I) dividing all available funds in half and allocating 50 percent of the available funds to non-9/11 related victims of state sponsored terrorism and the remaining 50 percent of the available funds to 9/11 related victims of state sponsored terrorism;

(II) further dividing the funds allocated to non-9/11 related victims of state sponsored terrorism on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until such amounts have been paid in full or the Fund is closed; and

(III) further dividing the funds allocated to 9/11 related victims of state sponsored terrorism on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until such amounts have been paid in full or the Fund is closed.

(ii) Limitations

The limitations described in this clause are as follows:

(I) In the event that a United States person has an eligible claim that exceeds \$20,000,000, the Special Master shall treat that claim as if it were for \$20,000,000 for purposes of this section.

(II) In the event that a non-9/11 related victim of state sponsored terrorism and the immediate family members of such person have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

(III) In the event that a 9/11 victim, 9/11 spouse, or 9/11 dependent and the im-

mediate family members of such person (who are also 9/11 victims, 9/11 spouses, or 9/11 dependents) have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

(IV) In the event that a 9/11 family member and the family members of such person (who are also 9/11 family members) have claims that if aggregated would exceed \$20,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$20,000,000.

(B) Minimum payments

(i) Any applicant with an eligible claim described in subsection (c)(2) who has received, or is entitled or scheduled to receive, any payment that is equal to, or in excess of, 30 percent of the total compensatory damages owed to such applicant on the applicant's claim from any source other than this Fund shall not receive any payment from the Fund until such time as all other eligible applicants have received from the Fund an amount equal to 30 percent of the compensatory damages awarded to those applicants pursuant to their final judgments or to claims under subsection (c)(2)(B) or (c)(2)(C). For purposes of calculating the pro rata amounts for these payments, the Special Master shall not include the total compensatory damages for applicants excluded from payment by this subparagraph.

(ii) To the extent that an applicant with an eligible claim has received less than 30 percent of the compensatory damages owed that applicant under a final judgment or claim described in subsection (c)(2) from any source other than this Fund, such applicant may apply to the Special Master for the difference between the percentage of compensatory damages the applicant has received from other sources and the percentage of compensatory damages to be awarded other eligible applicants from the Fund.

(iii) For the purposes of clause (i), the calculation of the total compensatory damages received or entitled or scheduled to be received by an applicant who is a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim from any source other than the Fund shall include the total amount received by the applicant as a result of or in connection with the proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Vic. 4518 (S.D.N.Y.), or the proceedings captioned *In Re 650 Fifth Avenue & Related Properties*, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), such that any such applicant who has received or is entitled or scheduled to receive 30 percent or more of such applicant's compensatory damages judgment as a result of or in connection with such proceedings shall not receive any payment from the Fund, except in accordance with the requirements of clause (i), or

as part of a lump-sum catch-up payment in accordance with paragraph (4)(D).

(4) Additional payments

(A) In general

Except as provided in subparagraphs (B), (C), and (D), on January 1 of the second calendar year that begins after the date of the initial payments described in paragraph (1) if funds are available in the Fund, the Special Master shall authorize additional payments on a pro rata basis to those claimants with eligible claims under subsection (c)(2) and shall authorize additional payments for eligible claims annually thereafter if funds are available in the Fund.

(B) Third round payments

The Special Master shall authorize third-round payments to satisfy eligible claims under this section not earlier than 90 days, and not later than 180 days, after November 21, 2019. The Special Master shall accept applications from eligible applicants (consistent with the deadlines for application submission prescribed in subsection (c)(3)) until the date that is 90 days after November 21, 2019.

(C) Lump sum catch-up payments for 9/11 victims, 9/11 spouses, and 9/11 dependents

(i) In general

Not later than 90 days after December 27, 2020, and in accordance with clauses (i) and (ii) of subsection (d)(3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to 9/11 victims, 9/11 spouses, and 9/11 dependents who have submitted applications in accordance with subparagraph (B) in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of 9/11 victims, 9/11 spouses, and 9/11 dependents received from the Fund being equal to the percentage of the claims of 9/11 family members received from the Fund, as of December 27, 2020.

(ii) Public comment

The Comptroller General shall provide an opportunity for public comment for a 30-day period beginning on the date on which the notice is published under clause (i).

(iii) Report

Not later than 30 days after the expiration comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the determination of the Comptroller General on—

(I) the amount of the lump sum catch-up payment for each 9/11 victim;

(II) the amount of the lump sum catch-up payment for each 9/11 spouse;

(III) the amount of the lump sum catch-up payment for each 9/11 dependent; and

(IV) the total amount of lump sum catch-up payments described in subclauses (I) through (III).

(iv) Authorization

(I) In general

The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

(II) Appropriations

(aa) In general

There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

(bb) Limitation

Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.

(D) Lump sum catch-up payments for 1983 Beirut barracks bombing victims and 1996 Khobar Towers bombing victims

(i) In general

Not later than 1 year after December 29, 2022, and in accordance with clauses (i) and (ii) of paragraph (3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to the 1983 Beirut barracks bombing victims and the 1996 Khobar Towers bombing victims who have submitted applications in accordance with subsection (c)(3)(A)(ii)(II) on or after such date of enactment, in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of such victims received from the Fund being equal to the percentage of the claims of non-9/11 victims of state sponsored terrorism received from the Fund, as of December 29, 2022.

(ii) Public comment

The Comptroller General shall provide an opportunity for public comment for a 30-day period beginning on the date on which the notice is published under clause (i).

(iii) Report

Not later than 30 days after the expiration of the comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the determination of the Comptroller General on—

(I) the amount of the proposed lump sum catch-up payment for each 1983 Beirut barracks bombing victim;

(II) the amount of the proposed lump sum catch-up payment for each 1996 Khobar Towers bombing victim; and

(III) amount of lump sum catch-up payments described in subclauses (I) and (II).

(iv) Lump sum catch-up payment reserve fund

(I) In general

There is established within the Fund a lump sum catch-up payment reserve fund, to remain in reserve except in accordance with this subsection.

(II) Authorization

Not earlier than 90 days after the date on which the Comptroller General submits the report required under clause (iii), and not later than 1 year after such date, the Special Master shall authorize lump sum catch-up payments from the reserve fund established under subclause (I) in amounts equal to the amounts described in subclauses (I) and (II) of clause (iii).

(III) Appropriations

(aa) In general

There are authorized to be appropriated and there are appropriated to the lump sum catch-up payment reserve fund \$3,000,000,000 to carry out this clause, to remain available until expended.

(bb) Limitation

Except as provided in subclause (IV), amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.

(IV) Expiration

(aa) In general

The lump sum catch-up payment reserve fund established by this clause shall be terminated not later than 1 year after the Special Master disperses all lump sum catch-up payments pursuant to subclause (II).

(bb) Remaining amounts

All amounts remaining in the lump sum catch-up payment reserve fund in excess of the amounts described in subclauses (I) and (II) of clause (iii) shall be deposited into the Fund under this section.

(5) Subrogation and retention of rights

(A) United States subrogated to creditor rights to the extent of payment

The United States shall be subrogated to the rights of any person who applies for and receives payments under this section, but only to the extent and in the amount of such payments made under this section. The President shall pursue these subrogated

rights as claims or offsets of the United States in appropriate ways, including any negotiation process that precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States or the lifting of sanctions against such foreign state.

(B) Rights retained

To the extent amounts of damages remain unpaid and outstanding following any payments made under this subsection, each applicant shall retain that applicant's creditor rights in any unpaid and outstanding amounts of the judgment, including any pre-judgment or post-judgment interest, or punitive damages, awarded by the United States district court pursuant to a judgment.

(e) United States Victims of State Sponsored Terrorism Fund

(1) Establishment of United States Victims of State Sponsored Terrorism Fund

There is established in the Treasury a fund, to be designated as the United States Victims of State Sponsored Terrorism Fund.

(2) Deposit and transfer

Beginning on December 18, 2015, the following shall be deposited or transferred into the Fund for distribution under this section:

(A) Forfeited funds and property

(i) Criminal funds and property

All funds, and the net proceeds from the sale of property, forfeited or paid to the United States after December 18, 2015, as a criminal penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.),¹ or any related criminal conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

(ii) Civil funds and property

Seventy-five percent of all funds, and seventy-five percent of the net proceeds from the sale of property, forfeited or paid to the United States after December 18, 2015, as a civil penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.),¹ or any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

¹ See References in Text note below.

(B) Transfer into Fund of certain assigned assets of Iran and election to participate in Fund

(i) Deposit into Fund of assigned proceeds from sale of properties and related assets identified in In Re 650 Fifth Avenue & Related Properties

(I) In general

Except as provided in subclause (II), if the United States receives a final judgment forfeiting the properties and related assets identified in the proceedings captioned as In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), the net proceeds (not including the litigation expenses and sales costs incurred by the United States) resulting from the sale of such properties and related assets by the United States shall be deposited into the Fund.

(II) Limitation

The following proceeds resulting from any sale of the properties and related assets identified in subclause (I) shall not be transferred into the Fund:

(aa) The percentage of proceeds attributable to any party identified as a Settling Judgment Creditor in the order dated April 16, 2014, in such proceedings, who does not make an election (described in clause (iii)) to participate in the Fund.

(bb) The percentage of proceeds attributable to the parties identified as the Hegna Judgment Creditors in such proceedings, unless and until a final judgment is entered denying the claims of such creditors.

(ii) Deposit into Fund of assigned assets identified in Peterson v. Islamic Republic of Iran

If a final judgment is entered in Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.), awarding the assets at issue in that case to the judgment creditors identified in the order dated July 9, 2013, those assets shall be deposited into the Fund, but only to the extent, and in such percentage, that the rights, title, and interest to such assets were assigned through elections made pursuant to clause (iii).

(iii) Election to participate in the Fund

Upon written notice to the Attorney General, the Special Master, and the chief judge of the United States District Court for the Southern District of New York within 60 days after the date of the publication required under subsection (b)(2)(A) a United States person, who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed

Dec. 17, 2008), shall have the right to elect to participate in the Fund and, to the extent any such person exercises such right, shall irrevocably assign to the Fund all rights, title, and interest to such person's claims to the assets at issue in such proceedings. To the extent that a United States person is both a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.) and a Settling Judgment Creditor in In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), any election by such person to participate in the Fund pursuant to this paragraph shall operate as an election to assign any and all rights, title, and interest in the assets in both actions for the purposes of participating in the Fund. The Attorney General is authorized to pursue any such assigned rights, title, and interest in those claims for the benefit of the Fund.

(iv) Application for conditional payment

A United States person who is a judgment creditor or a Settling Judgment Creditor in the proceedings identified in clause (iii) and who does not elect to participate in the Fund may, notwithstanding such failure to elect, submit an application for conditional payment from the Fund, subject to the following limitations:

(I) In general

Notwithstanding any such claimant's eligibility for payment and the initial deadline for initial payments set forth in subsection (d)(2), the Special Master shall allocate but withhold payment to an eligible claimant who applies for a conditional payment under this paragraph until such time as an adverse final judgment is entered in both of the proceedings identified in clause (iii).

(II) Exception

(aa) In the event that an adverse final judgment is entered in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Civ. 4518 (S.D.N.Y.), prior to a final judgment being entered in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), the Special Master shall release a portion of an eligible claimant's conditional payment to such eligible claimant if the Special Master anticipates that such claimant will receive less than the amount of the conditional payment from any proceeds from a final judgment that is entered in favor of the plaintiffs in In Re 650 Fifth Avenue & Related Properties. Such portion shall not exceed the difference between the amount of the conditional payment and the amount the Special Master anticipates such claimant will receive from the proceeds of In Re 650 Fifth Avenue & Related Properties.

(bb) In the event that a final judgment is entered in favor of the plaintiffs in the

proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y.) and funds are distributed, the payments allocated to claimants who applied for a conditional payment under this subparagraph shall be considered void, and any funds previously allocated to such conditional payments shall be made available and distributed to all other eligible claimants pursuant to subsection (d).

(v) Exception for 1983 Beirut barracks bombing victims and 1996 Khobar Towers bombing victims

Nothing in this subparagraph shall apply with respect to—

(I) a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim who submits an application under subsection (c)(3)(A)(ii)(II) on or after December 29, 2022; or

(II) the assets, or the net proceeds of the sale of properties or related assets, attributable to a person described in subclause (I).

(3) Expenditures from Fund

Amounts in the Fund shall be available, without further appropriation, for the payment of eligible claims and compensation of the Special Master in accordance with this section.

(4) Management of Fund

The Fund shall be managed and invested in the same manner as a trust fund is managed and invested under section 9602 of title 26.

(5) Funding

There is appropriated to the Fund, out of any money in the Treasury not otherwise appropriated, \$1,025,000,000 for fiscal year 2017, to remain available until expended.

(6) Termination

(A) In general

Amounts in the Fund may not be obligated on or after January 2, 2039.

(B) Closing of Fund

Effective on the day after all amounts authorized to be paid from the Fund under this section that were obligated before January 2, 2039 are expended, any unobligated balances in the Fund shall be transferred, as appropriate, to either the Department of the Treasury Forfeiture Fund established under section 9705 of title 31 or to the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28.

(f) Attorneys' fees and costs

(1) In general

No attorney representing a non-9/11 related victim of state sponsored terrorism shall charge, receive, or collect, and the Special Master shall not approve, any payment of fees and costs that in the aggregate exceeds 25 percent of any payment made under this section. After November 21, 2019, no attorney representing a 9/11 related victim of state sponsored terrorism shall charge, receive, or col-

lect, and the Special Master shall not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this section after November 21, 2019.

(2) Penalty

Any attorney who violates paragraph (1) shall be fined under title 18, imprisoned for not more than 1 year, or both.

(g) Award of compensation to informers

(1) In general

Any United States person who holds a final judgment described in subsection (c)(2)(A) or a claim under subsection (c)(2)(B) or (c)(2)(C) and who meets the requirements set forth in paragraph (2) is entitled to receive an award of 10 percent of the funds deposited in the Fund under subsection (e)(2) attributable to information such person furnished to the Attorney General that leads to a forfeiture described in subsection (e)(2)(A), which is made after December 18, 2015, pursuant to a proceeding resulting in forfeiture that was initiated after December 18, 2015.

(2) Person described

A person meets the requirements of this paragraph if—

(A) the person identifies and notifies the Attorney General of funds or property—

(i) of a state sponsor of terrorism, or held by a third party on behalf of or subject to the control of that state sponsor of terrorism;

(ii) that were not previously identified or known by the United States Government; and

(iii) that are subsequently forfeited directly or in the form of substitute assets to the United States; and

(B) the Attorney General finds that the identification and notification under subparagraph (A) by that person substantially contributed to the forfeiture to the United States.

(h) Special exclusion from compensation

In no event shall an individual who is criminally culpable for an act of international terrorism receive any compensation under this section, either directly or on behalf of a victim.

(i) Report to Congress

Within 30 days after authorizing the payment of compensation of eligible claims pursuant to subsection (d), the Special Master shall submit to the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate a report on the payment of eligible claims, which shall include—

(1) an explanation of the procedures for filing and processing of applications for compensation; and

(2) an analysis of the payments made to United States persons from the Fund and the amount of outstanding eligible claims, including—

(A) the number of applications for compensation submitted;

(B) the number of applications approved and the amount of each award;

(C) the number of applications denied and the reasons for the denial;

(D) the number of applications for compensation that are pending for which compensatory damages have not been paid in full; and

(E) the total amount of compensatory damages from eligible claims that have been paid and that remain unpaid.

(j) Definitions

In this section the following definitions apply:

(1) Act of international terrorism

The term “act of international terrorism” includes—

(A) an act of torture, extrajudicial killing, aircraft sabotage, or hostage taking as those terms are defined in section 1605A(h) of title 28; and

(B) providing material support or resources, as defined in section 2339A of title 18, for an act described in subparagraph (A).

(2) Adverse final judgment

The term “adverse final judgment” means a final judgment in favor of the defendant, or defendants, in the proceedings identified in subsection (e)(2)(B)(iii), or which does not order any payment from, or award any interest in, the assets at issue in such proceedings to the plaintiffs, judgment creditors, or Settling Judgment Creditors in such proceedings.

(3) Compensatory damages

The term “compensatory damages” does not include pre-judgment or post-judgment interest or punitive damages.

(4) Final judgment

The term “final judgment” means an enforceable final judgment, decree or order on liability and damages entered by a United States district court that is not subject to further appellate review, but does not include a judgment, decree, or order that has been waived, relinquished, satisfied, espoused by the United States, or subject to a bilateral claims settlement agreement between the United States and a foreign state. In the case of a default judgment, such judgment shall not be considered a final judgment until such time as service of process has been completed pursuant to section 1608(e) of title 28.

(5) Fund

The term “Fund” means the United States Victims of State Sponsored Terrorism Fund established by this section.

(6) Source other than this Fund

The term “source other than this Fund” means all collateral sources, including life insurance, pension funds, death benefit programs, payments by Federal, State, or local governments, and court awarded compensation related to the act of international terrorism that gave rise to a claimant’s final judgment, except that the term does not include payments received in connection with an international claims agreement to which the

United States is a state party or any other settlement of terrorism-related claims against Sudan. The term “entitled or scheduled to receive” in subsection (d)(3)(B)(i) includes any potential recovery where that person or their representative is a party to any civil or administrative action pending in any court or agency of competent jurisdiction in which the party seeks to enforce the judgment giving rise to the application to the Fund.

(7) State sponsor of terrorism

The term “state sponsor of terrorism” means a country the government of which the Secretary of State has determined, for purposes of section 4605(j)¹ of title 50, section 2371 of title 22, section 2780 of title 22, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(8) United States person

The term “United States person” means a natural person who has suffered an injury arising from the actions of a foreign state for which the foreign state has been determined not to be immune from the jurisdiction of the courts of the United States under section 1605A or section 1605(a)(7) (as such section was in effect on January 27, 2008) of title 28 or is eligible to make a claim under subsection (c)(2)(B) or subsection (c)(2)(C).

(9) Non-9/11 related victim of state sponsored terrorism

The term “non-9/11 victim of state sponsored terrorism” means a United States person who has an eligible claim under subsection (c) that is unrelated to the acts of international terrorism carried out on September 11, 2001.

(10) 9/11 related victim of state sponsored terrorism

The term “9/11 related victim of state sponsored terrorism” means a 9/11 victim, 9/11 spouse, 9/11 dependent, or 9/11 family member.

(11) 9/11 dependent

The term “9/11 dependent” means a United States person who has an eligible claim under subsection (c) who at the time of a 9/11 victim’s death was—

(A) a dependent, as defined in section 104.3 of title 28, Code of Federal Regulations, or any successor thereto, of the 9/11 victim; or

(B) the child of the 9/11 victim who has not, before November 21, 2019, received payment from the Fund.

(12) 9/11 family member

The term “9/11 family member” means the immediate family member of an individual described in section 405(c) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) who is not a 9/11 dependent or a 9/11 spouse.

(13) 9/11 spouse

The term “9/11 spouse” means a United States person who has an eligible claim under subsection (c) who is a spouse, as defined in section 104.3 of title 28, Code of Federal Regulations, or any successor thereto, of an indi-

vidual described in section 405(c) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).

(14) 9/11 victim

The term “9/11 victim” means a United States person who has an eligible claim under subsection (c) who is an individual described in section 405(c)(2) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).

(15) 1983 Beirut barracks bombing victim

The term “1983 Beirut barracks bombing victim”—

(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the October 23, 1983, bombing of the United States Marine Corps barracks in Beirut, Lebanon; and

(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Vic.² 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned *In Re 650 Fifth Avenue & Related Properties*, No. 08 Vic.² 10934 (S.D.N.Y. filed Dec. 17, 2008).

(16) 1996 Khobar Towers bombing victim

The term “1996 Khobar Towers bombing victim”—

(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the June 25, 1996 bombing of the Khobar Tower housing complex in Saudi Arabia; and

(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned *Peterson v. Islamic Republic of Iran*, No. 10 Vic.² 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned *In Re 650 Fifth Avenue & Related Properties*, No. 08 Vic.² 10934 (S.D.N.Y. filed Dec. 17, 2008).

(k) Severability

The provisions of this section are severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of this section not so adjudicated.

(Pub. L. 114–113, div. O, title IV, § 404, Dec. 18, 2015, 129 Stat. 3007; Pub. L. 116–69, div. B, title VII, § 1701(b)(1), Nov. 21, 2019, 133 Stat. 1140; Pub. L. 116–260, div. FF, title XVII, § 1705, Dec. 27, 2020, 134 Stat. 3293; Pub. L. 117–328, div. MM, § 101(b), Dec. 29, 2022, 136 Stat. 6106.)

Editorial Notes

REFERENCES IN TEXT

The United States Victims of State Sponsored Terrorism Fund Clarification Act, referred to in subsec.

(b)(2)(A), is Pub. L. 116–69, div. B, title VII, § 1701, Nov. 21, 2019, 133 Stat. 1140, which amended this section and enacted notes under this section and section 10101 of this title. The date of enactment of the Act is Nov. 21, 2019.

The Fairness for 9/11 Families Act, referred to in subsec. (b)(2)(A), is Pub. L. 117–328, div. MM, § 101, Dec. 29, 2022, 136 Stat. 6106, which amended this section and enacted a note under section 10101 of this title. The date of enactment of the Act is Dec. 29, 2022.

Section 1605(a)(7) of title 28 (as such section was in effect on January 27, 2008), referred to in subsecs. (c)(2)(A)(ii) and (j)(8), refers to subsec. (a)(7) of section 1605 of title 28 as it existed prior to being struck out by Pub. L. 110–181, § 1083(b)(1)(A). See 2008 Amendment note under that section.

The International Emergency Economic Powers Act, referred to in subsec. (e)(2)(A), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§ 1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Trading with the Enemy Act, referred to in subsec. (e)(2)(A), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, which was classified generally to sections 1 to 6, 7 to 39, and 41 to 44 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 53 (§ 4301 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

Section 4605(j) of title 50, referred to in subsec. (j)(7), was repealed by Pub. L. 115–232, div. A, title XVII, § 1766(a), Aug. 13, 2018, 132 Stat. 2232. Provisions similar to those in former section 4605(j) of title 50 can be found in section 4813(c) of title 50, as enacted by Pub. L. 115–232.

Section 405 of the Air Transportation Safety and System Stabilization Act, referred to in subsec. (j)(12) to (14), is section 405 of Pub. L. 107–42, which is set out in a note under section 40101 of Title 49, Transportation.

CODIFICATION

Section was formerly classified to section 10609 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section 101(b) of div. MM of 117–328, which directed amendment of section 404 of the Justice for United States Victims of State Sponsored Terrorism Act, was executed to this section, which comprises the entire Act, to reflect the probable intent of Congress.

AMENDMENTS

2022—Subsec. (b)(1)(B). Pub. L. 117–328, § 101(b)(1)(A), inserted “and during the 1-year period beginning on December 29, 2022, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel” before period at end of first sentence. See Codification note above.

Subsec. (b)(2)(A). Pub. L. 117–328, § 101(b)(1)(B), inserted “Not later than 30 days after December 29, 2022, the Special Master shall update, as necessary as a result of the amendment to this section, such procedures and other guidance previously issued by the Special Master.” after “guidance previously issued by the Special Master.” See Codification note above.

Subsec. (c)(3)(A)(ii). Pub. L. 117–328, § 101(b)(2), added cl. (ii) and struck out former cl. (ii) which read as follows: “Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication, unless the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before November 21, 2019, in which case such United States person shall have 90 days from November 21, 2019, to submit an application for payment.” See Codification note above.

Subsec. (d)(3)(B)(iii). Pub. L. 117–328, § 101(b)(3)(A), added cl. (iii). See Codification note above.

Subsec. (d)(4)(A). Pub. L. 117–328, § 101(b)(3)(B)(i), substituted “subparagraphs (B), (C), and (D)” for “subparagraphs (B) and (C)”. See Codification note above.

² So in original. Probably should be “Civ.”

Subsec. (d)(4)(C)(iv). Pub. L. 117-328, §101(b)(3)(B)(ii), added cl. (iv). See Codification note above.

Subsec. (d)(4)(D). Pub. L. 117-328, §101(b)(3)(B)(iii), added subpar. (D). See Codification note above.

Subsec. (e)(2)(B)(v). Pub. L. 117-328, §101(b)(4), added cl. (v). See Codification note above.

Subsec. (j)(15), (16). Pub. L. 117-328, §101(b)(5), added pars. (15) and (16). See Codification note above.

2020—Subsec. (c)(2)(A)(i). Pub. L. 116-260, §1705(a)(1), substituted “foreign state that was designated as a state sponsor of terrorism at the time the acts described in clause (ii) occurred or was so designated as a result of such acts” for “state sponsor of terrorism”.

Subsec. (d)(4)(A). Pub. L. 116-260, §1705(b)(1), substituted “subparagraphs (B) and (C)” for “subparagraph (B)”.

Subsec. (d)(4)(C). Pub. L. 116-260, §1705(b)(2), added subpar. (C).

Subsec. (e)(6). Pub. L. 116-260, §1705(a)(2), substituted “January 2, 2039” for “January 2, 2030” in two places.

Subsec. (j)(6). Pub. L. 116-260, §1705(a)(3), inserted “, except that the term does not include payments received in connection with an international claims agreement to which the United States is a state party or any other settlement of terrorism-related claims against Sudan” after “final judgment”.

2019—Subsec. (b)(1)(B). Pub. L. 116-69, §1701(b)(1)(A)(i), substituted “section, except that, during the 1-year period beginning on November 21, 2019, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel.” for “section.”

Subsec. (b)(2)(A). Pub. L. 116-69, §1701(b)(1)(A)(ii), substituted “Not later than 30 days after the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master. Such notice and any updates to that notice or other guidance are” for “Such notice is”.

Subsec. (c)(2)(B). Pub. L. 116-69, §1701(b)(1)(B)(i), substituted “January 20, 1981” for “January 20, 1981, if such person is identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia”.

Subsec. (c)(3)(A)(i)(II). Pub. L. 116-69, §1701(b)(1)(B)(ii)(I), substituted for period at end “, except that any United States person with an eligible claim described in paragraph (2)(B) who did not have an eligible claim before November 21, 2019, shall have 90 days from November 21, 2019, to submit an application for payment.”

Subsec. (c)(3)(A)(ii). Pub. L. 116-69, §1701(b)(1)(B)(ii)(II), substituted for period at end “, unless the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before November 21, 2019, in which case such United States person shall have 90 days from November 21, 2019, to submit an application for payment.”

Subsec. (d)(3)(A). Pub. L. 116-69, §1701(b)(1)(C)(i), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) PRO RATA BASIS.—Except as provided in subparagraph (B) and subject to the limitations described in clause (ii), the Special Master shall carry out paragraph (1), by dividing all available funds on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until all such amounts have been paid in full.

“(ii) LIMITATIONS.—The limitations described in this clause are as follows:

“(I) In the event that a United States person has an eligible claim that exceeds \$20,000,000, the Special Master shall treat that claim as if it were for \$20,000,000 for purposes of this section.

“(II) In the event that a United States person and the immediate family members of such person, have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

“(III) In the event that a United States person, or the immediate family member of such person, has an eligible claim under this section and has received an award or an award determination under section 405 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), the amount of compensation to which such person, or the immediate family member of such person, was determined to be entitled under section 405 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) shall be considered controlling for the purposes of this section, notwithstanding any compensatory damages amounts such person, or immediate family member of such person, is deemed eligible for or entitled to pursuant to a final judgment described in subsection (c)(2)(A).”

Subsec. (d)(4). Pub. L. 116-69, §1701(b)(1)(C)(ii), designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), on” for “On”, and added subpar. (B).

Subsec. (e)(2)(A)(ii). Pub. L. 116-69, §1701(b)(1)(D)(i), substituted “Seventy-five percent” for “One-half” and “seventy-five percent” for “one-half”.

Subsec. (e)(6). Pub. L. 116-69, §1701(b)(1)(D)(ii), substituted “2030” for “2026” in subpars. (A) and (B).

Subsec. (f)(1). Pub. L. 116-69, §1701(b)(1)(E), inserted “representing a non-9/11 related victim of state sponsored terrorism” after “No attorney” and “After November 21, 2019, no attorney representing a 9/11 related victim of state sponsored terrorism shall charge, receive, or collect, and the Special Master shall not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this section after November 21, 2019.” after “section.”

Subsec. (j)(6). Pub. L. 116-69, §1701(b)(1)(F)(i), struck out “(including payments from the September 11th Victim Compensation Fund (49 U.S.C. 40101 note))” after “local governments”.

Subsec. (j)(9) to (14). Pub. L. 116-69, §1701(b)(1)(F)(ii), added pars. (9) to (14).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-69, div. B, title VII, §1701(d), Nov. 21, 2019, 133 Stat. 1143, provided that: “This section [amending this section and enacting provisions set out as a note below] and the amendments made by this section shall take effect on the date of enactment of this Act [Nov. 21, 2019].”

CONSTRUCTION OF 2019 AMENDMENT

Pub. L. 116-69, div. B, title VII, §1701(c), Nov. 21, 2019, 133 Stat. 1143, provided that: “A determination by the Special Master before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act [Nov. 21, 2019] that an award or award determination under section 405 of the Air Transportation Safety and System Stabilization Act [Pub. L. 107-42] (49 U.S.C. 40101 note) was controlling for purposes of the Fund (pursuant to subsection (d)(3)(A)(ii)(III) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(3)(A)(ii)(III)), as such section was in effect on the day before the date of enactment of this Act [Nov. 21, 2019]) shall not prejudice a claim of a 9/11 victim, 9/11 spouse, or 9/11 dependent.”

§ 20145. Elimination of barriers

(a) Minors

A Federal agency may not require a survivor of human trafficking who is less than 18 years of age or a homeless youth to obtain the consent or signature of the parent or guardian of the survivor or homeless youth to receive a copy of a Government-issued identity card issued to the survivor or homeless youth.

(b) Fees

A Federal agency may not charge a survivor of human trafficking or a homeless youth a fee to obtain a copy of a Government-issued identity card issued to the survivor or homeless youth.

(Pub. L. 117-347, title IV, § 402, Jan. 5, 2023, 136 Stat. 6208.)

Statutory Notes and Related Subsidiaries**DEFINITIONS**

Pub. L. 117-347, § 3, Jan. 5, 2023, 136 Stat. 6199, provided that: “In this Act [see section 1 of Pub. L. 117-347, set out as a Short Title of 2023 Amendment note under section 10101 of this title]:

“(1) **COMPUTER**.—The term ‘computer’ includes a computer network and any interactive electronic device.

“(2) **CYBERCRIME AGAINST INDIVIDUALS**.—The term ‘cybercrime against individuals’ has the meaning given that term in section 1401(a) [of the] Violence Against Women Act Reauthorization Act of 2022 (34 U.S.C. 30107(a)).

“(3) **HOMELESS YOUTH**.—The term ‘homeless youth’ has the meaning given the term ‘homeless children and youths’ in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”

CHAPTER 203—VICTIMS OF CHILD ABUSE**SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES****Sec.**

- 20301. Findings.
- 20302. Definitions.
- 20303. Regional children’s advocacy centers.
- 20304. Local children’s advocacy centers.
- 20305. Grants for specialized technical assistance and training programs.
- 20306. Authorization of appropriations.
- 20307. Accountability.

SUBCHAPTER II—COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

- 20321. Findings.
- 20322. Purpose.
- 20323. Strengthening of court-appointed special advocate program.
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SUBCHAPTER III—CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

- 20331. Findings and purpose.
- 20332. Grants for juvenile and family court personnel.
- 20333. Specialized technical assistance and training programs.
- 20334. Authorization of appropriations.

SUBCHAPTER IV—REPORTING REQUIREMENTS

- 20341. Child abuse reporting.
- 20342. Federal immunity.

SUBCHAPTER V—CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS

- 20351. Requirement for background checks.

SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES**§ 20301. Findings**

The Congress finds that—

(1) over 3,400,000 reports of suspected child abuse and neglect are made each year;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

(3) a key to a child victim healing from abuse is access to supportive and healthy families and communities;

(4) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;

(5) in such cases, too often the system does not pay sufficient attention to the needs and welfare of the child victim, aggravating the trauma that the child victim has already experienced;

(6) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;

(7) multidisciplinary child abuse investigation and prosecution programs have been developed that increase the reporting of child abuse cases, reduce the trauma to the child victim, improve positive outcomes for the child, and increase the successful prosecution of child abuse offenders;

(8) such programs have proven effective, and with targeted Federal assistance, have expanded dramatically throughout the United States; and

(9) State chapters of children’s advocacy center networks are needed to—

(A) assist local communities in coordinating their multidisciplinary child abuse investigation, prosecution, and intervention services; and

(B) provide oversight of, and training and technical assistance in, the effective delivery of evidence-informed programming, and operations of centers.

(Pub. L. 101-647, title II, § 211, Nov. 29, 1990, 104 Stat. 4792; Pub. L. 102-586, § 6(a), Nov. 4, 1992, 106 Stat. 5029; Pub. L. 115-424, § 2(a), Jan. 7, 2019, 132 Stat. 5465; Pub. L. 117-354, § 3(1), Jan. 5, 2023, 136 Stat. 6274.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 13001 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Par. (1). Pub. L. 117-354, § 3(1)(A), substituted “3,400,000” for “3,300,000” and struck out “, and drug abuse is associated with a significant portion of these” after “year”.

Pars. (3) to (9). Pub. L. 117-354, § 3(1)(B), (C), added par. (3) and redesignated former pars. (3) to (8) as (4) to (9), respectively.

Par. (9)(B). Pub. L. 117-354, § 3(1)(D), inserted “, and operations of centers” after “programming”.

2019—Par. (1). Pub. L. 115-424, § 2(a)(1), substituted “3,300,000” for “2,000,000”.

Par. (6). Pub. L. 115-424, § 2(a)(2), inserted “improve positive outcomes for the child,” before “and increase” and substituted semicolon for “; and” at end.

Par. (7). Pub. L. 115-424, § 2(a)(3), substituted “have expanded dramatically throughout the United States; and” for “could be duplicated in many jurisdictions throughout the country.”

Par. (8). Pub. L. 115-424, § 2(a)(4), added par. (8).

1992—Pars. (3) to (7). Pub. L. 102-586 added pars. (3) and (5) and redesignated former pars. (3), (4), and (5) as (4), (6), and (7), respectively.

§ 20302. Definitions

For purposes of this subchapter—

(1) the term “Administrator” means the agency head designated under section 11111(b) of this title;

(2) the term “applicant” means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

(3) the term “census region” means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of November 4, 1992;

(4) the term “child abuse” means physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography;

(5) the term “multidisciplinary response to child abuse” means a coordinated team response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

(6) the term “nonoffending family member” means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse;

(7) the term “regional children’s advocacy program” means the children’s advocacy program established under section 20303(a) of this title; and

(8) the term “State chapter” means a membership organization that provides technical assistance, training, coordination, grant administration, oversight, and organizational capacity support to local children’s advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

(Pub. L. 101-647, title II, §212, as added Pub. L. 102-586, §6(b)(2), Nov. 4, 1992, 106 Stat. 5029; amended Pub. L. 114-22, title I, §104(1), May 29, 2015, 129 Stat. 236; Pub. L. 115-424, §2(b), (h)(1), Jan. 7, 2019, 132 Stat. 5465, 5470; Pub. L. 117-354, §3(2), Jan. 5, 2023, 136 Stat. 6274.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13001a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 212 of Pub. L. 101-647 was renumbered section 214 and is classified to section 20304 of this title.

AMENDMENTS

2023—Par. (5). Pub. L. 117-354, §3(2)(A), which directed insertion of “coordinated team” before “response”, was

executed by making the insertion before “response” the second time appearing, to reflect the probable intent of Congress.

Par. (8). Pub. L. 117-354, §3(2)(B), inserted “organizational capacity” before “support”.

2019—Par. (1). Pub. L. 115-424, §2(h)(1), made technical amendment to reference in original act which appears in text as reference to section 11111(b) of this title.

Pars. (3) to (9). Pub. L. 115-424, §2(b), redesignated pars. (4), (5), and (7) to (9) as (3) to (7), respectively, added par. (8), and struck out former pars. (3) and (6) which defined the terms “board” and “Director”, respectively.

2015—Par. (5). Pub. L. 114-22 inserted “, including human trafficking and the production of child pornography” before semicolon at end.

§ 20303. Regional children’s advocacy centers

(a) Establishment and maintenance of regional children’s advocacy program

The Administrator shall establish and maintain a children’s advocacy program to—

(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

(2) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases;

(3) train physicians and other health care and mental health care professionals, law enforcement officers, child protective service workers, forensic interviewers, prosecutors, victim advocates, multidisciplinary team leadership, and children’s advocacy center staff, in the multidisciplinary approach to child abuse so that trained personnel will be available to provide support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases;

(4) provide technical assistance, training, coordination, and organizational capacity support for State chapters; and

(5) collaborate with State chapters to provide training, technical assistance, coordination, organizational capacity support, and oversight of—

(A) local children’s advocacy centers; and

(B) communities that want to develop local children’s advocacy centers.

(b) Activities of regional children’s advocacy program

(1) Administrator

The Administrator shall—

(A) establish and maintain regional children’s advocacy program centers; and

(B) fund existing regional centers with expertise in multidisciplinary team investigation, trauma-informed interventions, and evidence-informed treatment,

for the purpose of enabling grant recipients to provide information, services, training and technical assistance to aid communities in establishing and maintaining multidisciplinary programs that respond to child abuse.

(2) Grant recipients

A grant recipient under this section shall—

(A) assist communities, local children's advocacy centers, multidisciplinary teams, and State chapters—

(i) in developing and expanding a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

(ii) in promoting the effective delivery of the evidence-informed Children's Advocacy Center Model and the multidisciplinary response to child abuse, including best practices in—

(I) organizational support and development;

(II) programmatic evaluation; and

(III) financial oversight of Federal funding;

(iii) in establishing child-friendly facilities for the investigation and intervention in child abuse;

(iv) in preventing or reducing trauma to children caused by duplicative contacts with community professionals;

(v) in providing families with needed services and assisting them in regaining maximum functioning;

(vi) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

(vii) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

(viii) in obtaining information useful for criminal and civil proceedings;

(ix) in holding offenders accountable through improved prosecution of child abuse cases;

(x) in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

(xi) in enhancing community understanding of child abuse; and

(B) provide training and technical assistance to local children's advocacy centers, interested communities, and chapters in its census region that are grant recipients under section 20304 of this title.

(c) Operation of regional children's advocacy program

(1) Solicitation of proposals

Not later than 1 year after November 4, 1992, the Administrator shall solicit proposals for assistance under this section.

(2) Minimum qualifications

In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

(A) A proven record in conducting activities of the kinds described in subsection (c).

(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of investigation and intervention in child abuse.

(C) Multidisciplinary staff experienced in providing evidence-informed services for children and families.

(D) Experience in serving as a center for training and education and as a resource facility.

(E) National expertise in providing technical assistance to communities with respect to the multidisciplinary response to child abuse.

(3) Proposal requirements

(A) In general

A proposal submitted in response to the solicitation under paragraph (1) shall—

(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and maintain children's advocacy centers in their State;

(ii) demonstrate the ability of the applicant to operate successfully a children's advocacy center or provide training to allow others to do so; and

(iii) state the annual cost of the proposal and a breakdown of those costs.

(B) Content of management plan

A management plan described in paragraph (3)(A) shall—

(i) outline the basic activities expected to be performed;

(ii) describe the entities that will conduct the basic activities;

(iii) establish the period of time over which the basic activities will take place; and

(iv) define the overall program management and direction by—

(I) identifying managerial, organizational, and administrative procedures and responsibilities;

(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

(III) providing sufficient rationale to support the costs of the plan.

(4) Selection of proposals

(A) Competitive basis

Proposals shall be selected under this section on a competitive basis.

(B) Criteria

The Administrator shall select proposals for funding that—

(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse;

(iii) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country;

(iv) best result in supporting chapters in each State; and

(v) otherwise best carry out the purposes of this section.

(5) Funding of program

From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

(6) Coordination of effort

In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients under this Act on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

(d) Review

(1) Evaluation of regional children's advocacy program activities

The Administrator shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

(2) Annual report

A grant recipient shall provide an annual report to the Administrator that—

(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

(3) Discontinuation of funding

Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

(Pub. L. 101-647, title II, §213, as added Pub. L. 102-586, §6(b)(2), Nov. 4, 1992, 106 Stat. 5030; amended Pub. L. 108-21, title III, §381(a), Apr. 30, 2003, 117 Stat. 667; Pub. L. 115-424, §2(c), Jan. 7, 2019, 132 Stat. 5466; Pub. L. 117-354, §3(3), Jan. 5, 2023, 136 Stat. 6274.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(6), probably means the Victims of Child Abuse Act of 1990, title II of Pub. L. 101-647, Nov. 29, 1990, 104 Stat. 4792, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title of 1990 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 13001b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 213 of Pub. L. 101-647 was renumbered section 214A and is classified to section 20305 of this title.

AMENDMENTS

2023—Subsec. (a). Pub. L. 117-354, §3(3)(A)(i), (ii), in heading, inserted “and maintenance” after “Establishment” and, in introductory provisions, struck out “, in coordination with the Director of the Office of Victims of Crime,” after “Administrator” and inserted “and maintain” after “establish”.

Subsec. (a)(3). Pub. L. 117-354, §3(3)(A)(iii), substituted “victim advocates, multidisciplinary team leadership, and children's advocacy center staff” for “and victim advocates” and struck out “and” at end.

Subsec. (a)(4). Pub. L. 117-354, §3(3)(A)(v), added par. (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 117-354, §3(3)(A)(iv), (vi), redesignated par. (4) as (5) and substituted “organizational capacity support, and oversight of” for “and oversight to” in introductory provisions.

Subsec. (b)(1). Pub. L. 117-354, §3(3)(B)(i)(II), substituted “training and technical assistance to aid communities in establishing and maintaining” for “and technical assistance to aid communities in establishing” in concluding provisions.

Subsec. (b)(1)(A). Pub. L. 117-354, §3(3)(B)(i)(I), inserted “and maintain” after “establish”.

Subsec. (b)(2)(A)(ii). Pub. L. 117-354, §3(3)(B)(ii)(I)(aa), inserted “Center” after “Advocacy” in introductory provisions.

Subsec. (b)(2)(A)(iii). Pub. L. 117-354, §3(3)(B)(ii)(I)(bb), substituted “and intervention in child” for “of, assessment of, and intervention in”.

Subsec. (b)(2)(B). Pub. L. 117-354, §3(3)(B)(ii)(II), substituted “centers, interested communities, and chapters” for “centers and interested communities”.

Subsec. (c)(2)(B). Pub. L. 117-354, §3(3)(C)(i)(I), substituted “investigation and intervention in child abuse” for “evaluation, intervention, evidence gathering, and counseling”.

Subsec. (c)(2)(E). Pub. L. 117-354, §3(3)(C)(i)(II), substituted “multidisciplinary response to child abuse” for “judicial handling of child abuse and neglect”.

Subsec. (c)(3)(A)(i). Pub. L. 117-354, §3(3)(C)(ii), substituted “and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and maintain children's advocacy centers in their State” for “so that communities can establish multidisciplinary programs that respond to child abuse”.

Subsec. (c)(4)(B)(iv), (v). Pub. L. 117-354, §3(3)(C)(iii), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (c)(6). Pub. L. 117-354, §3(3)(C)(iv), inserted “under this Act” after “recipients”.

2019—Subsec. (a). Pub. L. 115-424, §2(c)(1)(A), struck out “with the Director and” after “coordination” in introductory provisions.

Subsec. (a)(2) to (4). Pub. L. 115-424, §2(c)(1)(B)–(F), redesignated pars. (3) and (4) as (2) and (3), respectively, in par. (3) as redesignated, inserted “, law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates,” after “health care professionals” and struck out “medical” before “personnel” and “support”, added par. (4), and struck out former par. (2) which read as follows: “provide support for nonoffending family members”.

Subsec. (b)(1). Pub. L. 115-424, §2(c)(2)(A)(i), struck out “, in coordination with the Director,” after “Administrator” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 115-424, §2(c)(2)(A)(iii), substituted “multidisciplinary team investigation, trauma-informed interventions, and evidence-informed treatment,” for “the prevention, judicial handling, and treatment of child abuse and neglect; and”.

Subsec. (b)(1)(C). Pub. L. 115-424, §2(c)(2)(A)(ii), (iv), struck out subpar. (C) which read as follows: “fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities.”

Subsec. (b)(2)(A). Pub. L. 115-424, §2(c)(2)(B)(i)(I), substituted “communities, local children's advocacy centers, multidisciplinary teams, and State chapters” for “communities” in introductory provisions.

Subsec. (b)(2)(A)(i). Pub. L. 115-424, §2(c)(2)(B)(i)(II), inserted “and expanding” after “developing”.

Subsec. (b)(2)(A)(ii). Pub. L. 115-424, §2(c)(2)(B)(i)(IV), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (b)(2)(A)(iii). Pub. L. 115-424, §2(c)(2)(B)(i)(III), (V), redesignated cl. (ii) as (iii) and substituted “child-friendly facilities for the investigation of, assessment of, and intervention in abuse” for “a freestanding facility where interviews of and services for abused children can be provided”. Former cl. (iii) redesignated (iv).

Subsec. (b)(2)(A)(iv). Pub. L. 115-424, §2(c)(2)(B)(i)(III), (VI), redesignated cl. (iii) as (iv) and substituted “duplicative” for “multiple”. Former cl. (iv) redesignated (v).

Subsec. (b)(2)(A)(v) to (xi). Pub. L. 115-424, §2(c)(2)(B)(i)(III), redesignated cls. (iv) to (x) as (v) to (xi), respectively.

Subsec. (b)(2)(B). Pub. L. 115-424, §2(c)(2)(B)(ii), inserted “and interested communities” after “advocacy centers”.

Subsec. (c)(2)(C). Pub. L. 115-424, §2(c)(3)(A), substituted “evidence-informed services for” for “remedial counseling to”.

Subsec. (c)(3)(A)(ii). Pub. L. 115-424, §2(c)(3)(B), substituted “children’s advocacy center” for “multidisciplinary child abuse program”.

Subsec. (c)(4)(B). Pub. L. 115-424, §2(c)(3)(C)(i), struck out “, in coordination with the Director,” after “Administrator” in introductory provisions.

Subsec. (c)(4)(B)(iii) to (v). Pub. L. 115-424, §2(c)(3)(C)(ii), (iii), redesignated cls. (iv) and (v) as (iii) and (iv), respectively, and struck out former cl. (iii) which read as follows: “carry out the objectives developed by the board under subsection (e)(2)(A);”.

Subsec. (d)(1). Pub. L. 115-424, §2(c)(4)(A), struck out “, in coordination with the Director,” after “Administrator”.

Subsec. (d)(2). Pub. L. 115-424, §2(c)(4)(B), struck out “and the Director” after “Administrator” in introductory provisions.

Subsec. (d)(3). Pub. L. 115-424, §2(c)(4)(C), struck out subpar. (B) designation and heading before “Upon discontinuation” and struck out subpar. (A). Prior to amendment, text of subpar. (A) read as follows: “If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.”

Subsecs. (e), (f). Pub. L. 115-424, §2(c)(5), struck out subsecs. (e) and (f) which related to the children’s advocacy advisory board and annual report on the progress of regional children’s advocacy program activities, respectively.

2003—Subsec. (c)(4). Pub. L. 108-21, §381(a)(1), struck out “and” at end of cl. (ii) of subpar. (B), substituted “board” for “Board” in cl. (iii) of subpar. (B), and redesignated subpars. (C) and (D) as cls. (iv) and (v), respectively, of subpar. (B).

Subsec. (e)(1)(B)(ii), (2)(A), (3). Pub. L. 108-21, §381(a)(2), substituted “board” for “Board”.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by Congress, its duration is otherwise provided by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

§ 20304. Local children’s advocacy centers

(a) In general

The Administrator shall make grants to—

(1) establish and maintain a network of care for child abuse victims where investigation, prosecutions, and interventions are continually occurring and coordinating activities within local children’s advocacy centers and multidisciplinary teams;

(2) develop, enhance, and coordinate multidisciplinary child abuse investigations, intervention, and prosecution activities;

(3) promote the effective delivery of the evidence-based, trauma-informed Children’s Advocacy Center Model and the multidisciplinary response to child abuse; and

(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapter organizational capacity and local children’s advocacy center organizational capacity and operations in order to meet such practice standards and best practices.

(b) Direct services for child victims of a severe form of trafficking in persons and victims of human trafficking and child pornography

The Administrator may make grants to develop and implement specialized programs to identify and provide direct services to victims of a severe form of trafficking (as defined in section 7102(9)(A)¹ of title 22) who were under the age of 18 at the time of the offense and victims of human trafficking and child pornography.

(c) Grant criteria

(1) The Administrator shall establish the criteria to be used in evaluating applications for grants under subsections (a) and (b) consistent with sections 11183 and 11186 of this title.

(2) In general, the grant criteria established pursuant to paragraph (1) may require that a program include any of the following elements:

(A) A written agreement between local law enforcement, child protective service, health, and other related agencies to coordinate child abuse investigation, prosecution, treatment, and counseling services.

(B) An appropriate site for referring, interviewing, treating, and counseling child victims of sexual and serious physical abuse and neglect and nonoffending family members (referred to as a “children’s advocacy center”).

(C) Referral of all child abuse cases that meet designated referral criteria to the children’s advocacy center not later than 24 hours to the greatest extent practicable, but in no case later than 72 hours, after notification of an incident of abuse.

(D) Forensic interviews of child victims by trained personnel that are used by law enforcement, health, and child protective service agencies to interview suspected abuse victims about allegations of abuse.

(E) Provision of needed follow up services such as medical care, mental healthcare, and victims advocacy services.

(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children’s advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

¹ See References in Text note below.

(G) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

(H) Designation of a director for the children's advocacy center.

(I) Designation of a multidisciplinary team coordinator.

(J) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child's family, throughout each step of intervention and judicial proceedings.

(K) Coordination with State chapters to assist and provide oversight, and organizational capacity that supports local children's advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

(L) Such other criteria as the Administrator shall establish by regulation.

(d) Distribution of grants

In awarding grants under this section, the Administrator shall ensure that grants are distributed to all States that are eligible for such grants, including large and small States, and to rural, suburban, and urban jurisdictions.

(e) Consultation with regional children's advocacy centers

A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 20303 of this title.

(f) Grants to State chapters for assistance to local children's advocacy centers

In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide oversight, training, and technical assistance to local centers on evidence-informed initiatives including mental health, counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

(Pub. L. 101-647, title II, §214, formerly §212, Nov. 29, 1990, 104 Stat. 4793; renumbered §214 and amended Pub. L. 102-586, §6(b)(1), (c), Nov. 4, 1992, 106 Stat. 5029, 5034; Pub. L. 107-273, div. C, title II, §12221(b)(1)(A), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 114-22, title I, §104(2), May 29, 2015, 129 Stat. 236; Pub. L. 115-392, §6, Dec. 21, 2018, 132 Stat. 5253; Pub. L. 115-424, §2(d), (h)(2), Jan. 7, 2019, 132 Stat. 5467, 5470; Pub. L. 117-354, §3(4), Jan. 5, 2023, 136 Stat. 6275.)

Editorial Notes

REFERENCES IN TEXT

Section 7102(9)(A) of title 22, referred to in subsec. (b), was redesignated section 7102(11)(A) of title 22 by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 13002 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 214 of Pub. L. 101-647 was renumbered section 214B and is classified to section 20306 of this title.

AMENDMENTS

2023—Subsec. (a). Pub. L. 117-354, §3(4)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Administrator, in coordination with the Director of the Office of Victims of Crime, shall make grants to—

“(1) develop and enhance multidisciplinary child abuse investigations, intervention, and prosecution; and

“(2) promote the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.”

Subsec. (b). Pub. L. 117-354, §3(4)(B), struck out “, in coordination with the Director of the Office of Victims of Crime,” after “Administrator”.

Subsec. (c)(2)(C). Pub. L. 117-354, §3(4)(C)(i), inserted “to the greatest extent practicable, but in no case later than 72 hours,” after “hours”.

Subsec. (c)(2)(D) to (L). Pub. L. 117-354, §3(4)(C)(ii), added subpars. (D) to (L) and struck out former subpars. (D) to (I) which read as follows:

“(D) Joint initial forensic interviews of child victims by personnel from law enforcement, health, and child protective service agencies.

“(E) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children's advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

“(F) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

“(G) Designation of a director for the children's advocacy center.

“(H) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child's family, throughout each step of intervention and judicial proceedings.

“(I) Such other criteria as the Administrator shall establish by regulation.”

Subsec. (f). Pub. L. 117-354, §3(4)(D), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide technical assistance, training, coordination, and oversight to other recipients of grants under this section in providing evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.”

2019—Subsec. (a). Pub. L. 115-424, §2(d)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall make grants to develop and implement multidisciplinary child abuse investigation and prosecution programs.”

Subsec. (b). Pub. L. 115-424, §2(d)(2), in heading, inserted “human trafficking and” before “child pornography”, and in text, struck out “with the Director and” after “coordination” and inserted “human trafficking and” before “child pornography”.

Subsec. (c)(1). Pub. L. 115-424, §2(h)(2), made technical amendment to reference in original act which appears in text as reference to sections 11183 and 11186 of this title.

Pub. L. 115-424, §2(d)(3)(A), substituted “Administrator” for “Director” and “subsections (a) and (b)” for “this section”.

Subsec. (c)(2)(A). Pub. L. 115-424, §2(d)(3)(B)(i), substituted “child protective service” for “social service”.

Subsec. (c)(2)(B). Pub. L. 115-424, §2(d)(3)(B)(ii), substituted “a ‘children’s advocacy center’” for “the ‘counseling center’”.

Subsec. (c)(2)(C). Pub. L. 115-424, §2(d)(3)(B)(iii), substituted “child abuse cases that meet designated referral criteria to the children’s advocacy center” for “sexual and serious physical abuse and neglect cases to the counseling center”.

Subsec. (c)(2)(D). Pub. L. 115-424, §2(d)(3)(B)(iv), substituted “forensic” for “investigative” and “child protective service” for “social service”.

Subsec. (c)(2)(E). Pub. L. 115-424, §2(d)(3)(B)(v)–(vii), redesignated subpar. (F) as (E), substituted “children’s advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services” for “counseling center”, and struck out former subpar. (E) which read as follows: “A requirement that, to the extent practicable, the same agency representative who conducts an initial interview conduct all subsequent interviews.”

Subsec. (c)(2)(F). Pub. L. 115-424, §2(d)(3)(B)(vi), (viii), redesignated subpar. (G) as (F) and substituted “eliminate duplicative forensic interviews with a child victim” for “minimize the number of interviews that a child victim must attend”. Former subpar. (F) redesignated (E).

Subsec. (c)(2)(G). Pub. L. 115-424, §2(d)(3)(B)(vi), (ix), redesignated subpar. (H) as (G) and substituted “children’s advocacy center” for “multidisciplinary program”. Former subpar. (G) redesignated (F).

Subsec. (c)(2)(H). Pub. L. 115-424, §2(d)(3)(B)(vi), (x), redesignated subpar. (I) as (H) and inserted “intervention and” before “judicial proceedings”. Former subpar. (H) redesignated (G).

Subsec. (c)(2)(I). Pub. L. 115-424, §2(d)(3)(B)(vi), (xi), redesignated subpar. (J) as (I) and substituted “Administrator” for “Director”. Former subpar. (I) redesignated (H).

Subsec. (d). Pub. L. 115-424, §2(d)(4), substituted “the Administrator” for “the Director” and “all States that are eligible for such grants, including large and small States,” for “both large and small States”.

Subsec. (f). Pub. L. 115-424, §2(d)(5), added subsec. (f).

2018—Subsec. (b). Pub. L. 115-392 inserted “child victims of a severe form of trafficking in persons and” before “victims of child pornography” in heading and “victims of a severe form of trafficking (as defined in section 7102(9)(A) of title 22) who were under the age of 18 at the time of the offense and” before “victims of child pornography” in text.

2015—Subsecs. (b) to (e). Pub. L. 114-22 added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

2002—Subsec. (b)(1). Pub. L. 107-273 substituted “sections 5673 and 5676 of this title” for “sections 5665a, 5673, and 5676 of this title”.

1992—Pub. L. 102-586, §6(c)(1), substituted “Local children’s advocacy centers” for “Authority of Director to make grants” in section catchline.

Subsec. (a). Pub. L. 102-586, §6(c)(2), substituted “The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime,” for “The Director of the Office of Victims of Crime (hereinafter in this subchapter referred to as the ‘Director’), in consultation with officials of the Department of Health and Human Services.”.

Subsec. (b)(2)(B). Pub. L. 102-586, §6(c)(3), inserted “and nonoffending family members” after “neglect”.

Subsec. (d). Pub. L. 102-586, §6(c)(4), added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002,

and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 11101 of this title.

§ 20305. Grants for specialized technical assistance and training programs

(a) In general

The Administrator shall make grants to national organizations to provide technical assistance and training to—

(1) prosecutors and other attorneys and allied professionals instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases; and

(2) child abuse professionals instrumental to the protection of children, intervention in child abuse cases, and treatment of victims of child abuse, for the purpose of—

(A) improving the quality of such protection, intervention, and treatment; and

(B) promoting the effective delivery of the evidence-informed Children’s Advocacy Center Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.

(b) Grantee organizations

(1) Prosecutors

An organization to which a grant is made for specific training and technical assistance for prosecutors under subsection (a)(1) shall be one that has—

(A) a significant connection to prosecutors who handle child abuse cases in State courts, such as a membership organization or support service providers; and

(B) demonstrated experience in providing training and technical assistance for prosecutors.

(2) Child abuse professionals

An organization to which a grant is made for specific training and technical assistance for child abuse professionals under subsection (a)(2) shall be one that has—

(A) a diverse portfolio of training and technical resources for the diverse professionals responding to child abuse, including a digital library to promote evidence-informed practice; and

(B) demonstrated experience in providing training and technical assistance for child abuse professionals, especially law enforcement officers, child protective service workers, prosecutors, forensic interviewers, medical professionals, victim advocates, and mental health professionals.

(c) Grant criteria

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 11183 and 11186 of this title.

(2) The grant criteria established pursuant to paragraph (1) shall require, in the case of a grant made under subsection (a)(1), that a program provide training and technical assistance that

includes information regarding improved child interview techniques, thorough investigative methods, interagency coordination and effective presentation of evidence in court, including the use of alternative courtroom procedures described in this title.¹

(Pub. L. 101-647, title II, §214A, formerly §213, Nov. 29, 1990, 104 Stat. 4793; renumbered §214A and amended Pub. L. 102-586, §6(b)(1), (d), Nov. 4, 1992, 106 Stat. 5029, 5034; Pub. L. 107-273, div. C, title II, §12221(b)(1)(B), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 115-424, §2(e), (h)(3), Jan. 7, 2019, 132 Stat. 5469, 5470; Pub. L. 117-354, §3(5), Jan. 5, 2023, 136 Stat. 6276.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (c)(2), means title II of Pub. L. 101-647, known as the Victims of Child Abuse Act of 1990, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title of 1990 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 13003 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

2023—Subsec. (a)(1). Pub. L. 117-354, §3(5)(A)(i), substituted “prosecutors and other attorneys and allied” for “attorneys and other allied”.

Subsec. (a)(2)(B). Pub. L. 117-354, §3(5)(A)(ii), inserted “Center” after “Advocacy”.

Subsec. (b)(1)(A). Pub. L. 117-354, §3(5)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “a broad representation of attorneys who prosecute criminal cases in State courts; and”.

2019—Subsec. (a). Pub. L. 115-424, §2(e)(1), substituted “to—” and pars. (1) and (2) for “to attorneys and others instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases.”

Subsec. (b). Pub. L. 115-424, §2(e)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “An organization to which a grant is made pursuant to subsection (a) shall be one that has, or is affiliated with one that has, broad membership among attorneys who prosecute criminal cases in State courts and has demonstrated experience in providing training and technical assistance for prosecutors.”

Subsec. (c)(1). Pub. L. 115-424, §2(h)(3), made technical amendment to reference in original act which appears in text as reference to sections 11183 and 11186 of this title.

Subsec. (c)(2). Pub. L. 115-424, §2(e)(3), inserted “, in the case of a grant made under subsection (a)(1),” after “shall require”.

2002—Subsec. (c)(1). Pub. L. 107-273 substituted “sections 5673 and 5676 of this title” for “sections 5665a, 5673, and 5676 of this title”.

1992—Subsecs. (a), (c)(1). Pub. L. 102-586, §6(d), substituted “Administrator” for “Director”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002,

and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 11101 of this title.

§ 20306. Authorization of appropriations

There are authorized to be appropriated to carry out sections 20303, 20304, and 20305 of this title, \$40,000,000 for each of fiscal years 2022 through 2028.

(Pub. L. 101-647, title II, §214B, as added Pub. L. 117-354, §3(6), Jan. 5, 2023, 136 Stat. 6277.)

Editorial Notes

PRIOR PROVISIONS

A prior section 20306, Pub. L. 101-647, title II, §214B, formerly §214, Nov. 29, 1990, 104 Stat. 4794; renumbered §214B and amended Pub. L. 102-586, §6(b)(1), (e), Nov. 4, 1992, 106 Stat. 5029, 5034; Pub. L. 104-235, title II, §232, Oct. 3, 1996, 110 Stat. 3092; Pub. L. 108-21, title III, §381(b), Apr. 30, 2003, 117 Stat. 667; Pub. L. 113-163, §2(a), Aug. 8, 2014, 128 Stat. 1864; Pub. L. 115-424, §2(f), Jan. 7, 2019, 132 Stat. 5469, which authorized appropriations for sections 20303, 20304, and 20305 of this title for fiscal years 2019 through 2023, was repealed by Pub. L. 117-354, §3(6), Jan. 5, 2023, 136 Stat. 6277.

§ 20307. Accountability

(a) In general

All grants awarded by the Administrator under this subchapter shall be subject to the following accountability provisions:

(1) Audit requirement

(A) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued and any appeal has been completed.

(B) Audit

The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subchapter to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) Mandatory exclusion

A recipient of grant funds under this subchapter that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subchapter during the following 2 fiscal years.

(D) Priority

In awarding grants under this subchapter, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subchapter.

(E) Reimbursement

If an entity is awarded grant funds under this subchapter during the 2-fiscal-year pe-

¹ See References in Text note below.

riod in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

- (i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and
- (ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph, the term “nonprofit organization” means an organization that 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 Administrator may not award a grant under any grant program described in this subchapter to a nonprofit organization that holds money in offshore 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 to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

(3) Conference expenditures

(A) Limitation

No amounts authorized to be appropriated to the Department of Justice under this subchapter may be used by the Administrator, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application 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 and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(b) Reporting

Not later than March 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

- (1) summarizes the efforts of the Administrator to monitor and evaluate the regional children’s advocacy program activities under section 20303(d) of this title;

- (2) describes—

- (A) the method by which amounts are allocated to grantees and subgrantees under this subchapter, including to local children’s advocacy centers, State chapters, and regional children’s advocacy program centers; and

- (B) steps the Attorney General has taken to minimize duplication and overlap in the awarding of amounts under this subchapter; and

- (3) analyzes the extent to which both rural and urban populations are served under the regional children’s advocacy program.

(Pub. L. 101-647, title II, §214C, as added Pub. L. 113-163, §2(b), Aug. 8, 2014, 128 Stat. 1864; amended Pub. L. 115-424, §2(g), Jan. 7, 2019, 132 Stat. 5469.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(3)(A), probably means the Victims of Child Abuse Act of 1990, title II of Pub. L. 101-647, Nov. 29, 1990, 104 Stat. 4792, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title of 1990 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 13005 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Pub. L. 115-424 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

SUBCHAPTER II—COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

§ 20321. Findings

The Congress finds that—

- (1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

- (2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.

(Pub. L. 101-647, title II, §215, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 109-162, title I, §112(a), Jan. 5, 2006, 119 Stat. 2985.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 13011 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Pars. (1), (2). Pub. L. 109-162 added pars. (1) and (2) and struck out former pars. (1) and (2), which read as follows:

“(1) the National Court-Appointed Special Advocate provides training and technical assistance to a network of 13,000 volunteers in 377 programs operating in 47 States; and

“(2) in 1988, these volunteers represented 40,000 children, representing approximately 15 percent of the estimated 270,000 cases of child abuse and neglect in juvenile and family courts.”

§ 20322. Purpose

The purpose of this subchapter is to ensure that by January 1, 2015, a court-appointed special advocate shall be available to every victim of child abuse or neglect in the United States that needs such an advocate.

(Pub. L. 101-647, title II, § 216, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 103-322, title IV, § 40156(a)(2), Sept. 13, 1994, 108 Stat. 1923; Pub. L. 109-162, title I, § 112(b), Jan. 5, 2006, 119 Stat. 2986; Pub. L. 113-4, title I, § 106(1), Mar. 7, 2013, 127 Stat. 77.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 13012 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Pub. L. 113-4 substituted “January 1, 2015” for “January 1, 2010”.

2006—Pub. L. 109-162 substituted “January 1, 2010” for “January 1, 1995”.

1994—Pub. L. 103-322 made technical amendment to reference to this subchapter to correct reference to corresponding provision of original act.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2013 AMENDMENT**

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

§ 20323. Strengthening of court-appointed special advocate program**(a) In general**

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to initiate, sustain, and expand the court-appointed special advocate program.

(b) Grantee organizations

(1) An organization to which a grant is made pursuant to subsection (a)—

(A) shall be a national organization that has broad membership among court-appointed special advocates and has demonstrated experience in grant administration of court-appointed special advocate programs and in providing training and technical assistance to court-appointed special advocate program; or

(B) may be a local public or not-for-profit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.

(2) An organization described in paragraph (1)(A) that receives a grant may be authorized to make subgrants and enter into contracts with public and not-for-profit agencies to initiate, sustain, and expand the court-appointed special advocate program. Should a grant be made to a national organization for this purpose, the Administrator shall specify an amount not exceeding 5 percent that can be used for administrative purposes by the national organization.

(c) Grant criteria

(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with sections 11183 and 11186 of this title.

(2) In general, the grant criteria established pursuant to paragraph (1) shall require that a court-appointed special advocate program provide screening, training, and supervision of court-appointed special advocates in accordance with standards developed by the National Court-Appointed Special Advocate Association. Such criteria may include the requirements that—

(A) a court-appointed special advocate association program have a mission and purpose in keeping with the mission and purpose of the National Court-Appointed Special Advocate Association and that it abide by the National Court-Appointed Special Advocate Association Standards for Programs;

(B) a court-appointed special advocate association program operate with access to legal counsel;

(C) the management and operation of a court-appointed special advocate program assure adequate supervision of court-appointed special advocate volunteers;

(D) a court-appointed special advocate program keep written records on the operation of the program in general and on each applicant, volunteer, and case;

(E) a court-appointed special advocate program have written management and personnel policies and procedures, screening requirements, and training curriculum;

(F) a court-appointed special advocate program not accept volunteers who have been convicted of, have charges pending for, or have in the past been charged with, a felony or misdemeanor involving a sex offense, violent act, child abuse or neglect, or related acts that would pose risks to children or to the court-appointed special advocate program's credibility;

(G) a court-appointed special advocate program have an established procedure to allow the immediate reporting to a court or appropriate agency of a situation in which a court-appointed special advocate volunteer has reason to believe that a child is in imminent danger;

(H) a court-appointed special advocate volunteer be an individual who has been screened and trained by a recognized court-appointed special advocate program and appointed by the court to advocate for children who come

into the court system primarily as a result of abuse or neglect; and

(I) a court-appointed special advocate volunteer serve the function of reviewing records, facilitating prompt, thorough review of cases, and interviewing appropriate parties in order to make recommendations on what would be in the best interests of the child.

(3) In awarding grants under this section, the Administrator shall ensure that grants are distributed to localities that have no existing court-appointed special advocate program and to programs in need of expansion.

(d) Background checks

State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.

(e) Reporting

An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system.

(Pub. L. 101-647, title II, §217, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 107-273, div. C, title II, §12221(b)(1)(C), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 109-162, title I, §112(c), Jan. 5, 2006, 119 Stat. 2986; Pub. L. 113-4, title I, §106(2), Mar. 7, 2013, 127 Stat. 77; Pub. L. 115-424, §2(h)(4), Jan. 7, 2019, 132 Stat. 5470.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13013 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

2019—Subsec. (c)(1). Pub. L. 115-424 made technical amendment to reference in original act which appears in text as reference to sections 11183 and 11186 of this title.

2013—Subsec. (c)(2)(A). Pub. L. 113-4, §106(2)(A), substituted “Standards for Programs” for “Code of Ethics”.

Subsec. (e). Pub. L. 113-4, §106(2)(B), added subsec. (e).

2006—Subsec. (a). Pub. L. 109-162, §112(c)(1), substituted “to initiate, sustain, and expand” for “to expand”.

Subsec. (b)(1). Pub. L. 109-162, §112(c)(2)(A), substituted “subsection (a)—” for “subsection (a)”, inserted subpar. (A) designation before “shall be”, and substituted “(B) may be” for “(2) may be” and “to initiate, sustain, and expand” for “to initiate or expand”.

Subsec. (b)(2). Pub. L. 109-162, §112(c)(2)(B), substituted “(1)(A)” for “(1)(a)” and “to initiate, sustain, and expand” for “to initiate and to expand”.

Subsec. (d). Pub. L. 109-162, §112(c)(3), added subsec. (d).

2002—Subsec. (c)(1). Pub. L. 107-273 substituted “sections 5673 and 5676 of this title” for “sections 5665a, 5673, and 5676 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 11101 of this title.

§ 20324. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter \$12,000,000 for each of fiscal years 2023 through 2027.

(b) Limitation

No funds are authorized to be appropriated for a fiscal year to carry out this subchapter unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.)¹ for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(c) Prohibition on lobbying

No funds authorized under this subchapter may be used for lobbying activities in contravention of OMB Circular No. A-122.

(Pub. L. 101-647, title II, §219, formerly §218, Nov. 29, 1990, 104 Stat. 4796; Pub. L. 103-322, title IV, §40156(a)(1), Sept. 13, 1994, 108 Stat. 1922; Pub. L. 106-386, div. B, title III, §1302(a), Oct. 28, 2000, 114 Stat. 1511; renumbered §219 and amended Pub. L. 109-162, title I, §112(d)(1), (e), Jan. 5, 2006, 119 Stat. 2986; Pub. L. 113-4, title I, §106(3), Mar. 7, 2013, 127 Stat. 77; Pub. L. 117-103, div. W, title XIII, §1305, Mar. 15, 2022, 136 Stat. 928.)

Editorial Notes

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (b), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109. Title II of the Act was classified principally to subchapter II (§5611 et seq.) of chapter 72 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter II (§11111 et seq.) of chapter 111 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 13014 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-103 substituted “2023 through 2027” for “2014 through 2018”.

¹ See References in Text note below.

2013—Subsec. (a). Pub. L. 113-4 substituted “fiscal years 2014 through 2018” for “fiscal years 2007 through 2011”.

2006—Subsec. (a). Pub. L. 109-162, §112(e)(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “There is authorized to be appropriated to carry out this subchapter \$12,000,000 for each of fiscal years 2001 through 2005.”

Subsec. (c). Pub. L. 109-162, §112(e)(2), added subsec. (c).

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “There are authorized to be appropriated to carry out this subchapter—

“(1) \$6,000,000 for fiscal year 1996;

“(2) \$6,000,000 for fiscal year 1997;

“(3) \$7,000,000 for fiscal year 1998;

“(4) \$9,000,000 for fiscal year 1999; and

“(5) \$10,000,000 for fiscal year 2000.”

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this chapter—

“(1) \$5,000,000 in fiscal year 1991; and

“(2) such sums as may be necessary to carry out this subchapter in each of fiscal years 1992, 1993, and 1994.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

DISSEMINATION OF INFORMATION

Pub. L. 106-386, div. B, title III, §1302(d), Oct. 28, 2000, 114 Stat. 1511, provided that: “The Attorney General shall—

“(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) [now 219(a)] of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) [now 34 U.S.C. 20324(a)], section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) [now 34 U.S.C. 20334(a)], and section 1007(a)(7) [1001(a)(7)] of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) [now 34 U.S.C. 10261(a)(7)], including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

“(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.”

[For definitions of terms used in section 1302(d)(2) of Pub. L. 106-386, set out above, see section 1002 of Pub. L. 106-386, set out as a note under section 10447 of this title.]

SUBCHAPTER III—CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

§ 20331. Findings and purpose

(a) Findings

The Congress finds that—

(1) a large number of juvenile and family courts are inundated with increasing numbers

of cases due to increased reports of abuse and neglect, increasing drug-related maltreatment, and insufficient court resources;

(2) the amendments made to the Social Security Act [42 U.S.C. 301 et seq.] by the Adoption Assistance and Child Welfare Act of 1980 make substantial demands on the courts handling abuse and neglect cases, but provide no assistance to the courts to meet those demands;

(3) the Adoption¹ and Child Welfare Act of 1980 requires courts to—

(A) determine whether the agency made reasonable efforts to prevent foster care placement;

(B) approve voluntary nonjudicial placement; and

(C) provide procedural safeguards for parents when their parent-child relationship is affected;

(4) social welfare agencies press the courts to meet such requirements, yet scarce resources often dictate that courts comply pro forma without undertaking the meaningful judicial inquiry contemplated by Congress in the Adoption¹ and Child Welfare Act of 1980;

(5) compliance with the Adoption¹ and Child Welfare Act of 1980 and overall improvements in the judicial response to abuse and neglect cases can best come about through action by top level court administrators and judges with administrative functions who understand the unique aspects of decisions required in child abuse and neglect cases; and

(6) the Adoption¹ and Child Welfare Act of 1980 provides financial incentives to train welfare agency staff to meet the requirements, but provides no resources to train judges.

(b) Purpose

The purpose of this subchapter is to provide expanded technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts, to improve the judicial system's handling of child abuse and neglect cases with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement.

(Pub. L. 101-647, title II, §221, Nov. 29, 1990, 104 Stat. 4796; Pub. L. 103-322, title IV, §40156(b)(2), Sept. 13, 1994, 108 Stat. 1923.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Adoption Assistance and Child Welfare Act of 1980, referred to in subsec. (a), is Pub. L. 96-272, June 17, 1980, 94 Stat. 500. For complete classification of this Act to the Code, see Short Title of 1980 Amendments note set out under section 1305 of Title 42, The Public Health and Welfare, and Tables.

¹ So in original. Probably should be “Adoption Assistance”.

CODIFICATION

Section was formerly classified to section 13021 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 made technical amendment to reference to this subchapter to correct reference to corresponding provision of original act.

§ 20332. Grants for juvenile and family court personnel

In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants for the purpose of providing—

- (1) technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts; and
- (2) administrative reform in juvenile and family courts.

(Pub. L. 101-647, title II, § 222, Nov. 29, 1990, 104 Stat. 4797.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13022 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20333. Specialized technical assistance and training programs

(a) Grants to develop model programs

(1) The Administrator shall make grants to national organizations to develop 1 or more model technical assistance and training programs to improve the judicial system's handling of child abuse and neglect cases.

(2) An organization to which a grant is made pursuant to paragraph (1) shall be one that has broad membership among juvenile and family court judges and has demonstrated experience in providing training and technical assistance for judges, attorneys, child welfare personnel, and lay child advocates.

(b) Grants to juvenile and family courts

(1) In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator shall make grants to State courts or judicial administrators for programs that provide or contract for, the implementation of—

- (A) training and technical assistance to judicial personnel and attorneys in juvenile and family courts; and
- (B) administrative reform in juvenile and family courts.

(2) The criteria established for the making of grants pursuant to paragraph (1) shall give priority to programs that improve—

- (A) procedures for determining whether child service agencies have made reasonable efforts to prevent placement of children in foster care;
- (B) procedures for determining whether child service agencies have, after placement of children in foster care, made reasonable efforts to reunite the family;

(C) procedures for coordinating information and services among health professionals, social workers, law enforcement professionals, prosecutors, defense attorneys, and juvenile and family court personnel, consistent with subchapter I; and

(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.

(c) Grant criteria

The Administrator shall make grants under subsections (a) and (b) consistent with sections 11172, 11183, and 11186 of this title.

(Pub. L. 101-647, title II, § 223, Nov. 29, 1990, 104 Stat. 4797; Pub. L. 107-273, div. C, title II, § 12221(b)(1)(D), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 115-393, title V, § 503, Dec. 21, 2018, 132 Stat. 5277; Pub. L. 115-424, § 2(h)(5), Jan. 7, 2019, 132 Stat. 5470.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13023 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

2019—Subsec. (c). Pub. L. 115-424 made technical amendment to reference in original act which appears in text as reference to sections 11183 and 11186 of this title.

2018—Subsec. (b)(2)(D). Pub. L. 115-393 added subpar. (D).

2002—Subsec. (c). Pub. L. 107-273 substituted “sections 5666, 5673, and 5676 of this title” for “section 5665a, 5673, and 5676 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 11101 of this title.

§ 20334. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter \$2,300,000 for each of fiscal years 2023 through 2027¹

(b) Use of funds

Of the amounts appropriated in subsection (a), not less than 80 percent shall be used for grants under section 20333(b) of this title.

(c) Limitation

No funds are authorized to be appropriated for a fiscal year to carry out this subchapter unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.)²

¹ So in original. Probably should be followed by a period.

² See References in Text note below.

for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(Pub. L. 101-647, title II, § 224, Nov. 29, 1990, 104 Stat. 4798; Pub. L. 103-322, title IV, § 40156(b)(1), Sept. 13, 1994, 108 Stat. 1923; Pub. L. 106-386, div. B, title III, § 1302(b), Oct. 28, 2000, 114 Stat. 1511; Pub. L. 113-4, title XI, § 1105, Mar. 7, 2013, 127 Stat. 135; Pub. L. 117-103, div. W, title XIII, § 1303, Mar. 15, 2022, 136 Stat. 927.)

Editorial Notes

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (c), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109. Title II of the Act was classified principally to subchapter II (§ 5611 et seq.) of chapter 72 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter II (§ 11111 et seq.) of chapter 111 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 13024 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-103 substituted “subchapter \$2,300,000 for each of fiscal years 2023 through 2027” for “subchapter \$2,300,000 for each of fiscal years 2014 through 2018.”

2013—Subsec. (a). Pub. L. 113-4 substituted “\$2,300,000 for each of fiscal years 2014 through 2018.” for “\$2,300,000 for each of fiscal years 2001 through 2005.”

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “There are authorized to be appropriated to carry out this subchapter—

- “(1) \$750,000 for fiscal year 1996;
- “(2) \$1,000,000 for fiscal year 1997;
- “(3) \$2,000,000 for fiscal year 1998;
- “(4) \$2,000,000 for fiscal year 1999; and
- “(5) \$2,300,000 for fiscal year 2000.”

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this chapter—

- “(1) \$10,000,000 in fiscal year 1991; and
- “(2) such sums as may be necessary to carry out this chapter in each of fiscal years 1992, 1993, and 1994.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

SUBCHAPTER IV—REPORTING REQUIREMENTS

§ 20341. Child abuse reporting

(a) In general

(1) Covered professionals

A person who, while engaged in a professional capacity or activity described in subsection (b) on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child

has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d) and to the agency or agencies provided for in subsection (e), if applicable.

(2) Covered individuals

A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).

(b) Covered professionals

Persons engaged in the following professions and activities are subject to the requirements of subsection (a)(1):

(1) Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.

(2) Psychologists, psychiatrists, and mental health professionals.

(3) Social workers, licensed or unlicensed marriage, family, and individual counselors.

(4) Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.

(5) Child care workers and administrators.

(6) Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.

(7) Foster parents.

(8) Commercial film and photo processors.

(c) Definitions

For the purposes of this section—

(1) the term “child abuse” means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;

(2) the term “physical injury” includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;

(3) the term “mental injury” means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;

(4) the term “sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

(5) the term “sexually explicit conduct” means actual or simulated—

(A) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same

or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person;

(B) bestiality;

(C) masturbation;

(D) lascivious exhibition of the genitals or pubic area of a person or animal; or

(E) sadistic or masochistic abuse;

(6) the term “exploitation” means child pornography or child prostitution;

(7) the term “negligent treatment” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child;

(8) the term “child abuse” shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(9) the term “covered individual” means an adult who—

(A) is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization; or

(B) is an employee or representative of the United States Center for SafeSport;

(10) the term “event” includes travel, lodging, practice, competition, and health or medical treatment;

(11) the terms “amateur athlete”, “amateur athletic competition”, “amateur sports organization”, “international amateur athletic competition”, and “national governing body” have the meanings given the terms in section 220501(b) of title 36; and

(12) the term “as soon as possible” means within a 24-hour period.

(d) Agency designated to receive report and action to be taken

For all Federal lands and all federally operated (or contracted) facilities in which children are cared for or reside and for all covered individuals, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a). By formal written agreement, the designated agency may be a non-Federal agency. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child. All reports received shall be promptly investigated, and whenever appropriate, investigations shall be conducted jointly by social serv-

ices and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

(e) Reporters and recipient of report involving children and homes of members of the Armed Forces

(1) Recipients of reports

In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

(2) Makers of reports

For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.

(f) Reporting form

In every federally operated (or contracted) facility, on all Federal lands, and for all covered individuals, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

(g) Immunity for good faith reporting and associated actions

All persons who, acting in good faith, make a report by subsection (a), or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.

(h) Training of prospective reporters

All individuals in the occupations listed in subsection (b)(1) who work on Federal lands, or are employed in federally operated (or contracted) facilities, and all covered individuals, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.

(i) Rule of construction

Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.

(Pub. L. 101-647, title II, § 226, Nov. 29, 1990, 104 Stat. 4806; Pub. L. 114-328, div. A, title V, § 575(b), Dec. 23, 2016, 130 Stat. 2142; Pub. L. 115-126, title I, § 101(a), Feb. 14, 2018, 132 Stat. 318; Pub. L. 116-189, § 10, Oct. 30, 2020, 134 Stat. 970.)

Editorial Notes**CODIFICATION**

Another subsec. (g) of section 226 of Pub. L. 101-647 enacted section 2258 of Title 18, Crimes and Criminal Procedure, and amended analysis for part I and heading and analysis of chapter 110 of Title 18.

Section was formerly classified to section 13031 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2020—Subsec. (c)(9). Pub. L. 116-189 substituted “adult who—” for “adult who”, inserted subpar. (A) designation before “is authorized”, and added subpar. (B).

2018—Subsec. (a). Pub. L. 115-126, § 101(a)(1), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (b). Pub. L. 115-126, § 101(a)(2), substituted “subsection (a)(1)” for “subsection (a)” in introductory provisions.

Subsec. (c)(9) to (12). Pub. L. 115-126, § 101(a)(3), added pars. (9) to (12).

Subsec. (d). Pub. L. 115-126, § 101(a)(4), inserted “and for all covered individuals” after “reside”.

Subsec. (f). Pub. L. 115-126, § 101(a)(5), substituted “on all” for “and on all” and inserted “and for all covered individuals,” after “lands,”.

Subsec. (h). Pub. L. 115-126, § 101(a)(6), inserted “and all covered individuals,” after “facilities,”.

Subsec. (i). Pub. L. 115-126, § 101(a)(7), added subsec. (i).

2016—Subsec. (a). Pub. L. 114-328, § 575(b)(1), inserted before period at end “and to the agency or agencies provided for in subsection (e), if applicable”.

Subsecs. (e) to (g). Pub. L. 114-328, § 575(b)(2), (3), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

§ 20342. Federal immunity**(1) In general**

Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, rising from making such report or providing such information or assistance.

(2) Presumption of good faith

In a Federal civil action or criminal prosecution brought against a person based on the person's reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

(3) Costs

If the defendant prevails in a Federal civil action described in paragraph (2), the court may

award costs and reasonable attorney's fees incurred by the defendant.

(Pub. L. 115-424, § 3(b), Jan. 7, 2019, 132 Stat. 5470.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Victims of Child Abuse Act Reauthorization Act of 2018, and not as part of the Victims of Child Abuse Act of 1990 which comprises this chapter.

SUBCHAPTER V—CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS

§ 20351. Requirement for background checks**(a) In general**

(1) Each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision to children under the age of 18 of child care services shall assure that all existing and newly-hired employees undergo a criminal history background check. All existing staff shall receive such checks not later than May 29, 1991. Except as provided in subsection (b)(3), no additional staff shall be hired without a check having been completed.

(2) For the purposes of this section, the term “child care services” means child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services.

(b) Criminal history check

(1) A background check required by subsection (a) shall be—

(A) based on a set of the employee's fingerprints obtained by a law enforcement officer and on other identifying information;

(B) conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that an employee or prospective employee lists as current and former residences in an employment application; and

(C) initiated through the personnel programs of the applicable Federal agencies.

(2) The results of the background check shall be communicated to the employing agency.

(3) An agency or facility described in subsection (a)(1) may hire a staff person provisionally prior to the completion of a background check if, at all times prior to receipt of the background check during which children are in the care of the person, the person is within the sight and under the supervision of a staff person with respect to whom a background check has been completed.

(c) Applicable criminal histories

Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be ground for denying employment or for dismissal

of an employee in any of the positions listed in subsection (a)(2). In the case of an incident in which an individual has been charged with one of those offenses, when the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved. Conviction of a crime other than a sex crime may be considered if it bears on an individual's fitness to have responsibility for the safety and well-being of children.

(d) Employment applications

(1) Employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in any of the positions listed in subsection (a)(1), shall contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description of the disposition of the arrest or charge. An application shall state that it is being signed under penalty of perjury, with the applicable Federal punishment for perjury stated on the application.

(2) A Federal agency seeking a criminal history record check shall first obtain the signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing Federal agency and the right to challenge the accuracy and completeness of any information contained in the report.

(e) Encouragement of voluntary criminal history checks for others who may have contact with children

Federal agencies and facilities are encouraged to submit identifying information for criminal history checks on volunteers working in any of the positions listed in subsection (a) and on adult household members in places where child care or foster care services are being provided in a home.

(Pub. L. 101-647, title II, § 231, Nov. 29, 1990, 104 Stat. 4808; Pub. L. 102-190, div. A, title X, § 1094(a), Dec. 5, 1991, 105 Stat. 1488.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13041 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-190, § 1094(a)(1), substituted “May 29, 1991. Except as provided in subsection (b)(3), no additional staff” for “6 months after November 29, 1990, and no additional staff”.

Subsec. (b)(3). Pub. L. 102-190, § 1094(a)(2), added par. (3).

CHAPTER 205—AMBER ALERT

Sec.
20501. National coordination of AMBER Alert communications network.

Sec.
20502. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network.
20503. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.
20504. Grant program for support of AMBER Alert communications plans.
20505. Limitation on liability.

§ 20501. National coordination of AMBER Alert communications network

(a) Coordination within Department of Justice

The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties

In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel (including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States);

(2) work with States, territories of the United States, and tribal governments to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States, territories of the United States, and tribal governments to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) Consultation with Federal Bureau of Investigation

In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation

The Coordinator shall cooperate with the Secretary of Transportation, the Secretary of Homeland Security, and the Federal Communications Commission in carrying out activities under this section.

(e) Report

Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

(Pub. L. 108-21, title III, § 301, Apr. 30, 2003, 117 Stat. 660; Pub. L. 116-283, div. H, title C, § 10001(a)(1), Jan. 1, 2021, 134 Stat. 4860.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283, §10001(a)(1)(A)(i), inserted “(including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States)” after “gaps in areas of interstate travel”.

Subsec. (b)(2), (3). Pub. L. 116-283, §10001(a)(1)(A)(ii), inserted “, territories of the United States, and tribal governments” after “States”.

Subsec. (d). Pub. L. 116-283, §10001(a)(1)(B), inserted “, the Secretary of Homeland Security,” after “Secretary of Transportation”.

§ 20502. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network

(a) Establishment of minimum standards

Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

- (1) the issuance of alerts through the AMBER Alert communications network; and
- (2) the extent of the dissemination of alerts issued through the network.

(b) Limitations

(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, territorial, tribal, and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, territorial, tribal, and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State, territorial, tribal, and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) Cooperation

(1) The Coordinator shall cooperate with the Secretary of Transportation, the Secretary of Homeland Security, and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State, territorial, tribal, and local law enforcement agencies in establishing minimum standards under this section.

(Pub. L. 108-21, title III, §302, Apr. 30, 2003, 117 Stat. 661; Pub. L. 116-283, div. H, title C, §10001(a)(2), Jan. 1, 2021, 134 Stat. 4861.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Subsec. (b)(2) to (4). Pub. L. 116-283, §10001(a)(2)(A), inserted “, territorial, tribal,” after “State”.

Subsec. (c)(1). Pub. L. 116-283, §10001(a)(2)(B)(i), inserted “, the Secretary of Homeland Security,” after “Secretary of Transportation”.

Subsec. (c)(2). Pub. L. 116-283, §10001(a)(2)(B)(ii), inserted “, territorial, tribal,” after “State”.

§ 20503. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children

(a) Program required

The Secretary of Transportation (referred to in this section as the “Secretary”) shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States for alerts and other information for the recovery of abducted children.

(b) Development grants

(1) In general

The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other information systems to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children.

(2) Eligible activities

A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other information systems to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists, aircraft passengers, ship passengers, and travelers about abductions of children.

(E) To plan and design improved systems for communicating with motorists, aircraft passengers, ship passengers, and travelers, including the capability for issuing wide area alerts to motorists, aircraft passengers, ship passengers, and travelers.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists, aircraft passengers, ship passengers, and travelers during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists, aircraft passengers, ship passengers, and travelers about abductions of children.

(c) Implementation grants

(1) In general

The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other information systems to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) Eligible activities

A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other information systems to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children. Such support may include the purchase and installation of changeable message signs or other information systems to notify motorists, aircraft passengers, ship passengers, and travelers about abductions of children.

(d) Federal share

(1) In general

Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(2) Waiver

If the Secretary determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States is unable to comply with the requirement under paragraph (1), the Secretary shall waive such requirement.

(e) Distribution of grant amounts

The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) Administration

The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) Definition

In this chapter, the term “State” means any of the 50 States, the District of Columbia, Amer-

ican Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States.

(h) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$20,000,000 for each of fiscal years 2019 through 2023. Such amounts shall remain available until expended.

(i) Study of State programs

(1) Study

The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) Report

Not later than 1 year after April 30, 2003, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

(Pub. L. 108–21, title III, §303, Apr. 30, 2003, 117 Stat. 662; Pub. L. 116–283, div. H, title C, §10001(b)(1), Jan. 1, 2021, 134 Stat. 4861.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Pub. L. 116–283, §10001(b)(1)(A), inserted “and major transportation routes” after “along highways” in section catchline.

Subsec. (a). Pub. L. 116–283, §10001(b)(1)(B), inserted “(referred to in this section as the ‘Secretary’)” after “Secretary of Transportation” and “and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States” after “along highways”.

Subsec. (b)(1). Pub. L. 116–283, §10001(b)(1)(C)(i), substituted “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers” for “other motorist information systems to notify motorists” and inserted “, aircraft passengers, ship passengers, and travelers” after “necessary to notify motorists”.

Subsec. (b)(2)(A). Pub. L. 116–283, §10001(b)(1)(C)(ii)(I), substituted “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers” for “other motorist information systems to notify motorists”.

Subsec. (b)(2)(D). Pub. L. 116–283, §10001(b)(1)(C)(ii)(II), inserted “, aircraft passengers, ship passengers, and travelers” after “support the notification of motorists”.

Subsec. (b)(2)(E). Pub. L. 116–283, §10001(b)(1)(C)(ii)(III), inserted “, aircraft passengers, ship passengers, and travelers” after “motorists” in two places.

Subsec. (b)(2)(F), (G). Pub. L. 116–283, §10001(b)(1)(C)(ii)(IV), (V), inserted “, aircraft passengers, ship passengers, and travelers” after “motorists”.

Subsec. (c). Pub. L. 116–283, §10001(b)(1)(D), substituted “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers” for “other motorist information systems” in two places.

Subsec. (d). Pub. L. 116-283, §10001(b)(1)(E), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.”

Subsec. (g). Pub. L. 116-283, §10001(b)(1)(F), substituted “In this chapter” for “In this section” and “American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States” for “or Puerto Rico”.

Subsec. (h). Pub. L. 116-283, §10001(b)(1)(G), substituted “each of fiscal years 2019 through 2023” for “fiscal year 2004”.

§ 20504. Grant program for support of AMBER Alert communications plans

(a) Program required

The Attorney General shall carry out a program to provide grants to States and Indian tribes for—

(1) the development or enhancement of programs and activities for the support of AMBER Alert communications plans; and

(2) the integration of tribal AMBER Alert systems into State AMBER Alert systems.

(b) Activities

Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans;

(3) the development and implementation of new technologies to improve AMBER Alert communications;

(4) the integration of State or regional AMBER Alert communication plans with a territorial government or an Indian tribe; and

(5) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) Federal share

(1) In general

Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 50 percent.

(2) Waiver

If the Attorney General determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, or an Indian tribe is unable to comply with the requirement under paragraph (1), the Attorney General shall waive such requirement.

(d) Distribution of grant amounts on geographic basis

The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States, including territories of the United States.

(e) Administration

The Attorney General shall prescribe requirements, including application requirements, and

standards to improve accountability and transparency for grants awarded under the program under subsection (a).

(f) Definition of Indian tribe

In this section, the term “Indian tribe” means a federally recognized Indian tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 1602 of title 43).

(g) Authorization of appropriations

(1) There is authorized to be appropriated for the Department of Justice \$5,000,000 for fiscal year 2019 to carry out this section and, in addition, \$5,000,000 for fiscal year 2019 to carry out paragraphs (3) and (4) of subsection (b).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(Pub. L. 108-21, title III, §304, Apr. 30, 2003, 117 Stat. 663; Pub. L. 115-166, §2, Apr. 13, 2018, 132 Stat. 1274; Pub. L. 116-283, div. H, title C, §10001(c), Jan. 1, 2021, 134 Stat. 4862.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Subsec. (b)(4). Pub. L. 116-283, §10001(c)(1), inserted “a territorial government or” after “with”.

Subsec. (c). Pub. L. 116-283, §10001(c)(2), amended subsec. (c) generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

“(2) WAIVER OF FEDERAL SHARE.—If the Attorney General determines that an Indian tribe does not have sufficient funds available to comply with the Federal share requirement under paragraph (1) for the cost of activities funded by a grant for the purpose described in subsection (b)(4), the Attorney General may increase the Federal share of the costs for such activities to the extent the Attorney General determines necessary.”

Subsec. (d). Pub. L. 116-283, §10001(c)(3), inserted “, including territories of the United States” before period at end.

2018—Subsec. (a). Pub. L. 115-166, §2(1), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.”

Subsec. (b)(4), (5). Pub. L. 115-166, §2(2), added par. (4) and redesignated former par. (4) as (5).

Subsec. (c). Pub. L. 115-166, §2(3), designated existing provisions as par. (1) and inserted heading, substituted “Except as provided in paragraph (2), the Federal” for “The Federal”, and added par. (2).

Subsec. (e). Pub. L. 115-166, §2(4), substituted “and standards to improve accountability and transparency for grants awarded under” for “for grants under”.

Subsec. (f). Pub. L. 115-166, §2(6), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 115-166, §2(5), (7), redesignated subsec. (f) as (g) and, in par. (1), substituted “2019” for “2004” in two places and “paragraphs (3) and (4) of subsection (b)” for “subsection (b)(3)”.

§ 20505. Limitation on liability

(a) Except as provided in subsection (b), the National Center for Missing and Exploited Chil-

dren, including any of its officers, employees, or agents, shall not be liable for damages in any civil action for defamation, libel, slander, or harm to reputation arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any clearing-house, hotline or complaint intake or forwarding program or in connection with activity that is wholly or partially funded by the United States and undertaken in cooperation with, or at the direction of a Federal law enforcement agency.

(b) The limitation in subsection (a) does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law. For purposes of this subsection, the prevention, or detection of crime, and the safety, recovery, or protection of missing or exploited children shall be deemed, per se, to be an activity mandated by Federal law.

(Pub. L. 108–21, title III, § 305, Apr. 30, 2003, 117 Stat. 664.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 207—COMBATING DOMESTIC TRAFFICKING IN PERSONS

Sec.	
20701.	Prevention of domestic trafficking in persons.
20702.	Establishment of a grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
20703.	Victim-centered child human trafficking deterrence block grant program.
20704.	Grant accountability.
20705.	Enhancing State and local efforts to combat trafficking in persons.
20705a.	Enhancing the ability of State, local, and Tribal child welfare agencies to identify and respond to children who are, or are at risk of being, victims of trafficking.
20706.	Senior Policy Operating Group.
20707.	Definitions.
20708.	Grants for specialized human trafficking training and technical assistance for service providers.
20709.	Combat Human Trafficking Act.
20709a to 20709c.	Transferred
20710.	Education and outreach to trafficking survivors.
20711.	Establishing a national strategy to combat human trafficking.
20712.	Holistic training for Federal law enforcement officers and prosecutors.
20713.	Encouraging a victim-centered approach to training of Federal law enforcement personnel.
20714.	Training of tribal law enforcement and prosecutorial personnel.

§ 20701. Prevention of domestic trafficking in persons

(a) Program to reduce trafficking in persons and demand for commercial sex acts in the United States

(1) Comprehensive research and statistical review and analysis of incidents of trafficking in persons and commercial sex acts

(A) In general

The Attorney General shall use available data from State and local authorities as well as research data to carry out a biennial comprehensive research and statistical review and analysis of severe forms of trafficking in persons, and a biennial comprehensive research and statistical review and analysis of sex trafficking and unlawful commercial sex acts in the United States, and shall submit to Congress separate biennial reports on the findings.

(B) Contents

The research and statistical review and analysis under this paragraph shall consist of two separate studies, utilizing the same statistical data where appropriate, as follows:

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;

(II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;

(III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and

(IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) Trafficking conference

(A) In general

The Attorney General, in consultation and cooperation with the Secretary of Health

and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;

(iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and

(iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) Participation

Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

(i) Federal Government officials, including law enforcement and prosecutorial officials;

(ii) State and local government officials, including law enforcement and prosecutorial officials;

(iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;

(iv) medical personnel;

(v) social service providers and relevant nongovernmental organizations; and

(vi) academic experts.

(C) Reports

The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

(b) Omitted

(c) Authorization of appropriations

There are authorized to be appropriated—

(1) \$1,500,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(1)(B)(i) and \$1,500,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(1)(B)(ii); and

(2) \$250,000 for each of the fiscal years 2014 through 2021 to carry out the activities described in subsection (a)(2).

(Pub. L. 109–164, title II, § 201, Jan. 10, 2006, 119 Stat. 3567; Pub. L. 110–457, title III, § 302(2), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, § 1252(2), Mar. 7, 2013, 127 Stat. 156; Pub. L. 115–393, title III, § 301(b), Dec. 21, 2018, 132 Stat. 5272.)

Editorial Notes

CODIFICATION

Section is comprised of section 201 of Pub. L. 109–164. Subsec. (b) of section 201 of Pub. L. 109–164 amended section 7104 of Title 22, Foreign Relations and Intercourse.

Section was formerly classified to section 14044 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (c)(2). Pub. L. 115–393 substituted “2021” for “2017”.

2013—Subsec. (c)(2). Pub. L. 113–4 substituted “\$250,000 for each of the fiscal years 2014 through 2017” for “\$1,000,000 for each of the fiscal years 2008 through 2011”.

2008—Subsec. (c)(1). Pub. L. 110–457, § 302(2)(A), substituted “\$1,500,000 for each of the fiscal years 2008 through 2011” for “\$2,500,000 for each of the fiscal years 2006 and 2007” in two places.

Subsec. (c)(2). Pub. L. 110–457, § 302(2)(B), which directed substitution of “2008 through 2011” for “2006 and 2007”, was executed by making the substitution for “2006 through 2007”, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING

Pub. L. 115–392, § 8, Dec. 21, 2018, 132 Stat. 5253, provided that: “Not later than 180 days after the date of enactment of this Act [Dec. 21, 2018], the Attorney General shall issue guidance to all offices and components of the Department of Justice—

“(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) [now 103(11)] of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9) [now 7102(11)]);

“(2) recommending and implementing best practices for the collection of special assessments under section 3014 of title 18, United States Code, as added by section 101 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 228), including a directive that civil liens are an authorized collection method and remedy under section 3613 of title 18, United States Code; and

“(3) clarifying that commercial sexual exploitation is a form of gender-based violence.”

ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY

Pub. L. 115–392, § 19, Dec. 21, 2018, 132 Stat. 5258, provided that: “No Federal funds or resources may be used

for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

“(1) has the primary purpose of providing adult entertainment; and

“(2) derives profits from the commercial sex trade.”

RECOMMENDATIONS TO PREVENT SEX TRAFFICKING OF INDIAN WOMEN

Pub. L. 111–211, title II, §264, July 29, 2010, 124 Stat. 2300, provided that: “Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.”

Executive Documents

EX. ORD. NO. 13903. COMBATING HUMAN TRAFFICKING AND ONLINE CHILD EXPLOITATION IN THE UNITED STATES

Ex Ord. No. 13903, Jan. 31, 2020, 85 F.R. 6721, provided: SECTION 1. *Policy.* Human trafficking is a form of modern slavery. Throughout the United States and around the world, human trafficking tears apart communities, fuels criminal activity, and threatens the national security of the United States. It is estimated that millions of individuals are trafficked around the world each year—including into and within the United States. As the United States continues to lead the global fight against human trafficking, we must remain relentless in resolving to eradicate it in our cities, suburbs, rural communities, tribal lands, and on our transportation networks. Human trafficking in the United States takes many forms and can involve exploitation of both adults and children for labor and sex.

Twenty-first century technology and the proliferation of the internet and mobile devices have helped facilitate the crime of child sex trafficking and other forms of child exploitation. Consequently, the number of reports to the National Center for Missing and Exploited Children of online photos and videos of children being sexually abused is at record levels.

The Federal Government is committed to preventing human trafficking and the online sexual exploitation of children. Effectively combating these crimes requires a comprehensive and coordinated response to prosecute human traffickers and individuals who sexually exploit children online, to protect and support victims of human trafficking and child exploitation, and to provide prevention education to raise awareness and help lower the incidence of human trafficking and child exploitation into, from, and within the United States.

To this end, it shall be the policy of the executive branch to prioritize its resources to vigorously prosecute offenders, to assist victims, and to provide prevention education to combat human trafficking and online sexual exploitation of children.

SEC. 2. *Strengthening Federal Responsiveness to Human Trafficking.* (a) The Domestic Policy Council shall commit one employee position to work on issues related to combating human trafficking occurring into, from, and within the United States and to coordinate with personnel in other components of the Executive Office of the President, including the Office of Economic Initiatives and the National Security Council, on such efforts. This position shall be filled by an employee of the executive branch detailed from the Department of Justice, the Department of Labor, the Department of Health and Human Services, the Department of Transportation, or the Department of Homeland Security.

(b) The Secretary of State, on behalf of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, shall make available, online, a list of the Federal Government's resources to combat human trafficking, including resources to identify and report instances of human trafficking, to protect and support the victims of trafficking, and to provide public outreach and training.

(c) The Secretary of State, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, in coordination and consistent with applicable law:

(i) improve methodologies of estimating the prevalence of human trafficking, including in specific sectors or regions, and monitoring the impact of anti-trafficking efforts and publish such methodologies as appropriate; and

(ii) establish estimates of the prevalence of human trafficking in the United States.

SEC. 3. *Prosecuting Human Traffickers and Individuals Who Exploit Children Online.* (a) The Attorney General, through the Federal Enforcement Working Group, in collaboration with the Secretary of Labor and the Secretary of Homeland Security, shall:

(i) improve interagency coordination with respect to targeting traffickers, determining threat assessments, and sharing law enforcement intelligence to build on the Administration's commitment to the continued success of ongoing anti-trafficking enforcement initiatives, such as the Anti-Trafficking Coordination Team and the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiatives; and

(ii) coordinate activities, as appropriate, with the Task Force on Missing and Murdered American Indians and Alaska Natives as established by Executive Order 13898 of November 26, 2019 (Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives) [25 U.S.C. 2801 note].

(b) The Attorney General and the Secretary of Homeland Security, and other heads of executive departments and agencies as appropriate, shall, within 180 days of the date of this order [Jan. 31, 2020], propose to the President, through the Director of the Domestic Policy Council, legislative and executive actions that would overcome information-sharing challenges and improve law enforcement's capabilities to detect in real-time the sharing of child sexual abuse material on the internet, including material referred to in Federal law as “child pornography.” Overcoming these challenges would allow law enforcement officials to more efficiently identify, protect, and rescue victims of online child sexual exploitation; investigate and prosecute alleged offenders; and eliminate the child sexual abuse material online.

SEC. 4. *Protecting Victims of Human Trafficking and Child Exploitation.* (a) The Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security, and other heads of executive departments and agencies as appropriate, shall work together to enhance capabilities to locate children who are missing, including those who have run away from foster care and those previously in Federal custody, and are vulnerable to human trafficking and child exploitation. In doing so, such heads of executive departments and agencies, [sic] shall, as appropriate, engage social media companies; the technology industry; State, local, tribal and territorial child welfare agencies; the National Center for Missing and Exploited Children; and law enforcement at all levels.

(b) The Secretary of Health and Human Services, in consultation with the Secretary of Housing and Urban Development, shall establish an internal working group to develop and incorporate practical strategies for State, local, and tribal governments, child welfare agencies, and faith-based and other community organizations to expand housing options for victims of human trafficking.

SEC. 5. *Preventing Human Trafficking and Child Exploitation Through Education Partnerships.* The Attorney General and the Secretary of Homeland Security, in coordination with the Secretary of Education, shall partner with State, local, and tribal law enforcement entities to fund human trafficking and child exploitation prevention programs for our Nation's youth in schools, consistent with applicable law and available appropriations.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 20702. Establishment of a grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking

(a) Definitions

In this section:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) Assistant Attorney General

The term “Assistant Attorney General” means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

(3) Eligible entity

The term “eligible entity” means a State or unit of local government that—

(A) has significant criminal activity involving sex trafficking of minors;

(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

(C) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

(i) building or establishing a residential care facility for minor victims of sex trafficking;

(ii) the provision of rehabilitative care to minor victims of sex trafficking;

(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

(iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

(D) provides assurance that a minor victim of sex trafficking shall not be required to

collaborate with law enforcement to have access to residential care or services provided with a grant under this section.

(4) Minor victim of sex trafficking

The term “minor victim of sex trafficking” means an individual who—

(A) is younger than 18 years of age, and is a victim of an offense described in section 1591(a) of title 18 or a comparable State law; or

(B)(i) is not younger than 18 years of age nor older than 20 years of age;

(ii) before the individual reached 18 years of age, was described in subparagraph (A); and

(iii) was receiving shelter or services as a minor victim of sex trafficking.

(5) Qualified nongovernmental organization

The term “qualified nongovernmental organization” means an organization that—

(A) is not a State or unit of local government, or an agency of a State or unit of local government;

(B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

(C) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section.

(6) Sex trafficking of a minor

The term “sex trafficking of a minor” means an offense described in section 1591(a) of title 18 or a comparable State law, against a minor.

(b) Sex trafficking block grants

(1) Grants authorized

(A) In general

The Assistant Attorney General, in consultation with the Assistant Secretary, may make block grants to 4 eligible entities located in different regions of the United States to combat sex trafficking of minors.

(B) Requirement

Not fewer than 1 of the block grants made under subparagraph (A) shall be awarded to an eligible entity with a State population of less than 5,000,000.

(C) Grant amount

Subject to the availability of appropriations under subsection (g) to carry out this section, each grant made under this section shall be for an amount not less than \$1,500,000 and not greater than \$2,000,000.

(D) Duration

(i) In general

A grant made under this section shall be for a period of 1 year.

(ii) Renewal

(I) In general

The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

(II) Priority

In making grants in any fiscal year after the first fiscal year in which grants are made under this section, the Assistant Attorney General shall give priority to an eligible entity that received a grant in the preceding fiscal year and is eligible for renewal under this subparagraph, taking into account any evaluation of the eligible entity conducted under paragraph (4), if available.

(E) Consultation

In carrying out this section, the Assistant Attorney General shall consult with the Assistant Secretary with respect to—

- (i) evaluations of grant recipients under paragraph (4);
- (ii) avoiding unintentional duplication of grants; and
- (iii) any other areas of shared concern.

(2) Use of funds**(A) Allocation**

Not less than 67 percent of each grant made under paragraph (1) shall be used by the eligible entity to provide residential care and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations.

(B) Authorized activities

Grants awarded pursuant to paragraph (2) may be used for—

- (i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;
- (ii) providing 24-hour emergency social services response for minor victims of sex trafficking;
- (iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;
- (iv) case management services for minor victims of sex trafficking;
- (v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;
- (vi) legal services for minor victims of sex trafficking;
- (vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;
- (viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;
- (ix) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is

an appropriate alternative to criminal prosecution; and

(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor; and

(x) screening and referral of minor victims of severe forms of trafficking in persons.

(3) Application**(A) In general**

Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

(B) Contents

Each application submitted pursuant to subparagraph (A) shall—

- (i) describe the activities for which assistance under this section is sought; and
- (ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

(4) Evaluation

The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

(5) Pilot demonstration program**(A) Establishment**

The Assistant Attorney General, in consultation with the Assistant Secretary, shall establish a pilot demonstration program, through which community-based organizations in underserved communities, prioritizing rural communities, in the United States may apply for funding to develop, implement, and build replicable treatment models, based on the type of housing unit that the individual being treated lives in, with supportive services and innovative care, treatment, and services.

(B) Population to be served

The program established pursuant to subparagraph (A) shall primarily serve adolescents and youth who—

- (i) are transitioning out of foster care;
- (ii) struggle with substance use disorder;
- (iii) are pregnant or parenting; or
- (iv) have experienced foster care involvement or involvement in the child welfare system, child poverty, child abuse or neglect, human trafficking, juvenile justice involvement, gang involvement, or homelessness.

(C) Authorized activities

Funding provided under subparagraph (A) may be used for—

- (i) providing residential care, including temporary or long-term placement as appropriate;

- (ii) providing 24-hour emergency social services response;
- (iii) providing clothing and other daily necessities needed to keep individuals from returning to living on the street;
- (iv) case management services;
- (v) mental health counseling, including specialized counseling and substance abuse treatment;
- (vi) legal services;
- (vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking and labor trafficking victims on issues related to the sex trafficking and labor trafficking of minors; and
- (viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking and labor trafficking of minors.

(D) Funding priority

The Assistant Attorney General shall give funding priority to community-based programs that provide crisis stabilization, emergency shelter, and addiction treatment for adolescents and transitional age residential programs that have reputable outcomes.

(c) Mandatory exclusion

An eligible entity that receives a grant under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

(d) Compliance requirement

An eligible entity shall not be eligible to receive a grant under this section if, during the 5 fiscal years before the eligible entity submits an application for the grant, the eligible entity has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

(e) Administrative cap

The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

(f) Audit requirement

For fiscal years 2016 and 2017, the Inspector General of the Department of Justice shall conduct an audit of all 4 eligible entities that receive block grants under this section.

(g) Match requirement

An eligible entity that receives a grant under this section shall provide a non-Federal match in an amount equal to not less than—

- (1) 15 percent of the grant during the first year;
- (2) 25 percent of the grant during the first renewal period;
- (3) 40 percent of the grant during the second renewal period; and
- (4) 50 percent of the grant during the third renewal period.

(h) No limitation on section 20705 grants

An entity that applies for a grant under section 20705 of this title is not prohibited from also applying for a grant under this section.

(i) Authorization of appropriations

There are authorized to be appropriated \$8,000,000 to the Attorney General for each of the fiscal years 2018 through 2021 to carry out this section.

(j) GAO evaluation

Not later than 30 months after March 7, 2013, the Comptroller General of the United States shall submit a report to Congress that contains—

- (1) an evaluation of the impact of this section in aiding minor victims of sex trafficking in the jurisdiction of the entity receiving the grant; and
- (2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

(Pub. L. 109-164, title II, §202, Jan. 10, 2006, 119 Stat. 3569; Pub. L. 110-457, title III, §302(3), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113-4, title XII, §1241(a), Mar. 7, 2013, 127 Stat. 149; Pub. L. 115-393, title III, §301(e)(1)(A), (3), Dec. 21, 2018, 132 Stat. 5272; Pub. L. 117-348, title I, §103, Jan. 5, 2023, 136 Stat. 6215.)

Editorial Notes

REFERENCES IN TEXT

March 7, 2013, referred to in subsec. (j), was in the original “the date of the enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 113-4, which amended this section generally, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 14044a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Subsec. (b)(5). Pub. L. 117-348 added par. (5).

2018—Pub. L. 115-393, §301(e)(1)(A), amended section to read as it read on Mar 6, 2017. See 2013 Amendment note below. Prior to amendment, section consisted of subsecs. (a) to (d) relating to grant programs to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.

Subsec. (i). Pub. L. 115-393, §301(e)(3), substituted “2018 through 2021” for “2014 through 2017”.

2013—Pub. L. 113-4 temporarily amended section generally, so as to consist of subsecs. (a) to (j) relating to grant programs to develop, expand, and strengthen assistance programs for certain persons subject to trafficking. See Effective and Termination Dates of 2013 Amendment note below.

2008—Subsec. (d). Pub. L. 110-457 substituted “\$8,000,000 for each of the fiscal years 2008 through 2011” for “\$10,000,000 for each of the fiscal years 2006 and 2007”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-393, title III, §301(e)(2), Dec. 21, 2018, 132 Stat. 5272, provided that: “The amendments made by paragraph (1) [amending this section and repealing provisions set out as a note under this section] shall take effect as though enacted on March 6, 2017.”

EFFECTIVE AND TERMINATION DATES OF 2013
AMENDMENT

Pub. L. 113-4, title XII, § 1241(b), Mar. 7, 2013, 127 Stat. 153, which provided that the amendment made to this section by section 1241(a) of Pub. L. 113-4 would be effective during the 4-year period beginning on Mar. 7, 2013, was repealed by Pub. L. 115-393, title III, § 301(e)(1)(B), Dec. 21, 2018, 132 Stat. 5272.

§ 20703. Victim-centered child human trafficking deterrence block grant program

(a) Grants authorized

The Attorney General may award block grants to an eligible entity to develop, improve, or expand domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims' services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

(b) Authorized activities

Grants awarded under subsection (a) may be used for—

(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

(A) identify victims and acts of child human trafficking;

(B) address the unique needs of child victims of human trafficking;

(C) facilitate the rescue of child victims of human trafficking;

(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking; and

(E) utilize, implement, and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses, and other laws aimed at the investigation and prosecution of child human trafficking;

(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving child human trafficking;

(B) investigation expenses for cases involving child human trafficking, including—

(i) wire taps;

(ii) consultants with expertise specific to cases involving child human trafficking;

(iii) travel; and

(iv) other technical assistance expenditures;

(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking;

(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims' services through coordination with—

(i) child advocacy centers;

(ii) social service agencies;

(iii) State governmental health service agencies;

(iv) housing agencies;

(v) legal services agencies; and

(vi) nongovernmental organizations and shelter service providers with substantial experience in delivering wrap-around services to victims of child human trafficking; and

(E) the establishment or enhancement of other necessary victim assistance programs or personnel, such as victim or child advocates, child-protective services, child forensic interviews, or other necessary service providers;

(3) activities of law enforcement agencies to find homeless and runaway youth, including salaries and associated expenses for retired Federal law enforcement officers assisting the law enforcement agencies in finding homeless and runaway youth; and

(4) the establishment or enhancement of problem solving court programs for trafficking victims that include—

(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

(B) continuing judicial supervision of victims of child human trafficking, including case worker or child welfare supervision in collaboration with judicial officers, who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

(i) State-administered outpatient treatment;

(ii) life skills training;

(iii) housing placement;

- (iv) vocational training;
- (v) education;
- (vi) family support services; and
- (vii) job placement;

(D) centralized case management involving the consolidation of all of each child human trafficking victim's cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and nongovernmental organizations with substantial experience in delivering wrap-around services to victims of child human trafficking to provide services to victims and encourage cooperation with law enforcement.

(c) Application

(1) In general

An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

(2) Required information

An application submitted under this subsection shall—

(A) describe the activities for which assistance under this section is sought;

(B) include a detailed plan for the use of funds awarded under the grant;

(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section; and

(D) disclose—

(i) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (b) for which the eligible entity has applied, and which application is pending on the date of the submission of an application under this section; and

(ii) any other such grant funding that the eligible entity has received during the 5-year period ending on the date of the submission of an application under this section.

(3) Preference

In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

(B) the application includes a plan by the State or unit of local government to con-

tinue funding of all activities funded by the award after the expiration of the award.

(4) Eligible entities soliciting data on child human trafficking

No eligible entity shall be disadvantaged in being awarded a grant under subsection (a) on the grounds that the eligible entity has only recently begun soliciting data on child human trafficking.

(d) Duration and renewal of award

(1) In general

A grant under this section shall expire 3 years after the date of award of the grant.

(2) Renewal

A grant under this section shall be renewable not more than 2 times and for a period of not greater than 2 years.

(e) Evaluation

The Attorney General shall—

(1) enter into a contract with a nongovernmental organization, including an academic or nonprofit organization, that has experience with issues related to child human trafficking and evaluation of grant programs to conduct periodic evaluations of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section;

(2) instruct the Inspector General of the Department of Justice to review evaluations issued under paragraph (1) to determine the methodological and statistical validity of the evaluations; and

(3) submit the results of any evaluation conducted pursuant to paragraph (1) to—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(f) Mandatory exclusion

An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

(g) Compliance requirement

An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

(h) Administrative cap

The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount expended to carry out this section.

(i) Federal share

The Federal share of the cost of a program funded by a grant awarded under this section shall be—

- (1) 70 percent in the first year;
- (2) 60 percent in the second year; and
- (3) 50 percent in the third year, and in all subsequent years.

(j) Authorization of funding; fully offset

For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than \$7,000,000 of the funds available in the Domestic Trafficking Victims' Fund, established under section 3014 of title 18, for each of fiscal years 2016 through 2020.

(k) Definitions

In this section—

(1) the term “child” means a person under the age of 18;

(2) the term “child advocacy center” means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);¹

(3) the term “child human trafficking” means 1 or more severe forms of trafficking in persons (as defined in section 7102 of title 22) involving a victim who is a child; and

(4) the term “eligible entity” means a State or unit of local government that—

(A) has significant criminal activity involving child human trafficking;

(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers; and

(D) provides an assurance that, under the plan under subparagraph (C), a victim of

child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

(l) Grant accountability; specialized victims' service requirement

No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.

(Pub. L. 109–164, title II, §203, Jan. 10, 2006, 119 Stat. 3570; Pub. L. 110–457, title III, §302(4), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 114–22, title I, §103(a), May 29, 2015, 129 Stat. 231.)

Editorial Notes

REFERENCES IN TEXT

The Victims of Child Abuse Act of 1990, referred to in subsec. (k)(2), is Pub. L. 101–647, title II, Nov. 29, 1990, 104 Stat. 4792. Subtitle A of the Act was classified generally to subchapter I (§13001 et seq.) of chapter 132 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20301 et seq.) of chapter 203 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14044b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2015—Pub. L. 114–22 amended section generally. Prior to amendment, section related to pilot program for protection of juvenile victims of trafficking in persons.

2008—Subsec. (g). Pub. L. 110–457 substituted “2008 through 2011” for “2006 and 2007”.

§ 20704. Grant accountability

(a) Definition

In this section, the term “covered grant” means a grant awarded by the Attorney General under section 20703 of this title, as amended by section 103.

(b) Accountability

All covered grants shall be subject to the following accountability provisions:

(1) Audit requirement

(A) In general

Beginning in the first fiscal year beginning after May 29, 2015, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of a covered grant to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(B) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General that

¹ See References in Text note below.

the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(C) Mandatory exclusion

A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the following 2 fiscal years.

(D) Priority

In awarding covered grants the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a covered grant.

(E) Reimbursement

If an entity is awarded a covered grant during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

- (i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and
- (ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph and covered grants, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of title 26.

(B) Prohibition

The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore 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 covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(3) Conference expenditures

(A) Limitation

No amounts transferred to the Department of Justice under this title,¹ or the amendments made by this title,¹ may be used by

the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this title,¹ or the amendments made by this title,¹ to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies 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 and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(D) Annual certification

Beginning in the first fiscal year beginning after May 29, 2015, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—

- (i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;
- (ii) all mandatory exclusions required under paragraph (1)(C) have been issued;
- (iii) all reimbursements required under paragraph (1)(E) have been made; and
- (iv) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(4) Prohibition on lobbying activity

(A) In general

Amounts awarded under this title,¹ or any amendments made by this title,¹ may not be utilized by any grant recipient to—

- (i) lobby any representative of the Department of Justice regarding the award of 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 covered grant 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 covered grant for not less than 5 years.

¹ See References in Text note below.

(Pub. L. 114-22, title I, §117, May 29, 2015, 129 Stat. 245.)

Editorial Notes

REFERENCES IN TEXT

Section 103, referred to in subsec. (a), means section 103 of Pub. L. 114-22. For classification of section 103 to the Code, see Tables.

This title, referred to in subsec. (b)(3)(A), (4)(A), is title I of Pub. L. 114-22, May 29, 2015, 129 Stat. 228. For complete classification of title I to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of title II of the Trafficking Victims Protection Reauthorization Act of 2005 which comprises this chapter.

Section was formerly classified to section 14044b-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

GRANT ACCOUNTABILITY

Pub. L. 115-392, §22, Dec. 21, 2018, 132 Stat. 5259, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered agency’ means an agency authorized to award grants under this Act [see section 1(a) of Pub. L. 115-392, set out as a Short Title of 2018 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure];

“(2) the term ‘covered grant’ means a grant authorized to be awarded under this Act; and

“(3) the term ‘covered official’ means the head of a covered agency.

“(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this Act [Dec. 21, 2018], and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for the covered grant.

“(E) REIMBURSEMENT.—If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph and each covered grant program, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 [26 U.S.C. 511(a)].

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the 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, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—

“(i) DEPARTMENT OF JUSTICE.—The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

“(ii) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

“(iii) DEPARTMENT OF HOMELAND SECURITY.—The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

“(c) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

“(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and

“(B) the reason the covered official awarded the duplicate covered grants.”

§ 20705. Enhancing State and local efforts to combat trafficking in persons

(a) Establishment of grant program for law enforcement

(1) In general

The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to train law enforcement personnel how to identify victims of severe forms of trafficking in persons and related offenses;

(C) to investigate and prosecute persons who engage in the purchase of commercial sex acts and prioritize the investigations and prosecutions of those cases involving minor victims;

(D) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts;

(E) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts; and

(F) as appropriate, to designate at least 1 prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 7102(9)¹ of title 22).

(2) Definition

In this subsection, the term “related offenses” includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) Multi-disciplinary approach required

Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) Limitation on Federal share

The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) No limitation on section 20702 grant applications

An entity that applies for a grant under section 20702 of this title is not prohibited from also applying for a grant under this section.

(e) Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of the fiscal years 2014 through 2021.

(f) GAO evaluation and report

Not later than 30 months after March 7, 2013, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

(1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and

(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).

(Pub. L. 109–164, title II, § 204, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110–457, title III, § 302(5), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, § 1242, Mar. 7, 2013, 127 Stat. 153; Pub. L. 115–393, title III, § 301(c), Dec. 21, 2018, 132 Stat. 5272; Pub. L. 115–425, title I, § 122, Jan. 8, 2019, 132 Stat. 5479.)

Editorial Notes

REFERENCES IN TEXT

Section 7102(9) of title 22, referred to in subsec. (a)(1)(F), was redesignated section 7102(11) of title 22 by Pub. L. 115–427, § 2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(1)(F). Pub. L. 115–425 added subpar. (F).

2018—Subsec. (e). Pub. L. 115–393 substituted “2021” for “2017”.

2013—Subsec. (a)(1)(A). Pub. L. 113–4, § 1242(1)(A), struck out “, which involve United States citizens, or aliens admitted for permanent residence, and” after “related offenses”.

Subsec. (a)(1)(B) to (E). Pub. L. 113–4, § 1242(1)(B)–(D), added subpar. (B), redesignated former subpars. (B) to (D) as (C) to (E), respectively, and in subpar. (C) inserted “and prioritize the investigations and prosecutions of those cases involving minor victims” after “commercial sex acts”.

Subsec. (d). Pub. L. 113–4, § 1242(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113–4, § 1242(2), (4), redesignated subsec. (d) as (e) and substituted “\$10,000,000 for each of the fiscal years 2014 through 2017” for “\$20,000,000 for each of the fiscal years 2008 through 2011”.

¹ See References in Text note below.

Subsec. (f). Pub. L. 113-4, § 1242(5), added subsec. (f). 2008—Subsec. (d). Pub. L. 110-457 substituted “\$20,000,000 for each of the fiscal years 2008 through 2011” for “\$25,000,000 for each of the fiscal years 2006 and 2007”.

§ 20705a. Enhancing the ability of State, local, and Tribal child welfare agencies to identify and respond to children who are, or are at risk of being, victims of trafficking

(a) Grants to enhance child welfare services

The Secretary of Health and Human Services may make grants to eligible States to develop, improve, or expand programs that assist State, local, or Tribal child welfare agencies with identifying and responding to—

(1) children considered victims of “child abuse and neglect” and of “sexual abuse” under the application of section 5106g(b)(1) of title 42 because of being identified as being a victim or at risk of being a victim of a severe form of trafficking in persons; and

(2) children over whom such agencies have responsibility for placement, care, or supervision and for whom there is reasonable cause to believe are, or are at risk of being a victim of 1 or more severe forms of trafficking in persons.

(b) Definitions

In this section:

(1) Child

The term “child” means an individual who has not attained 18 years of age or such older age as the State has elected under section 475(8) of the Social Security Act (42 U.S.C. 675(8)). At the option of an eligible State, such term may include an individual who has not attained 26 years of age.

(2) Eligible State

The term “eligible State” means a State that has not received more than 3 grants under this section and meets 1 or more of the following criteria:

(A) Elimination of third party control requirement

The State has eliminated or will eliminate any requirement relating to identification of a controlling third party who causes a child to engage in a commercial sex act in order for the child to be considered a victim of trafficking or a victim of 1 or more severe forms of trafficking in persons for purposes of accessing child welfare services and care.

(B) Application of standard for human trafficking

The State considers a child to be a victim of trafficking if the individual is a victim of a severe form of trafficking in persons, as described in subparagraph (A) of section 7102(11) of title 22.

(C) Development and implementation of State child welfare plan protocols

The State agency responsible for administering the State plan for foster care and adoption assistance under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) has developed and is implementing or

will develop and implement protocols that meet the following reporting requirements:

(i) The requirement to report immediately, and in no case later than 24 hours after receiving, information on children who have been identified as being a victim of a severe form of trafficking in persons to law enforcement authorities under paragraph (34)(A) of section 471(a) of the Social Security Act (42 U.S.C. 671(a)).

(ii) The requirement to report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to law enforcement authorities, including children classified as “runaways”, for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children, under paragraph (35)(B) of such section [42 U.S.C. 671(a)(35)(B)].

(iii) The requirement to report to the Secretary of Health and Human Services the total number of children who are victims of child human trafficking under paragraph (34)(B) of such section [42 U.S.C. 671(a)(34)(B)].

(D) Trafficking-specific protocol

The State has developed and implemented or will develop and implement a specialized protocol for responding to a child who is, or is at risk of being, a trafficking victim to ensure the response focuses on the child’s specific safety needs as a victim of trafficking, and that includes the development and use of an alternative mechanism for investigating and responding to cases of child human trafficking in which the alleged offender is not the child’s parent or caregiver without utilizing existing processes for investigating and responding to other forms of child abuse or neglect that require the filing of an abuse or neglect petition.

(3) Indian tribe; tribal organization

The term “Indian tribe” and “tribal organization” have the meanings given those terms in section 5304 of title 25.

(4) State

The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Such term includes an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B of the Social Security Act (42 U.S.C. 679c), or which is receiving funding to provide foster care under part E of title IV of such Act [42 U.S.C. 670 et seq.] pursuant to a cooperative agreement or contract with a State.

(Pub. L. 109-164, title II, § 204A, as added Pub. L. 117-347, title I, § 104(a)(1), Jan. 5, 2023, 136 Stat. 6201.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(2)(C), (4), is act Aug. 14, 1935, ch. 531, 49 Stat. 620.

Part E of title IV of the Act is classified generally to part E (§670 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 20706. Senior Policy Operating Group

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall apprise the Senior Policy Operating Group established by section 105(f)¹ of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(Pub. L. 109-164, title II, §206, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110-457, title II, §233, Dec. 23, 2008, 122 Stat. 5074.)

Editorial Notes

REFERENCES IN TEXT

Section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000, referred to in text, was redesignated 105(g) of the Victims of Trafficking and Violence Protection Act of 2000 by Pub. L. 113-4, title XII, §1201(3), Mar. 7, 2013, 127 Stat. 136.

The Trafficking Victims Protection Act of 2000, referred to in text, is div. A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to chapter 78 (§7101 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 22 and Tables.

CODIFICATION

Section was formerly classified to section 14044d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2008—Pub. L. 110-457 struck out “, as the department or agency determines appropriate,” before “apprise the Senior Policy Operating Group”.

§ 20707. Definitions

In this chapter:

(1) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” has the meaning given the term in section 7102(9)¹ of title 22.

(2) Sex trafficking

The term “sex trafficking” has the meaning given the term in section 7102(10)¹ of title 22.

(3) Commercial sex act

The term “commercial sex act” has the meaning given the term in section 7102(4) of title 22.

(Pub. L. 109-164, title II, §207, Jan. 10, 2006, 119 Stat. 3572; Pub. L. 113-4, title XII, §1212(b)(2)(C), Mar. 7, 2013, 127 Stat. 144.)

¹ See References in Text note below.

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 109-164, Jan. 10, 2006, 119 Stat. 3567, which is classified principally to this chapter. For complete classification of title II to the Code, see Tables.

Section 7102(9) and (10) of title 22, referred to in pars. (1) and (2), was redesignated section 7102(11) and (12), respectively, of title 22 by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Par. (1). Pub. L. 113-4, §1212(b)(2)(C)(i), substituted “section 7102(9)” for “section 7102(8)”.

Par. (2). Pub. L. 113-4, §1212(b)(2)(C)(ii), substituted “section 7102(10)” for “section 7102(9)”.

Par. (3). Pub. L. 113-4, §1212(b)(2)(C)(iii), substituted “section 7102(4)” for “section 7102(3)”.

§ 20708. Grants for specialized human trafficking training and technical assistance for service providers

(a) Definitions

In this section:

(1) Act of trafficking

The term “act of trafficking” means an act or practice described in paragraph (9)¹ of section 7102 of title 22.

(2) Eligible entity

The term “eligible entity” means—

- (A) a State or unit of local government;
- (B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;
- (C) a victim service provider;
- (D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);
- (E) a national organization; or
- (F) an institution of higher education (including tribal institutions of higher education).

(3) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act of trafficking.

(b) Grants authorized

The Attorney General may award grants to eligible entities to—

- (1) provide training to identify and protect victims of trafficking;
- (2) improve the quality and quantity of services offered to trafficking survivors; and

¹ See References in Text note below.

(3) improve victim service providers' partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.

(c) Use of funds

A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking, which may include programs to build law enforcement capacity to identify and respond to human trafficking that are funded through the Office of Community Oriented Policing Services of the Department of Justice, such as the Interdiction for the Protection of Children Program;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking;

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking;

(4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;

(5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;

(6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;

(7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or

(8) assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.

(d) Restrictions

(1) Administrative expenses

An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) Nonexclusivity

Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

(Pub. L. 109-164, title II, § 208, formerly Pub. L. 109-162, title I, § 111, Jan. 5, 2006, 119 Stat. 2984; Pub. L. 113-4, title XII, § 1212(b)(2)(D), Mar. 7, 2013, 127 Stat. 144; Pub. L. 115-392, § 10(a), Dec. 21,

2018, 132 Stat. 5254; renumbered § 208 of Pub. L. 109-164 and amended Pub. L. 117-347, title I, §§ 101(a), 106(a), Jan. 5, 2023, 136 Stat. 6200, 6204.)

Editorial Notes

REFERENCES IN TEXT

Paragraph (9) of section 7102 of title 22, referred to in subsec. (a)(1), was redesignated par. (11) of section 7102 of title 22 by Pub. L. 115-427, § 2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Subsec. (c)(1). Pub. L. 117-347, § 101(a), inserted before semicolon at end “, which may include programs to build law enforcement capacity to identify and respond to human trafficking that are funded through the Office of Community Oriented Policing Services of the Department of Justice, such as the Interdiction for the Protection of Children Program”.

2018—Pub. L. 115-392, § 10(a)(1), substituted “specialized human trafficking training and technical assistance for service providers” for “law enforcement training programs” in section catchline.

Subsec. (a)(2). Pub. L. 115-392, § 10(a)(2), substituted “means—” and subpars. (A) to (F) for “means a State or a local government.”

Subsec. (b). Pub. L. 115-392, § 10(a)(3), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.”

Subsec. (c)(4) to (8). Pub. L. 115-392, § 10(a)(4), added pars. (4) to (8).

2013—Subsec. (a)(1). Pub. L. 113-4 substituted “paragraph (9)” for “paragraph (8)”.

§ 20709. Combat Human Trafficking Act

(a) Short title

This section may be cited as the “Combat Human Trafficking Act of 2015”.

(b) Definitions

In this section:

(1) Commercial sex act; severe forms of trafficking in persons; state; task force

The terms “commercial sex act”, “severe forms of trafficking in persons”, “State”, and “Task Force” have the meanings given those terms in section 7102 of title 22.

(2) Covered offender

The term “covered offender” means an individual who obtains, patronizes, or solicits a commercial sex act involving a person subject to severe forms of trafficking in persons.

(3) Covered offense

The term “covered offense” means the provision, obtaining, patronizing, or soliciting of a commercial sex act involving a person subject to severe forms of trafficking in persons.

(4) Federal law enforcement officer

The term “Federal law enforcement officer” has the meaning given the term in section 115 of title 18.

(5) Local law enforcement officer

The term “local law enforcement officer” means any officer, agent, or employee of a

unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(6) State law enforcement officer

The term “State law enforcement officer” means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(c) Department of Justice training and policy for law enforcement officers, prosecutors, and judges

(1) Training

(A) Law enforcement officers

The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice, including each anti-human trafficking training program for Federal, State, or local law enforcement officers, includes technical training on—

- (i) effective methods for investigating and prosecuting covered offenders;
- (ii) facilitating the provision of physical and mental health services by health care providers to persons subject to severe forms of trafficking in persons;
- (iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and
- (iv) how—
 - (I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and
 - (II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

(B) Federal prosecutors

The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice for United States attorneys or other Federal prosecutors includes training on seeking restitution for offenses under chapter 77 of title 18 to ensure that each United States attorney or other Federal prosecutor, upon obtaining a conviction for such an offense, requests a specific amount of restitution for each victim of the offense without regard to whether the victim requests restitution.

(C) Judges

The Federal Judicial Center shall provide training to judges relating to the application of section 1593 of title 18 with respect to ordering restitution for victims of offenses under chapter 77 of such title.

(2) Policy for Federal law enforcement officers

The Attorney General shall ensure that Federal law enforcement officers are engaged in activities, programs, or operations involving the detection, investigation, and prosecution of covered offenders.

(d) Omitted

(e) Bureau of Justice Statistics report on State enforcement of human trafficking prohibitions

The Director of the Bureau of Justice Statistics shall—

- (1) prepare an annual report on—
 - (A) the number of—
 - (i) arrests of individuals by State law enforcement officers for a covered offense, noting the number of covered offenders;
 - (ii) prosecutions (including specific charges) of individuals in State court systems for a covered offense, noting the number of covered offenders; and
 - (iii) convictions of individuals in State court systems for a covered offense, noting the number of covered offenders; and
 - (B) sentences imposed on individuals convicted in State court systems for a covered offense; and
- (2) submit the annual report prepared under paragraph (1) to—
 - (A) the Committee on the Judiciary of the House of Representatives;
 - (B) the Committee on the Judiciary of the Senate;
 - (C) the Task Force;
 - (D) the Senior Policy Operating Group established under section 7103(g) of title 22; and
 - (E) the Attorney General.

(f) Department of Justice victim screening protocol

(1) In general

Not later than 180 days after December 21, 2018, the Attorney General shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department of Justice is involved.

(2) Requirements

The protocol required to be issued under paragraph (1) shall—

- (A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;
- (B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;
- (C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;
- (D) be developed in consultation with State and local law enforcement agencies,

the Department of Health and Human Services, survivors of human trafficking, and nongovernmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and

(E) include—

(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.

(Pub. L. 109-164, title II, § 209, formerly Pub. L. 114-22, title I, § 114, May 29, 2015, 129 Stat. 241; Pub. L. 115-393, title V, § 502, Dec. 21, 2018, 132 Stat. 5276; Pub. L. 115-425, title I, § 121(b), Jan. 8, 2019, 132 Stat. 5478; renumbered § 209 of Pub. L. 109-164, Pub. L. 117-347, title I, § 106(b)(1), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

CODIFICATION

Section is comprised of section 209 of Pub. L. 109-164. Subsec. (d) of section 209 of Pub. L. 109-164 amended section 3583(k) of Title 18, Crimes and Criminal Procedure.

Section was formerly classified to section 14044g of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (e)(1)(A). Pub. L. 115-425, § 121(b)(1), (2), substituted “number” for “rates” in introductory provisions and inserted “, noting the number of covered offenders” after “covered offense” wherever appearing.

Subsec. (e)(1)(A)(i). Pub. L. 115-425, § 121(b)(3), substituted “arrests” for “arrest”.

Subsec. (e)(1)(A)(ii). Pub. L. 115-425, § 121(b)(4), substituted “prosecutions” for “prosecution”.

Subsec. (e)(1)(A)(iii). Pub. L. 115-425, § 121(b)(5), substituted “convictions” for “conviction”.

2018—Subsec. (c)(1)(A)(iii), (iv). Pub. L. 115-393, § 502(1), added cls. (iii) and (iv).

Subsec. (f). Pub. L. 115-393, § 502(2), added subsec. (f).

Statutory Notes and Related Subsidiaries

USING EXISTING TASK FORCES AND COMPONENTS TO TARGET OFFENDERS WHO EXPLOIT CHILDREN

Pub. L. 114-22, title I, § 110, May 29, 2015, 129 Stat. 239, provided that: “Not later than 180 days after the date of enactment of this Act [May 29, 2015], the Attorney General shall ensure that—

“(1) all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex; and

“(2) all components and task forces with jurisdiction to detect, investigate, and prosecute cases of child labor trafficking engage in activities, programs, or operations to increase the capacity of such components to deter and punish child labor trafficking.”

§§ 20709a to 20709c. Transferred

Editorial Notes

CODIFICATION

Section 20709a, Pub. L. 115-392, § 7, Dec. 21, 2018, 132 Stat. 5253, which related to holistic training for Federal

law enforcement officers and prosecutors, was redesignated as section 212 of Pub. L. 109-164 and transferred to section 20712 of this title.

Section 20709b, Pub. L. 115-393, title V, § 501, Dec. 21, 2018, 132 Stat. 5275, which related to encouraging a victim-centered approach to training of Federal law enforcement personnel, was redesignated as section 213 of Pub. L. 109-164 and transferred to section 20713 of this title.

Section 20709c, Pub. L. 115-393, title V, § 504, Dec. 21, 2018, 132 Stat. 5277, which related to training of tribal law enforcement and prosecutorial personnel, was redesignated as section 214 of Pub. L. 109-164 and transferred to section 20714 of this title.

§ 20710. Education and outreach to trafficking survivors

The Attorney General shall make available, on the website of the Office of Juvenile Justice and Delinquency Prevention, a database for trafficking victim advocates, crisis hotline personnel, foster parents, law enforcement personnel, and crime survivors that contains information on—

- (1) counseling and hotline resources;
- (2) housing resources;
- (3) legal assistance; and
- (4) other services for trafficking survivors.

(Pub. L. 109-164, title II, § 210, formerly Pub. L. 114-22, title I, § 119, May 29, 2015, 129 Stat. 247; renumbered § 210 of Pub. L. 109-164, Pub. L. 117-347, title I, § 106(b)(1), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 5611 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20711. Establishing a national strategy to combat human trafficking

(a) In general

The Attorney General shall implement and maintain a National Strategy for Combating Human Trafficking (referred to in this section as the “National Strategy”) in accordance with this section.

(b) Required contents of National Strategy

The National Strategy shall include the following:

(1) Integrated Federal, State, local, and tribal efforts to investigate and prosecute human trafficking cases, including—

(A) the development by each United States attorney, in consultation with State, local, and tribal government agencies, of a district-specific strategic plan to coordinate the identification of victims and the investigation and prosecution of human trafficking crimes;

(B) the participation in any Federal, State, local, or tribal human trafficking task force operating in the district of the United States attorney; and

(C) any other efforts intended to enhance the level of coordination and cooperation, as determined by the Attorney General.

(2) Case coordination within the Department of Justice, including specific integration, co-

ordination, and collaboration, as appropriate, on human trafficking investigations between and among the United States attorneys, the Human Trafficking Prosecution Unit, the Child Exploitation and Obscenity Section, and the Federal Bureau of Investigation.

(3) Annual budget priorities and Federal efforts dedicated to preventing and combating human trafficking, including resources dedicated to the Human Trafficking Prosecution Unit, the Child Exploitation and Obscenity Section, the Federal Bureau of Investigation, and all other entities that receive Federal support that have a goal or mission to combat the exploitation of adults and children.

(4) An ongoing assessment of the future trends, challenges, and opportunities, including new investigative strategies, techniques, and technologies, that will enhance Federal, State, local, and tribal efforts to combat human trafficking.

(5) Encouragement of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies to combat human trafficking, including the involvement of State, local, and tribal government agencies to the extent Federal programs are involved.

(6) A national strategy to prevent human trafficking and reduce demand for human trafficking victims.

(c) Human Trafficking Justice Coordinators

The Attorney General shall designate in each Federal judicial district not less than 1 assistant United States attorney to serve as the Human Trafficking Coordinator for the district who, in addition to any other responsibilities, works with a human trafficking victim-witness specialist and shall be responsible for—

(1) implementing the National Strategy with respect to all forms of human trafficking, including labor trafficking and sex trafficking;

(2) prosecuting, or assisting in the prosecution of, human trafficking cases;

(3) conducting public outreach and awareness activities relating to human trafficking;

(4) ensuring the collection of data required to be collected under clause (viii) of section 7103(d)(7)(Q) of title 22, as added by section 17 of the Abolish Human Trafficking Act of 2017,¹ is sought;

(5) coordinating with other Federal agencies, State, tribal, and local law enforcement agencies, victim service providers, and other relevant non-governmental organizations to build partnerships on activities relating to human trafficking; and

(6) ensuring the collection of restitution for victims is sought as required to be ordered under section 1593 of title 18 and section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017.

(d) Department of Justice Coordinator

Not later than 60 days after December 21, 2018, the Attorney General shall designate an official who shall coordinate human trafficking efforts within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(1) coordinating, promoting, and supporting the work of the Department of Justice relating to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;

(2) in consultation with survivors of human trafficking, or anti-human trafficking organizations, producing and disseminating, including making publicly available when appropriate, replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with human trafficking regarding how to—

(A) identify signs of human trafficking;

(B) conduct investigations in human trafficking cases;

(C) address evidentiary issues and other legal issues; and

(D) appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases, including in administrative, civil, and criminal judicial proceedings; and

(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, human trafficking.

(Pub. L. 109–164, title II, § 211, formerly Pub. L. 114–22, title VI, § 606, May 29, 2015, 129 Stat. 260; Pub. L. 115–392, §§ 9, 15, Dec. 21, 2018, 132 Stat. 5254, 5256; renumbered § 211 of Pub. L. 109–164, Pub. L. 117–347, title I, § 106(b)(1), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

REFERENCES IN TEXT

Clause (viii) of section 7103(d)(7)(Q) of title 22, as added by section 17 of the Abolish Human Trafficking Act of 2017, referred to subsec. (c)(4), probably should be a reference to the clause as added by section 16 of the Abolish Human Trafficking Act of 2017, which is section 16 of Pub. L. 115–392, Dec. 21, 2018, 132 Stat. 5257.

Section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017, referred to in subsec. (c)(6), means section 2429 of title 18, as added by section 3(a) of Pub. L. 115–392, Dec. 21, 2018, 132 Stat. 5251.

CODIFICATION

Section was formerly classified to section 14044h of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b)(1)(B) to (D). Pub. L. 115–392, § 15(1), redesignated subpars. (C) and (D) as (B) and (C), respectively, and struck out former subpar. (B) which read as follows: “the appointment of not fewer than 1 assistant United States attorney in each district dedicated to the prosecution of human trafficking cases or responsible for implementing the National Strategy;”.

Subsec. (b)(6). Pub. L. 115–392, § 9, added par. (6).

Subsecs. (c), (d). Pub. L. 115–392, § 15(2), added subsecs. (c) and (d).

¹ See References in Text note below.

§ 20712. Holistic training for Federal law enforcement officers and prosecutors

All training required under section 20709 of this title and section 7105(c)(4)¹ of title 22 shall—

(1) emphasize that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18 and is a party to a human trafficking offense;

(2) develop specific curriculum for—

(A) under appropriate circumstances, arresting and prosecuting buyers of commercial sex, child labor that is a violation of law, or forced labor as a form of primary prevention; and

(B) investigating and prosecuting individuals who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking; and

(3) specify that any comprehensive approach to eliminating human trafficking shall include a demand reduction component.

(Pub. L. 109–164, title II, §212, formerly Pub. L. 115–392, §7, Dec. 21, 2018, 132 Stat. 5253; renumbered §212 of Pub. L. 109–164, Pub. L. 117–347, title I, §106(b)(2), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

REFERENCES IN TEXT

Section 7105(c)(4) of title 22, referred to in text, was in the original “section 105(c)(4) of the Trafficking Victims Protection Act of 2000” and was translated as if it read “section 107(c)(4)” of the Act to reflect the probable intent of Congress. There is no section 105(c)(4) of the Trafficking Victims Protection Act of 2000 and section 107(c)(4) relates to the training of Government personnel.

CODIFICATION

Section was formerly classified to section 20709a of this title prior to renumbering by Pub. L. 117–347.

§ 20713. Encouraging a victim-centered approach to training of Federal law enforcement personnel

(a) Training curriculum improvements

The Attorney General, Secretary of Homeland Security, and Secretary of Labor shall periodically, but not less frequently than once every 2 years, implement improvements to the training programs on human trafficking for employees of the Department of Justice, Department of Homeland Security, and Department of Labor, respectively, after consultation with survivors of human trafficking, or trafficking victims service providers, and Federal law enforcement agencies responsible for the prevention, deterrence, and prosecution of offenses involving human trafficking (such as individuals serving as, or who have served as, investigators in a Federal agency and who have expertise in identifying human trafficking victims and investigating human trafficking cases).

¹ See References in Text note below.

(b) Advanced training curriculum

(1) In general

Not later than 1 year after December 21, 2018, the Attorney General and the Secretary of Homeland Security shall develop an advanced training curriculum, to supplement the basic curriculum for investigative personnel of the Department of Justice and the Department of Homeland Security, respectively, that—

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

(B) provides guidance about the recruitment techniques employed by human traffickers to clarify that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18 and is a party to a human trafficking offense; and

(C) explains that—

(i) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization; and

(ii) a comprehensive approach to eliminating human trafficking should include demand reduction as a component.

(2) Use of curriculum

The Attorney General and the Secretary of Homeland Security shall provide training using the curriculum developed under paragraph (1) to—

(A) all law enforcement officers employed by the Department of Justice and the Department of Homeland Security, respectively, who may be involved in the investigation of human trafficking offenses; and

(B) members of task forces that participate in the investigation of human trafficking offenses.

(Pub. L. 109–164, title II, §213, formerly Pub. L. 115–393, title V, §501, Dec. 21, 2018, 132 Stat. 5275; renumbered §213 of Pub. L. 109–164, Pub. L. 117–347, title I, §106(b)(3), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

CODIFICATION

Section is comprised of section 213 of Pub. L. 109–164. Subsec. (c) of section 213 of Pub. L. 109–164 amended section 7105 of Title 22, Foreign Relations and Intercourse.

Section was formerly classified to section 20907b of this title prior to renumbering by Pub. L. 117–347.

§ 20714. Training of tribal law enforcement and prosecutorial personnel

The Attorney General, in consultation with the Director of the Office of Tribal Justice, shall

carry out a program under which tribal law enforcement officials may receive technical assistance and training to pursue a victim-centered approach to investigating and prosecuting severe forms of trafficking in persons (as defined in section 7102 of title 22).

(Pub. L. 109-164, title II, § 214, formerly Pub. L. 115-393, title V, § 504, Dec. 21, 2018, 132 Stat. 5277; renumbered § 214 of Pub. L. 109-164, Pub. L. 117-347, title I, § 106(b)(3), Jan. 5, 2023, 136 Stat. 6205.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 20709c of this title prior to renumbering by Pub. L. 117-347.

CHAPTER 209—CHILD PROTECTION AND SAFETY

SUBCHAPTER I—SEX OFFENDER REGISTRATION AND NOTIFICATION

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PART A—SEX OFFENDER REGISTRATION AND NOTIFICATION

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SUBCHAPTER I—SEX OFFENDER REGISTRATION AND NOTIFICATION

§ 20901. Declaration of purpose

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this chapter establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an ad-

vocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

(Pub. L. 109-248, title I, §102, July 27, 2006, 120 Stat. 590.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16901 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20902. Establishment of program

This chapter establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

(Pub. L. 109-248, title I, §103, July 27, 2006, 120 Stat. 591.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16902 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20903. Tribal registry

(1) Establishment

The Attorney General shall contract with any interested Indian tribe, tribal organization, or

tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(Pub. L. 109-162, title IX, §905(b), Jan. 5, 2006, 119 Stat. 3080; Pub. L. 113-4, title IX, §907(b), Mar. 7, 2013, 127 Stat. 125.)

Editorial Notes

CODIFICATION

Section is comprised of subsec. (b) of section 905 of Pub. L. 109-162. Subsec. (a) of section 905 of Pub. L. 109-162 amended section 534 of Title 28, Judiciary and Judicial Procedure.

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Sex Offender Registration and Notification Act which comprises this subchapter, or as part of the Adam Walsh Child Protection and Safety Act of 2006 which comprises this chapter.

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.

AMENDMENTS

2013—Par. (2). Pub. L. 113-4 substituted “fiscal years 2014 through 2018” for “fiscal years 2007 through 2011”.

PART A—SEX OFFENDER REGISTRATION AND NOTIFICATION

§ 20911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

In this subchapter the following definitions apply:

(1) Sex offender

The term “sex offender” means an individual who was convicted of a sex offense.

(2) Tier I sex offender

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

(3) Tier II sex offender

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18);

(ii) coercion and enticement (as described in section 2422(b) of title 18);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a))¹ of title 18;

¹So in original. The second closing parenthesis probably should follow “18”.

(iv) abusive sexual contact (as described in section 2244 of title 18);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) Tier III sex offender

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18); or

(ii) abusive sexual contact (as described in section 2244 of title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) Amie Zyla expansion of sex offense definition

(A) Generally

Except as limited by subparagraph (B) or (C), the term “sex offense” means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) Foreign convictions

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 20912 of this title.

(C) Offenses involving consensual sexual conduct

An offense involving consensual sexual conduct is not a sex offense for the purposes of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) Criminal offense

The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) Expansion of definition of “specified offense against a minor” to include all offenses by child predators

The term “specified offense against a minor” means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18.

(G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) Convicted as including certain juvenile adjudications

The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18), or was an attempt or conspiracy to commit such an offense.

(9) Sex offender registry

The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) Jurisdiction

The term “jurisdiction” means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 20929 of this title, a federally recognized Indian tribe.

(11) Student

The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) Employee

The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) Resides

The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

(14) Minor

The term “minor” means an individual who has not attained the age of 18 years.

(Pub. L. 109–248, title I, §111, July 27, 2006, 120 Stat. 591.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16911 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20912. Registry requirements for jurisdictions**(a) Jurisdiction to maintain a registry**

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this subchapter.

(b) Guidelines and regulations

The Attorney General shall issue guidelines and regulations to interpret and implement this subchapter.

(Pub. L. 109–248, title I, §112, July 27, 2006, 120 Stat. 593.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16912 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20913. Registry requirements for sex offenders**(a) In general**

A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) Initial registration

The sex offender shall initially register—

- (1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

- (2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) Keeping the registration current

A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) Initial registration of sex offenders unable to comply with subsection (b)

The Attorney General shall have the authority to specify the applicability of the requirements of this subchapter to sex offenders convicted before the enactment of this chapter or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) State penalty for failure to comply

Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this subchapter.

(Pub. L. 109–248, title I, §113, July 27, 2006, 120 Stat. 593.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subssecs. (d) and (e), was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

This chapter, referred to in subsec. (d), was in the original “this Act”, meaning Pub. L. 109–248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006, which was approved July 27, 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16913 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20914. Information required in registration**(a) Provided by the offender**

The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

- (1) The name of the sex offender (including any alias used by the individual).
- (2) The Social Security number of the sex offender.
- (3) The address of each residence at which the sex offender resides or will reside.
- (4) The name and address of any place where the sex offender is an employee or will be an employee.

(5) The name and address of any place where the sex offender is a student or will be a student.

(6) The license plate number and a description of any vehicle owned or operated by the sex offender.

(7) Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.

(8) Any other information required by the Attorney General.

(b) Provided by the jurisdiction

The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

(5) A set of fingerprints and palm prints of the sex offender.

(6) A DNA sample of the sex offender.

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(8) Any other information required by the Attorney General.

(c) Time and manner

A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.

(Pub. L. 109-248, title I, §114, July 27, 2006, 120 Stat. 594; Pub. L. 114-119, §6(a), Feb. 8, 2016, 130 Stat. 22.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16914 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2016—Subsec. (a)(7), (8). Pub. L. 114-119, §6(a)(1), added par. (7) and redesignated former par. (7) as (8).

Subsec. (c). Pub. L. 114-119, §6(a)(2), added subsec. (c).

§ 20915. Duration of registration requirement

(a) Full registration period

A sex offender shall keep the registration current for the full registration period (excluding

any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

(b) Reduced period for clean record

(1) Clean record

The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of¹ an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) Period

In the case of—

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this subchapter, the period during which the clean record shall be maintained is 25 years.

(3) Reduction

In the case of—

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

(Pub. L. 109-248, title I, §115, July 27, 2006, 120 Stat. 595.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(2)(B), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16915 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ So in original. The word “of” probably should not appear.

§ 20916. Direction to the Attorney General**(a) Requirement that sex offenders provide certain Internet related information to sex offender registries**

The Attorney General, using the authority provided in section 114(a)(7)¹ of the Sex Offender Registration and Notification Act [34 U.S.C. 20914(a)(7)], shall require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act [34 U.S.C. 20901 et seq.]. These records of Internet identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as the other records in the National Sex Offender Registry.

(b) Timeliness of reporting of information

The Attorney General, using the authority provided in section 112(b) of the Sex Offender Registration and Notification Act [34 U.S.C. 20912(b)], shall specify the time and manner for keeping current information required to be provided under this section.

(c) Nondisclosure to general public

The Attorney General, using the authority provided in section 118(b)(4) of the Sex Offender Registration and Notification Act [34 U.S.C. 20920(b)(4)], shall exempt from disclosure all information provided by a sex offender under subsection (a).

(d) Notice to sex offenders of new requirements

The Attorney General shall ensure that procedures are in place to notify each sex offender of changes in requirements that apply to that sex offender as a result of the implementation of this section.

(e) Definitions**(1) Of “social networking website”**

As used in this Act, the term “social networking website”—

(A) means an Internet website—

(i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and

(ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and

(iii) whose primary purpose is to facilitate online social interactions; and

(B) includes any contractors or agents used by the website to act on behalf of the website in carrying out the purposes of this Act.

(2) Of “Internet identifiers”

As used in this Act, the term “Internet identifiers” means electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.

(3) Other terms

A term defined for the purposes of the Sex Offender Registration and Notification Act [34

U.S.C. 20901 et seq.] has the same meaning in this Act.

(Pub. L. 110–400, §2, Oct. 13, 2008, 122 Stat. 4224.)

Editorial Notes**REFERENCES IN TEXT**

The Sex Offender Registration and Notification Act, referred to in subsecs. (a) and (e)(3), is title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, which is classified principally to this subchapter. Section 114(a)(7) of the Act was redesignated section 114(a)(8) of the Act by Pub. L. 114–119, §6(a)(1)(A), Feb. 8, 2016, 130 Stat. 22. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

This Act, referred to in subsec. (e), is Pub. L. 110–400, Oct. 13, 2008, 122 Stat. 4224, known as the Keeping the Internet Devoid of Sexual Predators Act of 2008, and also known as the KIDS Act of 2008, which enacted this section and section 20917 of this title, amended section 20981 of this title, and enacted provisions set out as notes under sections 10101 and 20981 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Keeping the Internet Devoid of Sexual Predators Act of 2008, also known as the KIDS Act of 2008, and not as part of the Sex Offender Registration and Notification Act which comprises this subchapter, or as part of the Adam Walsh Child Protection and Safety Act of 2006 which comprises this chapter.

Section was formerly classified to section 16915a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20917. Checking system for social networking websites**(a) In general****(1) Secure system for comparisons**

The Attorney General shall establish and maintain a secure system that permits social networking websites to compare the information contained in the National Sex Offender Registry with the Internet identifiers of users of the social networking websites, and view only those Internet identifiers that match. The system—

(A) shall not require or permit any social networking website to transmit Internet identifiers of its users to the operator of the system, and

(B) shall use secure procedures that preserve the secrecy of the information made available by the Attorney General, including protection measures that render the Internet identifiers and other data elements indecipherable.

(2) Provision of information relating to identity

Upon receiving a matched Internet identifier, the social networking website may make a request of the Attorney General for, and the Attorney General shall provide promptly, information related to the identity of the individual that has registered the matched Internet identifier. This information is limited to the name, sex, resident address, photograph, and physical description.

¹ See References in Text note below.

(b) Qualification for use of system

A social networking website seeking to use the system shall submit an application to the Attorney General which provides—

- (1) the name and legal status of the website;
- (2) the contact information for the website;
- (3) a description of the nature and operations of the website;
- (4) a statement explaining why the website seeks to use the system;
- (5) a description of policies and procedures to ensure that—

(A) any individual who is denied access to that website on the basis of information obtained through the system is promptly notified of the basis for the denial and has the ability to challenge the denial of access; and

(B) if the social networking website finds that information is inaccurate, incomplete, or cannot be verified, the site immediately notifies the appropriate State registry and the Department of Justice, so that they may delete or correct that information in the respective State and national databases;

(6) the identity and address of, and contact information for, any contractor that will be used by the social networking website to use the system; and

(7) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

(A) to protect the safety of the users of such website; and

(B) for the limited purpose of making the automated comparison described in subsection (a).

(c) Searches against the system**(1) Frequency of use of the system**

A social networking website approved by the Attorney General to use the system may conduct searches under the system as frequently as the Attorney General may allow.

(2) Authority of Attorney General to suspend use

The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

- (A) provides false information in its application for use of the system;
- (B) may be using or seeks to use the system for any unlawful or improper purpose;
- (C) fails to comply with the procedures required under subsection (b)(5); or
- (D) uses information obtained from the system in any way that is inconsistent with the purposes of this Act.

(3) Limitation on release of Internet identifiers**(A) No public release**

Neither the Attorney General nor a social networking website approved to use the system may release to the public any list of the Internet identifiers of sex offenders contained in the system.

(B) Additional limitations

The Attorney General shall limit the release of information obtained through the use of the system established under sub-

section (a) by social networking websites approved to use such system.

(C) Strict adherence to limitation

The use of the system established under subsection (a) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

(D) Rule of construction

This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

(4) Payment of fee

A social networking website approved to use the system shall pay any fee established by the Attorney General for use of the system.

(5) Limitation on liability**(A) In general**

A civil claim against a social networking website, including any director, officer, employee, parent, contractor, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

(B) Intentional, reckless, or other misconduct

Subparagraph (A) does not apply to a claim if the social networking website, or a director, officer, employee, parent, contractor, or agent of that social networking website—

- (i) engaged in intentional misconduct; or
- (ii) acted, or failed to act—
 - (I) with actual malice;
 - (II) with reckless disregard to a substantial risk of causing injury without legal justification; or
 - (III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

(C) Minimizing access

A social networking website shall minimize the number of employees that are provided access to the Internet identifiers for which a match has been found through the system.

(6) Rule of construction

Nothing in this section shall be construed to require any Internet website, including a social networking website, to use the system, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to do so.

(Pub. L. 110-400, §3, Oct. 13, 2008, 122 Stat. 4225.)

Editorial Notes**REFERENCES IN TEXT**

This Act, referred to in subsec. (c)(2)(D), is Pub. L. 110-400, Oct. 13, 2008, 122 Stat. 4224, known as the Keeping the Internet Devoid of Sexual Predators Act of 2008, and also known as the KIDS Act of 2008, which enacted this section and section 20916 of this title, amended sec-

tion 20981 of this title, and enacted provisions set out as notes under sections 10101 and 20981 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Keeping the Internet Devoid of Sexual Predators Act of 2008, also known as the KIDS Act of 2008, and not as part of the Sex Offender Registration and Notification Act which comprises this subchapter, or as part of the Adam Walsh Child Protection and Safety Act of 2006 which comprises this chapter.

Section was formerly classified to section 16915b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20918. Periodic in person verification

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

- (1) each year, if the offender is a tier I sex offender;
- (2) every 6 months, if the offender is a tier II sex offender; and
- (3) every 3 months, if the offender is a tier III sex offender.

(Pub. L. 109-248, title I, §116, July 27, 2006, 120 Stat. 595.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16916 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20919. Duty to notify sex offenders of registration requirements and to register

(a) In general

An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

- (1) inform the sex offender of the duties of a sex offender under this subchapter and explain those duties;
- (2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and
- (3) ensure that the sex offender is registered.

(b) Notification of sex offenders who cannot comply with subsection (a)

The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

(Pub. L. 109-248, title I, §117, July 27, 2006, 120 Stat. 595.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(1), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete

classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16917 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20920. Public access to sex offender information through the Internet

(a) In general

Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) Mandatory exemptions

A jurisdiction shall exempt from disclosure—

- (1) the identity of any victim of a sex offense;
- (2) the Social Security number of the sex offender;
- (3) any reference to arrests of the sex offender that did not result in conviction; and
- (4) any other information exempted from disclosure by the Attorney General.

(c) Optional exemptions

A jurisdiction may exempt from disclosure—

- (1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;
- (2) the name of an employer of the sex offender;
- (3) the name of an educational institution where the sex offender is a student; and
- (4) any other information exempted from disclosure by the Attorney General.

(d) Links

The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) Correction of errors

The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) Warning

The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

(Pub. L. 109-248, title I, §118, July 27, 2006, 120 Stat. 596.)

Editorial Notes

REFERENCES IN TEXT

The Dru Sjodin National Sex Offender Public Website, referred to in subsec. (a), is located at <https://www.nsopw.gov>.

CODIFICATION

Section was formerly classified to section 16918 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20921. National Sex Offender Registry**(a) Internet**

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic forwarding

The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(Pub. L. 109-248, title I, §119, July 27, 2006, 120 Stat. 596.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16919 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20922. Dru Sjodin National Sex Offender Public Website**(a) Establishment**

There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the "Website"), which the Attorney General shall maintain.

(b) Information to be provided

The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(Pub. L. 109-248, title I, §120, July 27, 2006, 120 Stat. 597.)

Editorial Notes

REFERENCES IN TEXT

The Dru Sjodin National Sex Offender Public Website, referred to in text, is located at <https://www.nsopw.gov>.

CODIFICATION

Section was formerly classified to section 16920 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20923. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program**(a) Establishment of Program**

There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the "Program").

(b) Program notification

Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 40102 of this title.

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) Frequency

Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

(Pub. L. 109-248, title I, §121, July 27, 2006, 120 Stat. 597.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16921 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20924. Actions to be taken when sex offender fails to comply

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

(Pub. L. 109-248, title I, §122, July 27, 2006, 120 Stat. 597.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 16922 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20925. Development and availability of registry management and website software

(a) Duty to develop and support

The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) Criteria

The software should facilitate—

- (1) immediate exchange of information among jurisdictions;
- (2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;
- (3) full compliance with the requirements of this subchapter; and
- (4) communication of information to community notification program participants as required under section 20923 of this title.

(c) Deadline

The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of July 27, 2006.

(Pub. L. 109-248, title I, §123, July 27, 2006, 120 Stat. 598.)

Editorial Notes**REFERENCES IN TEXT**

This subchapter, referred to in subsec. (b)(3), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16923 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20926. Period for implementation by jurisdictions

(a) Deadline

Each jurisdiction shall implement this subchapter before the later of—

- (1) 3 years after July 27, 2006; and
- (2) 1 year after the date on which the software described in section 20925 of this title is available.

(b) Extensions

The Attorney General may authorize up to two 1-year extensions of the deadline.

(Pub. L. 109-248, title I, §124, July 27, 2006, 120 Stat. 598.)

Editorial Notes**REFERENCES IN TEXT**

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 109-248,

July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The software described in section 20925 of this title, referred to in subsec. (a)(2), became available on July 25, 2008. See Office of Justice Progs., U.S. Dep’t of Justice, Annual Report to Congress 26 (Fiscal Year 2008).

CODIFICATION

Section was formerly classified to section 16924 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20927. Failure of jurisdiction to comply

(a) In general

For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this subchapter shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).¹

(b) State constitutionality

(1) In general

When evaluating whether a jurisdiction has substantially implemented this subchapter, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this subchapter because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction’s highest court.

(2) Efforts

If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this subchapter and to reconcile any conflicts between this subchapter and the jurisdiction’s constitution. In considering whether compliance with the requirements of this subchapter would likely violate the jurisdiction’s constitution or an interpretation thereof by the jurisdiction’s highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction’s interpretation of the jurisdiction’s constitution and rulings thereon by the jurisdiction’s highest court.

(3) Alternative procedures

If the jurisdiction is unable to substantially implement this subchapter because of a limitation imposed by the jurisdiction’s constitution, the Attorney General may determine that the jurisdiction is in compliance with this chapter if the jurisdiction has made, or is in the process of implementing,² reasonable alternative procedures or accommodations, which are consistent with the purposes of this chapter.

(4) Funding reduction

If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject

¹ See References in Text note below.

² So in original. Probably should be followed by a comma.

to a funding reduction as specified in subsection (a).

(c) Reallocation

Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this subchapter shall be reallocated under that program to jurisdictions that have not failed to substantially implement this subchapter or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this subchapter.

(d) Rule of construction

The provisions of this subchapter that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

(Pub. L. 109-248, title I, §125, July 27, 2006, 120 Stat. 598.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (a), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Subpart 1 of part E of title I of the Act was classified generally to part A (§3750 et seq.) of subchapter V of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as part A (§10151 et seq.) of subchapter V of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

This chapter, referred to in subsec. (b)(3), was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16925 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20928. Sex Offender Management Assistance (SOMA) program

(a) In general

The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this subchapter referred to as the “SOMA program”), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this subchapter.

(b) Application

The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) Bonus payments for prompt compliance

A jurisdiction that, as determined by the Attorney General, has substantially implemented

this subchapter not later than 2 years after July 27, 2006, is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than 1 year after July 27, 2006; and

(2) 5 percent of such total, if not later than 2 years after July 27, 2006.

(d) Authorization of appropriations

In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

(Pub. L. 109-248, title I, §126, July 27, 2006, 120 Stat. 599.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (c), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16926 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20929. Election by Indian tribes

(a) Election

(1) In general

A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this part as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this part to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this part.

(2) Imputed election in certain cases

A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18;

(B) the tribe does not make an election under paragraph (1) within 1 year of July 27, 2006 or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this part and is not likely to become capable of doing so within a reasonable amount of time.

(b) Cooperation between tribal authorities and other jurisdictions

(1) Nonduplication

A tribe subject to this part is not required to duplicate functions under this part which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) Cooperative agreements

A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this part with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this part with respect to sex offenders subject to the tribe's jurisdiction.

(Pub. L. 109–248, title I, §127, July 27, 2006, 120 Stat. 599.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§111–131) of title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 591, which is classified principally to this part. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 16927 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20930. Registration of sex offenders entering the United States

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this subchapter. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

(Pub. L. 109–248, title I, §128, July 27, 2006, 120 Stat. 600.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16928 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20931. Registration of sex offenders released from military corrections facilities or upon conviction

The Secretary of Defense shall provide to the Attorney General the information described in

section 20914 of this title to be included in the National Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website regarding persons—

(1)(A) released from military corrections facilities; or

(B) convicted if the sentences adjudged by courts-martial under chapter 47 of title 10 (the Uniform Code of Military Justice) do not include confinement; and

(2) required to register under this subchapter.

(Pub. L. 109–248, title I, §128A, as added Pub. L. 114–22, title V, §502(a), May 29, 2015, 129 Stat. 258.)

Editorial Notes

REFERENCES IN TEXT

The Dru Sjodin National Sex Offender Public Website, referred to in text, is located at <https://www.nsopw.gov>.

This subchapter, referred to in par. (2), was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16928a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of title V of Pub. L. 114–22, which enacted this section, as the “Military Sex Offender Reporting Act of 2015”, see section 501 of Pub. L. 114–22, set out as a Short Title of 2015 Act note under section 10101 of this title.

§ 20932. Immunity for good faith conduct

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this subchapter.

(Pub. L. 109–248, title I, §131, July 27, 2006, 120 Stat. 601.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109–248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16929 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART B—IMPROVING FEDERAL CRIMINAL LAW ENFORCEMENT TO ENSURE SEX OFFENDER COMPLIANCE WITH REGISTRATION AND NOTIFICATION REQUIREMENTS AND PROTECTION OF CHILDREN FROM VIOLENT PREDATORS

§ 20941. Federal assistance with respect to violations of registration requirements

(a) In general

The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

(Pub. L. 109-248, title I, §142, July 27, 2006, 120 Stat. 604.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16941 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20942. Project Safe Childhood

(a) Establishment of program

Not later than 6 months after July 27, 2006, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) Initial implementation

Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including—

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.)¹ (referred to in this section as the “ICAC Task Force Program”) that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of—

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing program regarding the investigation and prosecution of computer-facilitated crimes against children, including training and coordination regarding leads from—

(i) Federal law enforcement operations; and

(ii) the CyberTipline and Child Victim-Identification programs managed and maintained by the National Center for Missing and Exploited Children.

(5) Community awareness and educational programs through partnerships to provide national public awareness and educational programs through—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

(i) raises² national awareness about the threat of online sexual predators; or

(ii) provides² information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) Expansion of project safe childhood

Notwithstanding subsection (b), funds authorized under this section may be also be² used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and

¹ See References in Text note below.

² So in original.

the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated—

(1) for the activities described under subsection (b)—

(A) \$18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)—

(A) for fiscal year 2007—

(i) \$15,000,000 for the activities under paragraph (1);

(ii) \$10,000,000 for activities under paragraph (2); and

(iii) \$4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

(Pub. L. 109-248, title I, §143, July 27, 2006, 120 Stat. 604.)

Editorial Notes

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (b)(1)(A), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109. Title IV of the Act was classified generally to subchapter IV (§5771 et seq.) of chapter 72 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter IV (§11291 et seq.) of chapter 111 of this title. For complete classification of this Act to the Code, see Short Title of 1974 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16942 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20943. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster

The Attorney General shall provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

(Pub. L. 109-248, title I, §144, July 27, 2006, 120 Stat. 606.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16943 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20944. Expansion of training and technology efforts

(a) Training

The Attorney General shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat online solicitation of children by sex offenders.

(b) Technology

The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) Report

Not later than July 1, 2007, the Attorney General,¹ shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) Authorization of appropriations

There are authorized to be appropriated to the Attorney General, for fiscal year 2007—

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

(Pub. L. 109-248, title I, §145, July 27, 2006, 120 Stat. 606.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16944 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20945. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

(a) Establishment

There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the “SMART Office”).

¹ So in original. The comma probably should not appear.

(b) Director

The SMART Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the SMART Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

(c) Duties and functions

The SMART Office is authorized to—

(1) administer the standards for the sex offender registration and notification program set forth in this chapter;

(2) administer grant programs relating to sex offender registration and notification authorized by this chapter and other grant programs authorized by this chapter as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

(Pub. L. 109-248, title I, §146, July 27, 2006, 120 Stat. 607.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in subsec. (c)(1), (2), was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16945 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART C—ACCESS TO INFORMATION AND RESOURCES NEEDED TO ENSURE THAT CHILDREN ARE NOT ATTACKED OR ABUSED

§ 20961. Access to national crime information databases

(a) In general

Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center’s duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of access

The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(Pub. L. 109-248, title I, §151, July 27, 2006, 120 Stat. 608.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 16961 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20962. Schools SAFE Act**(a) Short title**

This section may be cited as the “Schools Safely Acquiring Faculty Excellence Act of 2006”.

(b) In general

The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act [42 U.S.C. 671(a)(20)] on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) Fingerprint-based check

Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) Fees

The Attorney General and the States may charge any applicable fees for the checks.

(e) Protection of information

An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) Criminal penalties

An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, or both.

(g) Child welfare agency defined

In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.]; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) Definition of education terms

In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 7801 of title 20.

(Pub. L. 109–248, title I, §153, July 27, 2006, 120 Stat. 610; Pub. L. 114–95, title IX, §9215(b), Dec. 10, 2015, 129 Stat. 2166.)

Editorial Notes**REFERENCES IN TEXT**

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts B and E of title IV of the Act are classified generally to part B (§620 et seq.) and part E (§670 et seq.), respectively, of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 153 of Pub. L. 109–248. Subsec. (i) of section 153 of Pub. L. 109–248 amended section 534 of Title 28, Judiciary and Judicial Procedure.

Section was formerly classified to section 16962 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2015—Subsec. (h). Pub. L. 114–95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

SUBCHAPTER II—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS**§ 20971. Jimmy Ryce State civil commitment programs for sexually dangerous persons****(a) Grants authorized**

Except as provided in subsection (b), the Attorney General shall make grants to jurisdic-

tions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) Limitation

The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

(c) Eligibility**(1) In general**

To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) Compliance period

The compliance period referred to in paragraph (1) expires on the date that is 2 years after July 27, 2006. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(3) Release notice

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(d) Attorney General reports

Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) Definitions

As used in this section:

(1) The term “civil commitment program” means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 20911 of this title.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2007 through 2010.

(Pub. L. 109-248, title III, §301, July 27, 2006, 120 Stat. 617.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16971 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER III—GRANTS AND OTHER PROVISIONS

§ 20981. Pilot program for monitoring sexual offenders

(a) Sex offender monitoring program

(1) Grants authorized

(A) In general

The Attorney General is authorized to award grants (referred to as “Jessica Lunsford and Sarah Lunde Grants”) to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) Duration

The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) Minimum standards

The electronic monitoring units used in the pilot program shall at a minimum—

(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

(ii) permit continuous monitoring of offenders 24 hours a day.

(2) Application

(A) In general

Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) Contents

Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) Innovation

In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(c) Authorization of appropriations

(1) In general

There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) Report

Not later than September 1, 2010, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

(Pub. L. 109-248, title VI, §621, July 27, 2006, 120 Stat. 633; Pub. L. 110-400, §4(a), Oct. 13, 2008, 122 Stat. 4227.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16981 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2008—Subsec. (a)(1)(C). Pub. L. 110-400, §4(a), amended subpar. (C) generally. Prior to amendment, subpar. (C) set minimum standards for electronic monitoring units used in the pilot program.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-400, §4(b), Oct. 13, 2008, 122 Stat. 4228, provided that: “The amendment made by subsection (a) [amending this section] shall apply to grants provided on or after the date of the enactment of this Act [Oct. 13, 2008].”

§ 20982. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds

(a) In general

The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) Authorization

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

(Pub. L. 109-248, title VI, §624, July 27, 2006, 120 Stat. 636.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16982 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20983. Grants to combat sexual abuse of children

(a) In general

The Bureau of Justice Assistance is authorized to make grants under this section—

- (1) to any law enforcement agency that serves a jurisdiction with 50,000 or more residents; and
- (2) to any law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of grant amounts

Grants under this section may be used by the law enforcement agency to—

- (1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;
- (2) investigate the use of the Internet to facilitate the sexual abuse of children; and
- (3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Criteria

The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

(Pub. L. 109-248, title VI, § 625, July 27, 2006, 120 Stat. 636.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16983 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20984. Grants for fingerprinting programs for children

(a) In general

The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) Use of grant amounts

A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

- (1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.
- (2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) Limitation

Fingerprints of a child derived from a program funded under this section—

- (1) may be released only to a parent or guardian of the child; and
- (2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) Criminal penalty

Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, or both.

(e) Authorization of appropriations

There is authorized to be appropriated \$20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

(Pub. L. 109-248, title VI, § 627, July 27, 2006, 120 Stat. 637.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16984 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20985. Grants for Rape, Abuse & Incest National Network

(a) Findings

Congress finds as follows:

- (1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.
- (2) In 2004, 1 American was sexually assaulted every 2.5 minutes.
- (3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.
- (4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.
- (5) The Federal Government, through the Victims of Crime Act [34 U.S.C. 20101 et seq.], Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.
- (6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.
- (7) Due in part to the combined efforts of law enforcement officials at the local, State, and

Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) *Worth* magazine selected RAINN as one of "America's 100 Best Charities", in recognition of the organization's "efficiency and effectiveness."¹

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) Duties and functions of the Administrator

(1) Description of activities

The Administrator shall—

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) Annual grant to Rape, Abuse & Incest National Network

The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include—

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) Definitions

For the purposes of this section:

(1) Administrator

The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN

The term "RAINN" means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section, \$3,000,000 for each of fiscal years 2022 through 2027.

(Pub. L. 109-248, title VI, §628, July 27, 2006, 120 Stat. 638; Pub. L. 117-347, title I, §105(e), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

REFERENCES IN TEXT

The Victims of Crime Act, referred to in subsec. (a)(5), probably means the Victims of Crime Act of 1984,

¹ So in original. The second period probably should not appear.

which is chapter XIV of title II of Pub. L. 98-473, Oct. 12, 1984, 98 Stat. 2170, and which is classified principally to chapter 201 (§ 20101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1984 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act, referred to in subsec. (a)(5), probably means the Violence Against Women Act of 1994, which is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16985 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Subsec. (d). Pub. L. 117-347 substituted “fiscal years 2022 through 2027” for “fiscal years 2007 through 2010”.

§ 20986. Children’s safety online awareness campaigns

(a) Awareness campaign for children’s safety online

(1) In general

The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) Required components

The public awareness campaign described under paragraph (1) shall include components that complement¹ and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) Awareness campaign regarding the accessibility and utilization of sex offender registries

The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

(Pub. L. 109-248, title VI, § 629, July 27, 2006, 120 Stat. 640.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16986 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20987. Grants for online child safety programs

(a) In general

The Attorney General shall, subject to the availability of appropriations, make grants to

States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) Definition of State

For purposes of this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

(Pub. L. 109-248, title VI, § 630, July 27, 2006, 120 Stat. 640.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16987 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20988. Jessica Lunsford Address Verification Grant Program

(a) Establishment

There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the “Program”).

(b) Grants authorized

Under the Program, the Attorney General is authorized to award grants to State,¹ local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) Application

(1) In general

Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) Innovation

In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) Authorization of appropriations

(1) In general

There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such

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

¹ So in original. Probably should be “States,”.

sums as may be necessary to carry out this section.

(2) Report

Not later than April 1, 2009, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

(Pub. L. 109-248, title VI, § 631, July 27, 2006, 120 Stat. 641.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16988 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20989. Fugitive Safe Surrender

(a) Findings

Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have non-violent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) Establishment

The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the “Fugitive Safe Surrender Program”), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) Authorization of appropriations

There are authorized to be appropriated to the United States Marshals Service to carry out this section—

- (1) \$3,000,000 for fiscal year 2007;
- (2) \$5,000,000 for fiscal year 2008; and
- (3) \$8,000,000 for fiscal year 2009.

(d) Other existing applicable law

Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law en-

forcement agencies to locate or apprehend fugitives through task forces or any other means.

(Pub. L. 109-248, title VI, § 632, July 27, 2006, 120 Stat. 641.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16989 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20990. National registry of substantiated cases of child abuse

(a) In general

The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) Information

(1) Collection

The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) Type of information

The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) Scope of information

(1) In general

(A) Treatment of reports

The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) Exception

If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) Form

Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 5106a(b)(2)(A)¹ of title 42.

¹ See References in Text note below.

(d) Construction

This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

- (1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or
- (2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) Accessibility

Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) Dissemination

The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 5106a(b)(2)(A)¹ of title 42.

(g) Study**(1) In general**

The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

- (A) costs and benefits of such data collection standards;
- (B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;
- (C) data collection standards that should be considered to establish a model of promising practices; and
- (D) a due process procedure for a national registry.

(2) Report

Not later than 1 year after July 27, 2006, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) Authorization of appropriations

There is authorized to be appropriated \$500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

(Pub. L. 109-248, title VI, § 633, July 27, 2006, 120 Stat. 642.)

Editorial Notes**REFERENCES IN TEXT**

Section 5106a(b)(2)(A) of title 42, referred to in subsecs. (c)(2)(B) and (f), was redesignated section

5106a(b)(2)(B) of title 42 by Pub. L. 111-320, title I, § 115(c)(2)(A), Dec. 20, 2010, 124 Stat. 3469.

CODIFICATION

Section was formerly classified to section 16990 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20991. Annual report on enforcement of registration requirements

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing—

- (1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this chapter;
- (2) the use of section 2250 of title 18 to punish offenders for failure to register;
- (3) a detailed explanation of each jurisdiction's compliance with subchapter I of this chapter;
- (4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 20927 of this title; and
- (5) the denial or grant of any extensions to comply with subchapter I of this chapter, and the reasons for such denial or grant.

(Pub. L. 109-248, title VI, § 635, July 27, 2006, 120 Stat. 644.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in par. (1), was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

Subchapter I of this chapter, referred to in pars. (3) and (5), was in the original “the Sex Offender Registration and Notification Act”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16991 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 211—COMBATING CHILD EXPLOITATION

Sec.
21101. Definitions.

SUBCHAPTER I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

21111. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
21112. Establishment of National ICAC Task Force Program.
21113. Purpose of ICAC task forces.
21114. Duties and functions of task forces.
21115. National Internet Crimes Against Children Data System.
21116. ICAC grant program.

Sec.

21117. Authorization of appropriations.

SUBCHAPTER II—ADDITIONAL MEASURES TO
COMBAT CHILD EXPLOITATION

21131. Additional regional computer forensic labs.

§ 21101. Definitions

In this chapter, the following definitions shall apply:

(1) Child exploitation

The term “child exploitation” means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18 or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) Child obscenity

The term “child obscenity” means any visual depiction proscribed by section 1466A of title 18.

(3) Minor

The term “minor” means any person under the age of 18 years.

(4) Sexually explicit conduct

The term “sexually explicit conduct” has the meaning given such term in section 2256 of title 18.

(Pub. L. 110–401, § 2, Oct. 13, 2008, 122 Stat. 4229.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 110–401, Oct. 13, 2008, 122 Stat. 4229, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 17601 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER I—NATIONAL STRATEGY FOR
CHILD EXPLOITATION PREVENTION AND
INTERDICTION**§ 21111. Establishment of National Strategy for
Child Exploitation Prevention and Interdic-
tion****(a) In general**

The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) Timing

Not later than 1 year after October 13, 2008, and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) Required contents of National Strategy

The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range,¹ goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety² programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department’s efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

¹ So in original. The comma probably should not appear.

² So in original. Probably should not be capitalized.

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engag-

ing in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation.

(d) Appointment of high-level official

(1) In general

The Attorney General shall designate a senior official at the Department of Justice with experience in investigating or prosecuting child exploitation cases as the National Coordinator for Child Exploitation Prevention and Interdiction who shall be responsible for coordinating the development of the National Strategy established under subsection (a). The National Coordinator for Child Exploitation Prevention and Interdiction shall be a position in the Senior Executive Service.

(2) Duties

The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI re-

lated to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

(Pub. L. 110-401, title I, § 101, Oct. 13, 2008, 122 Stat. 4230; Pub. L. 112-206, § 6, Dec. 7, 2012, 126 Stat. 1493.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17611 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112-206 substituted “with experience in investigating or prosecuting child exploitation cases as the National Coordinator for Child Exploitation Prevention and Interdiction who shall be responsible” for “to be responsible” and inserted at end “The National Coordinator for Child Exploitation Prevention and Interdiction shall be a position in the Senior Executive Service.”

§ 21112. Establishment of National ICAC Task Force Program

(a) Establishment

(1) In general

There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this subchapter referred to as the “ICAC Task Force Program”), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) Intent of Congress

It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 [34 U.S.C. 11291 et seq.].

(b) National program

(1) State representation

The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) Capacity and continuity of investigations

In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task

Force Program under subsection (a) consult with and consider all 59 task forces in existence on October 13, 2008. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC¹ does not have a proven track record of success.

(3) Ongoing review

The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state² maintains at least 1 ICAC task force at all times.

(4) Training

(A) In general

The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) Limitation

In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than \$4,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) Review

The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

(Pub. L. 110-401, title I, § 102, Oct. 13, 2008, 122 Stat. 4233; Pub. L. 112-206, § 5, Dec. 7, 2012, 126 Stat. 1493.)

Editorial Notes

REFERENCES IN TEXT

Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, referred to in subsec. (a)(2), is title I of Pub. L. 105-119, Nov. 26, 1997, 111 Stat. 2440. For complete classification of title I to the Code, see Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (a)(2), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109. Title IV of the Act is classified generally to subchapter IV (§11291 et seq.) of chapter 111 of this title. For complete classification of this Act to the Code, see Short Title of 1974 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 17612 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ So in original. Probably should be “ICAC task force”.

² So in original. Probably should be capitalized.

AMENDMENTS

2012—Subsec. (b)(4)(B). Pub. L. 112-206 substituted “\$4,000,000” for “\$2,000,000”.

§ 21113. Purpose of ICAC task forces

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice’s Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

(Pub. L. 110-401, title I, § 103, Oct. 13, 2008, 122 Stat. 4234.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17613 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21114. Duties and functions of task forces

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 21113 of this title;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 21115 of this title, the National Center for Missing and Exploited Children’s CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this subchapter; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

(Pub. L. 110-401, title I, § 104, Oct. 13, 2008, 122 Stat. 4235.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17614 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21115. National Internet Crimes Against Children Data System**(a) In general**

The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) Intent of Congress

It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) Purpose of system

The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

- (1) Federal agencies investigating and prosecuting child exploitation;
- (2) the ICAC Task Force Program established under section 21112 of this title;
- (3) State, local, and tribal agencies investigating and prosecuting child exploitation; and
- (4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) Cyber safe deconfliction and information sharing

The National Internet Crimes Against Children Data System established under subsection (a)—

- (1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;
- (2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and
- (3) shall—
 - (A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;
 - (B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;
 - (C) facilitate the development of essential software and network capability for law enforcement participants; and
 - (D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) Collection and reporting of data**(1) In general**

The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) Real-time reporting

All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) High-priority suspects

Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

- (i) identify high-priority suspects, as such suspects are determined by indicators of seriousness of offense or dangerousness to the community or a potential local victim; and
- (ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) Annual reports

Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 2111(c)(16) of this title.

(2) Rule of construction

Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) Mandatory requirements of network

The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

- (1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);
- (2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;
- (3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;
- (4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;
- (5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and
- (6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) National Internet Crimes Against Children Data System Steering Committee

The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

- (1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;
- (2) 1 representative of the Department of Justice Office of Information Services;
- (3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;
- (4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;
- (5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;
- (6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;
- (7) 1 representative of the United States Postal Inspection Service; and
- (8) 1 representative of the Department of Justice.

(h) Authorization of appropriations

There are authorized to be appropriated for each of the fiscal years 2009 through 2016, \$2,000,000 to carry out the provisions of this section.

(Pub. L. 110-401, title I, §105, Oct. 13, 2008, 122 Stat. 4236; Pub. L. 112-206, §8, Dec. 7, 2012, 126 Stat. 1493.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17615 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2012—Subsec. (e)(1)(B)(i). Pub. L. 112-206 struck out “the volume of suspected criminal activity or other” before “indicators of seriousness”.

§ 21116. ICAC grant program

(a) Establishment

(1) In general

The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 21114 of this title.

(2) Formula grants

(A) Development of formula

At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute

grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) Formula requirements

Any formula established by the Attorney General under subparagraph (A) shall—

- (i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and
- (ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) Distribution of remaining funds based on need

(A) In general

Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) Matching requirement

A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) Waiver

The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) Application**(1) In general**

Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall—

- (A) describe the activities for which assistance under this section is sought; and
- (B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subchapter.

(c) Allowable uses

Grants awarded under this section may be used to—

- (1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;
- (2) establish and support forensic laboratories utilized in Internet crimes against children investigations;
- (3) support investigations and prosecutions of Internet crimes against children;
- (4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;
- (5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and
- (6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) Reporting requirements**(1) ICAC reports**

To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103-62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

- (A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.
- (B) Investigation and prosecution performance measures of the task force, including—
 - (i) the number of investigations initiated related to Internet crimes against children;
 - (ii) the number of arrests related to Internet crimes against children; and
 - (iii) the number of prosecutions for Internet crimes against children, including—
 - (I) whether the prosecution resulted in a conviction for such crime; and
 - (II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) Report to Congress

Not later than 1 year after October 13, 2008, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 21112 of this title; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

(Pub. L. 110-401, title I, § 106, Oct. 13, 2008, 122 Stat. 4238.)

Editorial Notes

REFERENCES IN TEXT

The Government Performance and Results Act, referred to in subsec. (d)(1), probably means the Government Performance and Results Act of 1993, Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

CODIFICATION

Section was formerly classified to section 17616 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21117. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to carry out this subchapter—

- (1) \$60,000,000 for fiscal year 2009;
- (2) \$60,000,000 for fiscal year 2010;
- (3) \$60,000,000 for fiscal year 2011;
- (4) \$60,000,000 for fiscal year 2012;
- (5) \$60,000,000 for fiscal year 2013¹
- (6) \$60,000,000 for fiscal year 2014;
- (7) \$60,000,000 for fiscal year 2015;
- (8) \$60,000,000 for fiscal year 2016;
- (9) \$60,000,000 for fiscal year 2017; and
- (10) \$60,000,000 for each of fiscal years 2018 through 2024.

(b) Availability

Funds appropriated under subsection (a) shall remain available until expended.

¹ So in original. Probably should be followed by a semicolon.

(Pub. L. 110–401, title I, §107, Oct. 13, 2008, 122 Stat. 4241; Pub. L. 112–206, §7, Dec. 7, 2012, 126 Stat. 1493; Pub. L. 115–82, §2, Nov. 2, 2017, 131 Stat. 1266; Pub. L. 117–262, §2, Dec. 21, 2022, 136 Stat. 2394.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17617 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a)(10). Pub. L. 117–262 substituted “2024” for “2022”.

2017—Subsec. (a)(10). Pub. L. 115–82 substituted “each of fiscal years 2018 through 2022” for “fiscal year 2018”.

2012—Subsec. (a)(6) to (10). Pub. L. 112–206 added pars. (6) to (10).

SUBCHAPTER II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

§ 21131. Additional regional computer forensic labs

(a) Additional resources

The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this subchapter to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) Purpose of new resources

The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) New computer forensic labs

If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) Location of new labs

The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) Report

Not later than 1 year after October 13, 2008, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) Authorization of appropriations

There are authorized to be appropriated for fiscal years 2009 through 2013, \$2,000,000 to carry out the provisions of this section.

(Pub. L. 110–401, title II, §201, Oct. 13, 2008, 122 Stat. 4241.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17631 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 213—RAPE SURVIVOR CHILD CUSTODY

Sec.	
21301.	Definitions.
21302.	Findings.
21303.	Increased funding for formula grants authorized.
21304.	Application.
21305.	Grant increase.
21306.	Period of increase.
21307.	Allocation of increased formula grant funds.
21308.	Authorization of appropriations.

§ 21301. Definitions

In this chapter:

(1) Covered formula grant

The term “covered formula grant” means a grant under—

(A) part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.)¹ (commonly referred to as the “STOP Violence Against Women Formula Grant Program”); or

(B) section 12511 of this title (commonly referred to as the “Sexual Assault Services Program”).

(2) Termination

(A) In general

The term “termination” means, when used with respect to parental rights, a complete and final termination of the parent’s right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(B) Rule of construction

Nothing in this paragraph shall be construed to require a State, in order to receive an increase in the amount provided to the State under the covered formula grants under this chapter, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

(Pub. L. 114–22, title IV, §402, May 29, 2015, 129 Stat. 256.)

Editorial Notes

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in par. (1)(A), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197. Part T of title I of the Act was classified generally to subchapter XII–H (§3796gg et seq.) of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter XIX (§10441 et seq.) of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

¹ See References in Text note below.

CODIFICATION

Section was formerly classified to section 14043h of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of title IV of Pub. L. 114-22, which is classified to this chapter, as the “Rape Survivor Child Custody Act”, see section 401 of Pub. L. 114-22, set out as a Short Title of 2015 Act note under section 10101 of this title.

§ 21302. Findings

Congress finds the following:

(1) Men who father children through rape should be prohibited from visiting or having custody of those children.

(2) Thousands of rape-related pregnancies occur annually in the United States.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114-22, title IV, § 403, May 29, 2015, 129 Stat. 256.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21303. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this chapter

if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114-22, title IV, § 404, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21304. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 21303 of this title.

(Pub. L. 114-22, title IV, § 405, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21305. Grant increase

The amount of the increase provided to a State under the covered formula grants under this chapter shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114-22, title IV, § 406, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21306. Period of increase**(a) In general**

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this chapter for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this chapter more than 4 times.

(Pub. L. 114-22, title IV, § 407, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21307. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this chapter such that—

(1) 25 percent¹ the amount of the increase is provided under the program described in section 21301(1)(A) of this title; and

(2) 75 percent¹ the amount of the increase is provided under the program described in section 21301(1)(B) of this title.

(Pub. L. 114–22, title IV, § 408, May 29, 2015, 129 Stat. 258.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h–6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21308. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter \$5,000,000 for each of fiscal years 2023 through 2027.

(Pub. L. 114–22, title IV, § 409, May 29, 2015, 129 Stat. 258; Pub. L. 117–103, div. W, title I, § 107, Mar. 15, 2022, 136 Stat. 851.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h–7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Pub. L. 117–103 substituted “2023 through 2027” for “2015 through 2019”.

CHAPTER 215—ADVANCED NOTIFICATION OF TRAVELING SEX OFFENDERS

Sec.	
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§ 21501. Findings

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan’s Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,800,000¹ children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

(Pub. L. 114–119, § 2, Feb. 8, 2016, 130 Stat. 15.)

Editorial Notes

REFERENCES IN TEXT

Megan’s Law, referred to in par. (2), is Pub. L. 104–145, May 17, 1996, 110 Stat. 1345, which amended former section 14071 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 13701 of Title 42 and Tables.

The Adam Walsh Child Protection and Safety Act of 2006, referred to in par. (3), is Pub. L. 109–248, July 27, 2006, 120 Stat. 587, which enacted chapter 209 (§ 20901 et seq.) of this title and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21502. Definitions

In this chapter:

(1) Center

The term “Center” means the Angel Watch Center established pursuant to section 21503(a) of this title.

(2) Convicted

The term “convicted” has the meaning given the term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).¹

(3) Covered sex offender

Except as otherwise provided, the term “covered sex offender” means an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.

(4) Destination country

The term “destination country” means a destination or transit country.

¹ So in original. Probably should be followed by “of”.

¹ So in original. Probably should be “18,000,000”.

¹ See References in Text note below.

(5) INTERPOL

The term “INTERPOL” means the International Criminal Police Organization.

(6) Jurisdiction

The term “jurisdiction” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Northern Mariana Islands;
- (G) the United States Virgin Islands; and
- (H) to the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927),¹ a Federally recognized Indian tribe.

(7) Minor

The term “minor” means an individual who has not attained the age of 18 years.

(8) National Sex Offender Registry

The term “National Sex Offender Registry” means the National Sex Offender Registry established by section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).¹

(9) Sex offender under SORNA

The term “sex offender under SORNA” has the meaning given the term “sex offender” in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).¹

(10) Sex offense against a minor**(A) In general**

The term “sex offense against a minor” means a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).¹

(B) Other offenses

The term “sex offense against a minor” includes a sex offense described in section 111(5)(A) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)(A))¹ that is a specified offense against a minor, as defined in paragraph (7) of such section, or an attempt or conspiracy to commit such an offense.

(C) Foreign convictions; offenses involving consensual sexual conduct

The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5))¹ shall apply with respect to a sex offense against a minor for purposes of this chapter to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006 [34 U.S.C. 20901 et seq.].

(Pub. L. 114–119, § 3, Feb. 8, 2016, 130 Stat. 16.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130

Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

The Adam Walsh Child Protection and Safety Act of 2006, referred to in par. (10)(C), is Pub. L. 109–248, July 27, 2006, 120 Stat. 587, which enacted chapter 209 (§20901 et seq.) of this title and enacted, amended, and repealed numerous other sections and notes in the Code. Sections 111, 119, and 127 of the Act were classified to sections 16911, 16919, and 16927, respectively, of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as sections 20911, 20921, and 20929, respectively, of this title. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21503. Angel Watch Center**(a) Establishment**

Not later than 90 days after February 8, 2016, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of U.S. Immigrations and Customs Enforcement a Center, to be known as the “Angel Watch Center”, to carry out the activities specified in subsection (e).

(b) Incoming notification**(1) In general**

The Center may receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

(2) Notification

Upon receiving an incoming notification under paragraph (1), the Center shall—

(A) immediately share all information received relating to the individual with the Department of Justice; and

(B) share all relevant information relating to the individual with other Federal, State, and local agencies and entities, as appropriate.

(3) Collaboration

The Secretary of Homeland Security shall collaborate with the Attorney General to establish a process for the receipt, dissemination, and categorization of information relating to individuals and specific offenses provided herein.

(c) Leadership

The Center shall be headed by the Assistant Secretary of U.S. Immigration and Customs Enforcement, in collaboration with the Commissioner of U.S. Customs and Border Protection and in consultation with the Attorney General and the Secretary of State.

(d) Members

The Center shall consist of the following:

(1) The Assistant Secretary of U.S. Immigration and Customs Enforcement.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) Individuals who are designated as analysts in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) Individuals who are designated as program managers in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(e) Activities

(1) In general

In carrying out this section, the Center shall, using all relevant databases, systems and sources of information, not later than 48 hours before scheduled departure, or as soon as practicable before scheduled departure—

(A) determine if individuals traveling abroad are listed on the National Sex Offender Registry;

(B) review the United States Marshals Service's National Sex Offender Targeting Center case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel to identify any individual who meets the criteria described in subparagraph (A) and is not in a system reviewed pursuant to this subparagraph; and

(C) provide a list of individuals identified under subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center to determine compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).¹

(2) Provision of information to Center

Twenty-four hours before the intended travel, or thereafter, not later than 72 hours after the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall provide, to the Angel Watch Center, information pertaining to any sex offender described in subparagraph (C) of paragraph (1).

(3) Advance notice to destination country

(A) In general

The Center may transmit relevant information to the destination country about a sex offender if—

(i) the individual is identified by a review conducted under paragraph (1)(B) as having provided advanced notice of international travel; or

(ii) after completing the activities described in paragraph (1), the Center receives information pertaining to a sex offender under paragraph (2).

(B) Exceptions

The Center may immediately transmit relevant information on a sex offender to the destination country if—

(i) the Center becomes aware that a sex offender is traveling outside of the United States within 24 hours of intended travel, and simultaneously completes the activities described in paragraph (1); or

(ii) the Center has not received a transmission pursuant to paragraph (2), provided it is not more than 24 hours before the intended travel.

(C) Corrections

Upon receiving information that a notification sent by the Center regarding an individual was inaccurate, the Center shall immediately—

(i) send a notification of correction to the destination country notified;

(ii) correct all data collected pursuant to paragraph (6); and

(iii) if applicable, notify the Secretary of State for purposes of the passport review and marking processes described in section 212b of title 22.

(D) Form

The notification under this paragraph may be transmitted through such means as are determined appropriate by the Center, including through U.S. Immigration and Customs Enforcement attaches.

(4) Memorandum of Agreement

Not later than 6 months after February 8, 2016, the Secretary of Homeland Security shall enter into a Memorandum of Agreement with the Attorney General to facilitate the activities of the Angel Watch Center in collaboration with the United States Marshals Service's National Sex Offender Targeting Center, including the exchange of information, the sharing of personnel, access to information and databases in accordance with paragraph (1)(B), and the establishment of a process to share notifications from the international community in accordance with subsection (b)(1).

(5) Passport application review

(A) In general

The Center shall provide a written determination to the Department of State regarding the status of an individual as a covered sex offender (as defined in section 212b of title 22) when appropriate.

(B) Effective date

Subparagraph (A) shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General that the process developed and reported to the appropriate congressional committees under section 21507 of this title has been successfully implemented.

(6) Collection of data

The Center shall collect all relevant data, including—

(A) a record of each notification sent under paragraph (3);

(B) the response of the destination country to notifications under paragraph (3), where available;

(C) any decision not to transmit a notification abroad, to the extent practicable;

(D) the number of transmissions made under subparagraphs (A), (B), and (C) of paragraph (3) and the countries to which they are transmitted, respectively;

(E) whether the information was transmitted to the destination country before

¹ See References in Text note below.

scheduled commencement of sex offender travel; and

(F) any other information deemed necessary and appropriate by the Secretary of Homeland Security.

(7) Complaint review

(A) In general

The Center shall—

(i) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(ii) ensure that any complaint is promptly reviewed; and

(iii) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(B) Response to complaints

The Center shall, as applicable—

(i) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(ii) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(iii) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the Center has taken or is taking under clause (ii).

(C) Public awareness

The Center shall make publicly available information on how an individual may submit a complaint under this section.

(D) Reporting requirement

The Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees (as defined in section 21507 of this title) that includes—

(i) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under paragraph (3); and

(ii) the actions taken to prevent similar errors from occurring in the future.

(8) Annual review process

The Center shall establish, in coordination with the Attorney General, the Secretary of State, and INTERPOL, an annual review process to ensure that there is appropriate coordination and collaboration, including consistent procedures governing the activities authorized under this chapter, in carrying out this chapter.

(9) Information required

The Center shall make available to the United States Marshals Service's National Sex Offender Targeting Center information on travel by sex offenders in a timely manner.

(f) Definition

In this section, the term “sex offender” means—

(1) a covered sex offender; or

(2) an individual required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry, on the basis of an offense against a minor.

(Pub. L. 114–119, § 4, Feb. 8, 2016, 130 Stat. 17.)

Editorial Notes

REFERENCES IN TEXT

The Adam Walsh Child Protection and Safety Act of 2006, referred to in subsec. (e)(1)(C), is Pub. L. 109–248, July 27, 2006, 120 Stat. 587. Title I of the Act, known as the Sex Offender Registration and Notification Act, was classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20901 et seq.) of chapter 209 of this title. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

This chapter, referred to in subsec. (e)(8), was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21504. Notification by the United States Marshals Service

(a) In general

The United States Marshals Service's National Sex Offender Targeting Center may—

(1) transmit notification of international travel of a sex offender to the destination country of the sex offender, including to the visa-issuing agent or agents in the United States of the country;

(2) share information relating to traveling sex offenders with other Federal, State, local, and foreign agencies and entities, as appropriate;

(3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature and shall share the information received immediately with the Department of Homeland Security; and

(4) perform such other functions at the Attorney General or the Director of the United States Marshals Service may direct.

(b) Consistent notification

In making notifications under subsection (a)(1), the United States Marshals Service's National Sex Offender Targeting Center shall, to the extent feasible and appropriate, ensure that the destination country is consistently notified in advance about sex offenders under SORNA identified through their inclusion in sex offender

registries of jurisdictions or the National Sex Offender Registry.

(c) Information required

For purposes of carrying out this chapter, the United States Marshals Service's National Sex Offender Targeting Center shall—

(1) make the case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel available to the Angel Watch Center;

(2) provide the Angel Watch Center a determination of compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.)¹ for the list of individuals transmitted under section 21503(e)(1)(C) of this title;

(3) make available to the Angel Watch Center information on travel by sex offenders in a timely manner; and

(4) consult with the Department of State regarding operation of the international notification program authorized under this chapter.

(d) Corrections

Upon receiving information that a notification sent by the United States Marshals Service's National Sex Offender Targeting Center regarding an individual was inaccurate, the United States Marshals Service's National Sex Offender Targeting Center shall immediately—

(1) send a notification of correction to the destination country notified;

(2) correct all data collected in accordance with subsection (f); and

(3) if applicable, send a notification of correction to the Angel Watch Center.

(e) Form

The notification under this section may be transmitted through such means as are determined appropriate by the United States Marshals Service's National Sex Offender Targeting Center, including through the INTERPOL notification system and through Federal Bureau of Investigation Legal attaches.

(f) Collection of data

The Attorney General shall collect all relevant data, including—

(1) a record of each notification sent under subsection (a);

(2) the response of the destination country to notifications under paragraphs (1) and (2) of subsection (a), where available;

(3) any decision not to transmit a notification abroad, to the extent practicable;

(4) the number of transmissions made under paragraphs (1) and (2) of subsection (a) and the countries to which they are transmitted;

(5) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(6) any other information deemed necessary and appropriate by the Attorney General.

(g) Complaint review

(1) In general

The United States Marshals Service's National Sex Offender Targeting Center shall—

(A) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(B) ensure that any complaint is promptly reviewed; and

(C) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(2) Response to complaints

The United States Marshals Service's National Sex Offender Targeting Center shall, as applicable—

(A) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(B) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(C) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the United States Marshals Service's National Sex Offender Targeting Center has taken or is taking under subparagraph (B).

(3) Public awareness

The United States Marshals Service's National Sex Offender Targeting Center shall make publicly available information on how an individual may submit a complaint under this section.

(4) Reporting requirement

The Attorney General shall submit an annual report to the appropriate congressional committees (as defined in section 21507 of this title) that includes—

(A) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under subsection (a); and

(B) the actions taken to prevent similar errors from occurring in the future.

(h) Definition

In this section, the term “sex offender” means—

(1) a sex offender under SORNA; or

(2) a person required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry.

(Pub. L. 114–119, § 5, Feb. 8, 2016, 130 Stat. 20.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling

¹ See References in Text note below.

Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

The Adam Walsh Child Protection and Safety Act of 2006, referred to in subsec. (c)(2), is Pub. L. 109-248, July 27, 2006, 120 Stat. 587. Title I of the Act, known as the Sex Offender Registration and Notification Act, was classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20901 et seq.) of chapter 209 of this title. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21505. Implementation

In carrying out this chapter, and the amendments made by this chapter, the Attorney General may use the resources and capacities of any appropriate agencies of the Department of Justice, including the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the United States Marshals Service, INTERPOL Washington-U.S. National Central Bureau, the Federal Bureau of Investigation, the Criminal Division, and the United States Attorneys' Offices.

(Pub. L. 114-119, §6(c), Feb. 8, 2016, 130 Stat. 23.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114-119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

The amendments made by this chapter, referred to in text, mean the amendments made by Pub. L. 114-119. See Short Title of 2016 Act note set out under section 10101 of this title and Tables.

§ 21506. Reciprocal notifications

It is the sense of Congress that the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, should seek reciprocal international agreements or arrangements to further the purposes of this chapter and the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).¹ Such agreements or arrangements may establish mechanisms and undertakings to receive and transmit notices concerning international travel by sex offenders, through the Angel Watch Center, the INTERPOL notification system, and such other means as may be appropriate, including notification by the United States to other

countries relating to the travel of sex offenders from the United States, reciprocal notification by other countries to the United States relating to the travel of sex offenders to the United States, and mechanisms to correct and, as applicable, remove from any other records, any inaccurate information transmitted through such notifications.

(Pub. L. 114-119, §7, Feb. 8, 2016, 130 Stat. 23.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114-119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

The Sex Offender Registration and Notification Act, referred to in text, is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which was classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20901 et seq.) of chapter 209 of this title. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21507. Implementation plan

(a) In general

Not later than 90 days after February 8, 2016, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall develop a process by which to implement section 21503(e)(5) of this title and the provisions of section 212b of title 22.

(b) Reporting requirement

Not later than 90 days after February 8, 2016, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall jointly submit a report to, and shall consult with, the appropriate congressional committees on the process developed under subsection (a), which shall include a description of the proposed process and a timeline and plan for implementation of that process, and shall identify the resources required to effectively implement that process.

(c) “Appropriate congressional committees” defined

In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Foreign Affairs of the House of Representatives;
- (3) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (4) the Committee on Homeland Security of the House of Representatives;
- (5) the Committee on the Judiciary of the Senate;

¹ See References in Text note below.

- (6) the Committee on the Judiciary of the House of Representatives;
- (7) the Committee on Appropriations of the Senate; and
- (8) the Committee on Appropriations of the House of Representatives.

(Pub. L. 114–119, § 9, Feb. 8, 2016, 130 Stat. 25.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 16935f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21508. Technical assistance

The Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this chapter.

(Pub. L. 114–119, § 10, Feb. 8, 2016, 130 Stat. 25.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935g of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21509. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter \$6,000,000 for each of fiscal years 2018 through 2021.

(Pub. L. 114–119, § 11, Feb. 8, 2016, 130 Stat. 25; Pub. L. 115–425, title III, § 302, Jan. 8, 2019, 132 Stat. 5488.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935h of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Pub. L. 115–425 substituted “2018 through 2021” for “2017 and 2018”.

§ 21510. Rule of construction

Nothing in this chapter shall be construed to limit international information sharing or law enforcement cooperation relating to any person pursuant to any authority of the Department of Justice, the Department of Homeland Security, or any other department or agency.

(Pub. L. 114–119, § 12, Feb. 8, 2016, 130 Stat. 25.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935i of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 217—ELDER ABUSE PREVENTION AND PROSECUTION

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§ 21701. Definitions

In this chapter—

(1) the terms “abuse”, “adult protective services”, “elder”, “elder justice”, “exploitation”, “law enforcement”, and “neglect” have the meanings given those terms in section 1397j of title 42;

(2) the term “elder abuse” includes abuse, neglect, and exploitation of an elder; and

(3) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(Pub. L. 115–70, § 2, Oct. 18, 2017, 131 Stat. 1208.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 115-70, Oct. 18, 2017, 131 Stat. 1208, known as the Elder Abuse Prevention and Prosecution Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2017 Amendment note set out under section 10101 of this title and Tables.

SUBCHAPTER I—SUPPORTING FEDERAL
CASES INVOLVING ELDER JUSTICE

§ 21711. Supporting Federal cases involving elder justice

(a) Support and assistance

(1) Elder Justice Coordinators

The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall be responsible for—

(A) serving as the legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecuting, or assisting in the prosecution of, elder abuse cases;

(C) conducting public outreach and awareness activities relating to elder abuse; and

(D) ensuring the collection of data required to be collected under section 21722 of this title.

(2) Investigative support

The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes relating to elder abuse, ensure the implementation of a regular and comprehensive training program to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to elder abuse, which shall include—

(A) specialized strategies for communicating with and assisting elder abuse victims; and

(B) relevant forensic training relating to elder abuse.

(3) Resource group

The Attorney General, through the Executive Office for United States Attorneys, shall ensure the operation of a resource group to facilitate the sharing of knowledge, experience, sample pleadings and other case documents, training materials, and any other resources to assist prosecutors throughout the United States in pursuing cases relating to elder abuse.

(4) Designated elder justice working group or subcommittee to the Attorney General's Advisory Committee of United States Attorneys

Not later than 60 days after October 18, 2017, the Attorney General, in consultation with the Director of the Executive Office for United States Attorneys, shall establish a subcommittee or working group to the Attorney General's Advisory Committee of United

States Attorneys, as established under section 0.10 of title 28, Code of Federal Regulations, or any successor thereto, for the purposes of advising the Attorney General on policies of the Department of Justice relating to elder abuse.

(b) Department of Justice Elder Justice Coordinator

(1) In general

Not later than 60 days after October 18, 2017, the Attorney General shall designate an Elder Justice Coordinator within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

(B) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(i) conduct investigations in elder abuse cases;

(ii) address evidentiary issues and other legal issues, including witnesses who have Alzheimer's disease and related dementias; and

(iii) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases (including victims and witnesses who have Alzheimer's disease and related dementias), including in administrative, civil, and criminal judicial proceedings; and

(C) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(2) Training materials

(A) In general

In creating or compiling replication guides and training materials under paragraph (1)(B), the Elder Justice Coordinator shall consult with the Secretary of Health and Human Services, State, local, and Tribal adult protective services, aging, social, and human services agencies, Federal, State, local, and Tribal law enforcement agencies, and nationally recognized nonprofit associations with relevant expertise, as appropriate.

(B) Updating

The Elder Justice Coordinator shall—

(i) review the best practices identified and replication guides and training materials created or compiled under paragraph (1)(B) to determine if the replication guides or training materials require updating; and

(ii) perform any necessary updating of the replication guides or training materials.

(c) Federal Trade Commission

(1) Federal Trade Commission Elder Justice Coordinator

Not later than 60 days after October 18, 2017, the Chairman of the Federal Trade Commission shall designate within the Bureau of Consumer Protection of the Federal Trade Commission an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(B) serving as, or ensuring the availability of, a central point of contact for individuals, units of local government, States, and other Federal agencies on matters relating to the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues.

(2)¹ Reports to Congress

Not later than 1 year after October 18, 2017, and once every year thereafter, the Chairman of the Federal Trade Commission and the Attorney General shall each submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report—

(A) detailing the enforcement actions taken by the Federal Trade Commission and the Department of Justice, respectively, over the preceding year in each case in which not less than one victim was an elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders, including—

(i) the name of the district where the case originated;

(ii) the style of the case, including the case name and number;

(iii) a description of the scheme or scam; and

(iv) the outcome of the case.²

(B) with respect to the report by the Attorney General, including a link to the publicly available best practices identified under subsection (b)(1)(B) and the replication guides and training materials created or compiled under such subsection; and

(C) with respect to the report by the Federal Trade Commission, in relevant years, including information on—

(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 112 of the Stop Senior Scams Act and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

(ii) the Senior Scams Prevention Advisory Group's findings about senior scams and industry educational materials and programs; and

(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.

(d) Use of appropriated funds

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

(Pub. L. 115–70, title I, §101, Oct. 18, 2017, 131 Stat. 1209; Pub. L. 116–252, §§2(a), 3(a), Dec. 22, 2020, 134 Stat. 1133, 1134; Pub. L. 117–103, div. Q, title I, §112(e), Mar. 15, 2022, 136 Stat. 811.)

AMENDMENT OF SECTION

For repeal of amendment by Pub. L. 107–103, see Termination Date of 2022 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

Section 112 of the Stop Senior Scams Act, referred to in subsec. (c)(2)(C), is section 112 of Pub. L. 117–103, div. Q, title I, Mar. 15, 2022, 136 Stat. 809, which amended this section and enacted provisions set out as notes under this section and section 45e of Title 15, Commerce and Trade.

AMENDMENTS

2022—Subsec. (c)(2)(C). Pub. L. 117–103, §112(e), (f), temporarily added subpar. (C). See Termination Date of 2022 Amendment note below.

2020—Subsec. (b). Pub. L. 116–252, §2(a)(1)–(3), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, of par. (1), redesignated former subpars. (A) to (C) of par. (2) as clauses (i) to (iii), respectively, of par. (1)(B), and realigned margins.

Subsec. (b)(1)(B)(ii). Pub. L. 116–252, §2(a)(4)(A), inserted “, including witnesses who have Alzheimer’s disease and related dementias” after “other legal issues”.

Subsec. (b)(1)(B)(iii). Pub. L. 116–252, §2(a)(4)(B), substituted “elder abuse cases (including victims and witnesses who have Alzheimer’s disease and related dementias),” for “elder abuse cases,”.

Subsec. (b)(2). Pub. L. 116–252, §2(a)(5), added par. (2).

Subsec. (c)(2). Pub. L. 116–252, §3(a), substituted “a report—” for “a report” in introductory provisions, designated remainder of provisions as subpar. (A), redesignated former subpars. (A) to (D) as cls. (i) to (iv), respectively, of subpar. (A) and realigned margins, and added subpar. (B).

Statutory Notes and Related Subsidiaries

TERMINATION OF 2022 AMENDMENT

Pub. L. 117–103, div. Q, title I, §112(f), Mar. 15, 2022, 136 Stat. 811, provided that: “This subtitle [subtitle A of title I of div. Q of Pub. L. 117–103, amending this section and enacting provisions set out as notes under this section and sections 45e and 58 of Title 15, Commerce and Trade], and the amendments made by this subtitle, ceases to be effective on the date that is 5 years after the date of enactment of this Act [Mar. 15, 2022].”

EFFECTIVE DATE AND APPLICABILITY OF 2020 AMENDMENT

Pub. L. 116–252, §2(b), Dec. 22, 2020, 134 Stat. 1134, provided that: “The amendments made by subsection (a) [amending this section] shall—

“(1) take effect on the date of enactment of this Act [Dec. 22, 2020]; and

“(2) apply on and after the date that is 1 year after the date of enactment of this Act.”

¹ See Applicability of Amendment note below.

² So in original. Subpar. (B) added by Pub. L. 116–252 without conforming amendment to punctuation at end of subpar. (A)(iv).

Pub. L. 116–252, §3(b), Dec. 22, 2020, 134 Stat. 1134, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to the report under section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) submitted during the second year beginning after the date of enactment of this Act [Dec. 22, 2020], and each year thereafter.”

SUBCHAPTER II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

§ 21721. Establishment of best practices for local, State, and Federal data collection

(a) In general

The Attorney General, in consultation with Federal, State, and local law enforcement agencies, shall—

- (1) establish best practices for data collection to focus on elder abuse; and
- (2) provide technical assistance to State, local, and tribal governments in adopting the best practices established under paragraph (1).

(b) Deadline

Not later than 1 year after October 18, 2017, the Attorney General shall publish the best practices established under subsection (a)(1) on the website of the Department of Justice in a publicly accessible manner.

(c) Limitation

Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

(Pub. L. 115–70, title II, §201, Oct. 18, 2017, 131 Stat. 1211.)

§ 21722. Effective interagency coordination and Federal data collection

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis—

- (1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and
- (2) publish on the website of the Department of Justice in a publicly accessible manner—

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies.

(b) Requirement

The data collected under subsection (a)(1) shall include—

- (1) the total number of investigations initiated by Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices related to elder abuse;
- (2) the total number and types of elder abuse cases filed in Federal courts; and

(3) for each case described in paragraph (2)—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the act or acts giving rise to the elder abuse;

(D) in the case of a scheme or scam, a description of such scheme or scam giving rise to the elder abuse;

(E) information about each alleged perpetrator of the elder abuse; and

(F) the outcome of the case.

(c) HHS requirement

The Secretary of Health and Human Services shall, on an annual basis, provide to the Attorney General statistical data collected by the Secretary relating to elder abuse cases investigated by adult protective services, which shall be included in the summary published under subsection (a)(2).

(d) Prohibition on individual data

None of the information reported under this section shall include specific individually identifiable data.

(Pub. L. 115–70, title II, §202, Oct. 18, 2017, 131 Stat. 1211.)

SUBCHAPTER III—ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

§ 21731. Report

(a) In general

Not later than 1 year after the date on which the collection of statistical data under section 21722(a)(1) of this title begins and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.)¹ for victims of crime who are elders.

(b) Contents

The report required under subsection (a) shall include—

- (1) an analysis of victims’ assistance, victims’ compensation, and discretionary grants under which elder abuse victims (including elder victims of financial abuse, financial exploitation, and fraud) received assistance; and
- (2) recommendations for improving services for victims of elder abuse.

(Pub. L. 115–70, title III, §302, Oct. 18, 2017, 131 Stat. 1212.)

Editorial Notes

REFERENCES IN TEXT

The Victims of Crime Act of 1984, referred to in subsec. (a), is chapter XIV of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2170, which was classified principally to chapter 112 (§10601 et seq.) of Title 42, The Public Health and Welfare, prior to editorial reclassification

¹ See References in Text note below.

as chapter 201 (§20101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1984 Act note set out under section 10101 of this title and Tables.

SUBCHAPTER IV—ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

§ 21741. Training and technical assistance for States

The Attorney General, in consultation with the Secretary of Health and Human Services and in coordination with the Elder Justice Coordinating Council (established under section 1397k of title 42), shall create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(1) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(A) physical, sexual, and psychological abuse of elders;

(B) exploitation of elders, including financial abuse and scams targeting elders; and

(C) neglect of elders; and

(2) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse.

(Pub. L. 115–70, title IV, §403, Oct. 18, 2017, 131 Stat. 1214.)

§ 21742. Interstate initiatives

(a) Interstate agreements and compacts

The consent of Congress is given to any two or more States (acting through State agencies with jurisdiction over adult protective services) to enter into agreements or compacts for cooperative effort and mutual assistance—

(1) in promoting the safety and well-being of elders; and

(2) in enforcing their respective laws and policies to promote such safety and well-being.

(b) Recommendations on interstate communication

The Executive Director of the State Justice Institute, in consultation with State or local adult protective services, aging, social, and human services and law enforcement agencies, nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in elder abuse cases, and the Secretary of Health and Human Services, shall submit to Congress legislative proposals relating to the facilitation of interstate agreements and compacts.

(Pub. L. 115–70, title IV, §404, Oct. 18, 2017, 131 Stat. 1215.)

SUBCHAPTER V—MISCELLANEOUS

§ 21751. Model power of attorney legislation

The Attorney General shall publish model power of attorney legislation for the purpose of preventing elder abuse.

(Pub. L. 115–70, title V, §504, Oct. 18, 2017, 131 Stat. 1217.)

§ 21752. Best practices and model legislation for guardianship proceedings

The Attorney General shall publish best practices for improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

(Pub. L. 115–70, title V, §505, Oct. 18, 2017, 131 Stat. 1217.)

CHAPTER 219—ASHANTI ALERT COMMUNICATIONS NETWORK

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§ 21901. Definitions

In this chapter:

(1) AMBER Alert communications network

The term “AMBER Alert communications network” means the AMBER Alert communications network established under subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.).

(2) Ashanti Alert

The term “Ashanti Alert” means an alert issued through the Ashanti Alert communications network, related to a missing adult.

(3) Ashanti Alert communications network

The term “Ashanti Alert communications network” means the national communications network established by the Attorney General under section 21902(a) of this title.

(4) Ashanti Alert Coordinator of the Department of Justice; Coordinator

The term “Ashanti Alert Coordinator of the Department of Justice” or “Coordinator” means the employee designated by the Attorney General to act as the national coordinator of the Ashanti Alert communications network under section 21903(a) of this title.

(5) Ashanti Alert plan

The term “Ashanti Alert plan” means a local element of the Ashanti Alert communications network.

(6) Indian Tribe

The term “Indian Tribe” means a federally recognized Indian Tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 1602 of title 43).

(7) Missing adult

The term “missing adult” means an individual who—

(A) is older than the age for which an alert may be issued through the AMBER Alert communications network in the State or territory of an Indian Tribe in which the individual is identified as a missing individual;

(B) is identified by a law enforcement agency as a missing individual; and

(C) meets the requirements to be designated as a missing adult, as determined by the State in which, or the Indian Tribe in the territory of which, the individual is identified as a missing individual.

(8) State

The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 106-468, title II, § 201, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5336.)

Editorial Notes

REFERENCES IN TEXT

The PROTECT Act, referred to in par. (1), is Pub. L. 108-21, Apr. 30, 2003, 117 Stat. 650, also known as the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003. Subtitle A of title III of the Act is classified generally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 2003 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

§ 21902. Ashanti Alert communications network

(a) In general

The Attorney General shall, subject to the availability of appropriations, establish a national communications network within the Office of Justice Programs of the Department of Justice to provide assistance to regional and local search efforts for missing adults through the initiation, facilitation, and promotion of local elements of the network, in coordination with States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.

(b) Integration with existing communications network

In establishing the Ashanti Alert communications network under subsection (a), the Attorney General shall coordinate, when advisable, with missing person alert systems in existence as of December 31, 2018, such as the AMBER Alert communications network and Silver Alert communications networks.

(Pub. L. 106-468, title II, § 202, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5337.)

§ 21903. Ashanti Alert Coordinator

(a) National coordinator within Department of Justice

The Attorney General shall designate an employee of the Office of Justice Programs of the Department of Justice to act as the national coordinator of the Ashanti Alert communications network.

(b) Duties of the Coordinator

In acting as the national coordinator of the Ashanti Alert communications network, the Coordinator shall—

(1) work with States and Indian Tribes to encourage the development of additional Ashanti Alert plans in the network;

(2) establish voluntary guidelines for States and Indian Tribes to use in developing Ashanti Alert plans that will promote compatible and integrated Ashanti Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish an Ashanti Alert plan;

(B) criteria for evaluating whether a situation warrants issuing an Ashanti Alert, taking into consideration the need for the use of Ashanti Alerts to be limited in scope because the effectiveness of the Ashanti Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of an adult who is missing, and the circumstances of his or her disappearance, including any history of domestic violence, sexual assault, child abuse, or human trafficking, warrant the issuance of an Ashanti Alert; and

(ii) whether the individual who reports that an adult is missing is an appropriate and credible source on which to base the issuance of an Ashanti Alert;

(C) a description of the appropriate uses of the Ashanti Alert name to readily identify the nature of search efforts for missing adults; and

(D) recommendations on how to protect the privacy, dignity, independence, autonomy, and safety of any missing adult who may be the subject of an Ashanti Alert;

(3) develop proposed protocols for efforts to recover missing adults and to reduce the number of adults who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the adult is missing through the time of the return of the adult to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol;

(E) incident review, evaluation, debriefing, and public information procedures; and

(F) protocols for declining to issue an Ashanti Alert;

(4) work with States and Indian Tribes to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, Indian Tribes, units of local government, law enforcement agencies, and other entities involved in the Ashanti Alert communications network with initiating, facilitating, and promoting Ashanti Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of adult citizen advocacy groups, law enforcement agencies,

victim service providers (as defined in section 12291(a) of this title), and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Ashanti Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing adults through the network.

(c) Coordination

(1) Coordination with other agencies

The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, and other appropriate offices of the Department of Justice, including the Office on Violence Against Women, in carrying out activities under this chapter.

(2) State, tribal, and local coordination

The Coordinator shall consult with local broadcasters and State, Tribal, and local law enforcement agencies in establishing minimum standards under section 21904 of this title and in carrying out other activities under this chapter, as appropriate.

(d) Annual reports

(1) In general

Not later than 1 year after December 31, 2018, and annually thereafter, the Coordinator shall submit to Congress a report on—

(A) the activities of the Coordinator; and

(B) the effectiveness and status of the Ashanti Alert plan of each State or Indian Tribe that has established or is in the process of establishing such a plan.

(2) Contents

Each report under paragraph (1) shall include—

(A) a list of each State or Indian Tribe that has established an Ashanti Alert plan;

(B) a list of each State or Indian Tribe that is in the process of establishing an Ashanti Alert plan;

(C) for each State or Indian Tribe that has established an Ashanti Alert plan, to the extent the data is available—

(i) the number of Ashanti Alerts issued;

(ii) the number of missing adults located successfully;

(iii) the average period of time between the issuance of an Ashanti Alert and the location of the missing adult for whom the Alert was issued;

(iv) the State or Tribal agency or authority issuing Ashanti Alerts, and the process by which Ashanti Alerts are disseminated;

(v) the cost of establishing and operating the Ashanti Alert plan;

(vi) the criteria used by the State or Indian Tribe to determine whether to issue an Ashanti Alert; and

(vii) the extent to which missing adults for whom Ashanti Alerts were issued crossed State lines or territorial borders of an Indian Tribe;

(D) actions States and Indian Tribes have taken to protect the privacy and dignity of the missing adults for whom Ashanti Alerts are issued;

(E) ways that States and Indian Tribes have facilitated and improved communication about missing adults between families, caregivers, law enforcement officials, and other authorities; and

(F) any other information the Coordinator determines to be appropriate.

(Pub. L. 106-468, title II, §203, as added Pub. L. 115-401, §2(5), Dec. 31, 2018, 132 Stat. 5337.)

§ 21904. Minimum standards for issuance and dissemination of alerts through Ashanti Alert communications network

(a) Establishment of minimum standards

Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Ashanti Alert communications network; and

(2) the extent of the dissemination of alerts issued through the Ashanti Alert communications network.

(b) Limitations

(1) Dissemination of information

The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide for the dissemination of appropriate information relating to the special needs of a missing adult (including health care needs) to the appropriate law enforcement, public health, and other public officials.

(2) Geographic areas

The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide that the dissemination of an alert through the Ashanti Alert communications network shall be limited to the geographic areas that the missing adult could reasonably reach, considering—

(A) the circumstances and physical and mental condition of the missing adult;

(B) the modes of transportation available to the missing adult; and

(C) the circumstances of the disappearance.

(3) Other requirements

The minimum standards established under subsection (a) shall require that, in order for an Ashanti Alert to be issued for a missing adult, the missing adult—

(A) suffers from a proven mental or physical disability, as documented by a source

determined credible by an appropriate law enforcement agency; or

(B) be missing under circumstances that indicate, as determined by an appropriate law enforcement agency—

(i) that the physical safety of the missing adult may be endangered; or

(ii) that the disappearance of the missing adult may not have been voluntary, including an abduction or kidnapping.

(4) Safety, privacy, and civil liberties protections

The minimum standards established under subsection (a) shall—

(A) ensure that alerts issued through the Ashanti Alert communications network comply with all applicable Federal, State, Tribal, and local privacy laws and regulations;

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing adults; and

(C) include standards requiring, as appropriate, a review of relevant court records, prior contacts with law enforcement, and other information relevant to the missing adult or the individual reporting, in order to provide protections against domestic violence.

(5) State, Tribal, and local voluntary coordination

In establishing minimum standards under subsection (a), the Coordinator may not interfere with the system of voluntary coordination between local broadcasters and State, Tribal, and local law enforcement agencies for purposes of regional and local search efforts for missing adults that was in effect on the day before December 31, 2018.

(Pub. L. 106-468, title II, § 204, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5340.)

§ 21905. Voluntary participation

The minimum standards established under section 21904(a) of this title, and any other guidelines and programs established under section 21903 of this title, shall be adoptable on a voluntary basis only.

(Pub. L. 106-468, title II, § 205, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5341.)

§ 21906. Training and educational programs

The Coordinator shall make available to States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Ashanti Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Ashanti Alert communications network and the capabilities, limitations, and anticipated behaviors of missing adults, which the Coordinator shall update regularly to encourage the use of new tools, technologies, and resources in Ashanti Alert plans; and

(2) informational materials, including brochures, videos, posters, and websites to support and supplement the training and educational programs described in paragraph (1).

(Pub. L. 106-468, title II, § 206, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5341.)

§ 21907. Authorization of appropriations

There is authorized to be appropriated to the Attorney General \$3,000,000 to carry out the Ashanti Alert communications network as authorized under this chapter for each of fiscal years 2019 through 2022.

(Pub. L. 106-468, title II, § 207, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5341.)

Subtitle III—Prevention of Particular Crimes

CHAPTER 301—COMPUTER CRIMES AND INTELLECTUAL PROPERTY CRIMES

Sec.

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| 30101. | State grant program for training and prosecution of computer crimes. |
| 30102. | Development and support of cybersecurity forensic capabilities. |
| 30103. | Local law enforcement grants. |
| 30104. | Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes. |
| 30105. | Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers. |
| 30106. | Annual reports. |
| 30107. | Local law enforcement grants for enforcement of cybercrimes. |
| 30108. | National Resource Center grant. |
| 30109. | National strategy, classification, and reporting on cybercrime. |
| 30110. | Improved investigative and forensic resources for enforcement of laws related to cybercrimes against individuals. |
| 30111. | Training and technical assistance for States. |

§ 30101. State grant program for training and prosecution of computer crimes

(a) In general

Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b).

(b) Use of grant amounts

Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime, including infringement of copyrighted works over the Internet;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime, including infringement of copyrighted works over the Internet;

(3) educate and train State and local law enforcement officers and prosecutors to conduct