''For administrative expenses related to the planning and execution of activities under this section, except that a jurisdiction that receives a grant under this section may expend not more than 10 percent of the amount received under the grant for such administrative expenses. Administrative expenses under this paragraph may include expenses relating to community outreach and educational activities regarding acquired immunodeficiency syndrome and related diseases, for staff carrying out activities assisted with a grant under this section and for individuals who reside in proximity of individuals assisted under this chapter.''

Subsec. (d). Pub. L. 102–550, § 606(j)(11)(E)(ii), which directed the substitution of ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' wherever appearing in subsec. (d), was executed by making the substitution for ''individuals with acquired immunodeficiency syndrome and related diseases'' in pars. (1)(B) and (2) to reflect the probable intent of Congress.

Subsec. (d)(1)(A). Pub. L. 102–550, § 606(j)(10)(A), substituted ''eligible persons'' for ''individuals''.

Subsec. (d)(1)(D). Pub. L. 102–550, § 606(j)(10)(B), inserted ''with acquired immunodeficiency syndrome or related diseases'' after ''any individual''.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by title V of Pub. L. 105–276 effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement amendment before such date, except to extent that such amendment provides otherwise, and with savings provision, see section 503 of Pub. L. 105–276, set out as a note under section 1437 of this title.

§ 12911. Report

Any organization or agency that receives a grant under this chapter shall submit to the Secretary, for any fiscal year in which the organization or agency receives a grant under this chapter, a report describing the use of the amounts received, which shall include the number of individuals assisted, the types of assistance provided, and any other information that the Secretary determines to be appropriate.

(Pub. L. 101–625, title VIII, § 862, Nov. 28, 1990, 104 Stat. 4384.)

§ 12912. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter $150,000,000 for fiscal year 1993 and $156,300,000 for fiscal year 1994.

(Pub. L. 101–625, title VIII, § 863, Nov. 28, 1990, 104 Stat. 4384; Pub. L. 102–550, title VI, § 606(b), Oct. 28, 1992, 106 Stat. 3806.)

AMENDMENTS

1992—Pub. L. 102–550 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated to carry out this chapter $75,000,000 for fiscal year 1991, and $156,500,000 for fiscal year 1992.''

CHAPTER 132—VICTIMS OF CHILD ABUSE

SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES

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SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES

§ 13001. Findings

The Congress finds that—

(1) over 2,000,000 reports of suspected child abuse and neglect are made each year, and drug abuse is associated with a significant portion of these;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;

(4) 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;

(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;

(6) 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, and increase the successful prosecution of child abuse offenders; and

(7) such programs have proven effective, and with targeted Federal assistance, could be duplicated in many jurisdictions throughout the country.

(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.)

AMENDMENTS

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.

SHORT TITLE

Section 201 of title II of Pub. L. 101–647 provided that: ''This title [enacting this chapter, sections 3796aa to 3796aa–8 of this title, and sections 403, 2258, and 3509 of Title 18, Crimes and Criminal Procedure, and amending sections 3742, 3782, 3783, 3789, 3793, and 3797 of this title] may be cited as the 'Victims of Child Abuse Act of 1990'.''

§ 13001a. Definitions

For purposes of this subchapter—

(1) the term ''Administrator'' means the agency head designated under section 5611(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 ''board'' means the Children's Advocacy Advisory Board established under section 13001b(e) of this title;

(4) 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;

(5) the term ''child abuse'' means physical or sexual abuse or neglect of a child;

(6) the term ''Director'' means the Director of the National Center on Child Abuse and Neglect;

(7) the term ''multidisciplinary response to child abuse'' means a 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;

(8) 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; and

(9) the term ''regional children's advocacy program'' means the children's advocacy program established under section 13001b(a) of this title.

(Pub. L. 101–647, title II, § 212, as added Pub. L. 102–586, § 6(b)(2), Nov. 4, 1992, 106 Stat. 5029.)

PRIOR PROVISIONS

A prior section 212 of Pub. L. 101–647 was renumbered section 214 and is classified to section 13002 of this title.

§ 13001b. Regional children's advocacy centers

(a) Establishment of regional children's advocacy program

The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish 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) provide support for nonoffending family members;

(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

(b) Activities of regional children's advocacy program

(1) Administrator

The Administrator, in coordination with the Director, shall—

(A) establish regional children's advocacy program centers;

(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

(2) Grant recipients

A grant recipient under this section shall—

(A) assist communities—

(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

(iv) in providing families with needed services and assisting them in regaining maximum functioning;

(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

(vii) in obtaining information useful for criminal and civil proceedings;

(viii) in holding offenders accountable through improved prosecution of child abuse cases;

(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

(x) in enhancing community understanding of child abuse; and

(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 13002 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) of this section.

(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

(C) Multidisciplinary staff experienced in providing remedial counseling to 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 judicial handling of child abuse and neglect.

(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 so that communities can establish multidisciplinary programs that respond to child abuse;

(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program 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, in coordination with the Director, 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) carry out the objectives developed by the board under subsection (e)(2)(A) of this section;

(iv) 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; 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 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, in coordination with the Director, 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 and the Director 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

(A) Failure to implement program activities

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.

(B) Solicitation of new proposals

Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c) of this section.

(e) Children's advocacy advisory board

(1) Establishment of board

(A) In general

Not later than 120 days after November 4, 1992, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

(B) Membership

(i) The board—

(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

(II) shall include at least 1 member from each of the 4 census regions; and

(III) shall have members appointed for a term not to exceed 3 years.

(ii) Members of the board may be reappointed for successive terms.

(2) Review and recommendations

(A) Objectives

Not later than 180 days after November 4, 1992, and annually thereafter, the board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b) of this section.

(B) Review

The board shall annually—

(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

(3) Rules and regulations

The board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

(f) Reporting

The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.

(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.)

PRIOR PROVISIONS

A prior section 213 of Pub. L. 101–647 was renumbered section 214A and is classified to section 13003 of this title.

AMENDMENTS

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''.

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 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 13002. Local children's advocacy centers

(a) In general

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.

(b) Grant criteria

(1) The Director shall establish the criteria to be used in evaluating applications for grants under this section consistent with sections 5673 and 5676 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, social 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 the ''counseling center'').

(C) Referral of all sexual and serious physical abuse and neglect cases to the counseling center not later than 24 hours after notification of an incident of abuse.

(D) Joint initial investigative interviews of child victims by personnel from law enforcement, health, and social service agencies.

(E) A requirement that, to the extent practicable, the same agency representative who conducts an initial interview conduct all subsequent interviews.

(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the counseling center.

(G) Coordination of each step of the investigation process to minimize the number of interviews that a child victim must attend.

(H) Designation of a director for the multidisciplinary program.

(I) 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 judicial proceedings.

(J) Such other criteria as the Director shall establish by regulation.

(c) Distribution of grants

In awarding grants under this section, the Director shall ensure that grants are distributed to both large and small States and to rural, suburban, and urban jurisdictions.

(d) 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 13001b of this title.

(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.)

PRIOR PROVISIONS

A prior section 214 of Pub. L. 101–647 was renumbered section 214B and is classified to section 13004 of this title.

AMENDMENTS

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).

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 5601 of this title.

§ 13003. 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 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.

(b) Grantee organizations

An organization to which a grant is made pursuant to subsection (a) of this section 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.

(c) Grant criteria

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 5673 and 5676 of this title.

(2) The grant criteria established pursuant to paragraph (1) shall require 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.)

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 note set out under section 13001 of this title and Tables.

AMENDMENTS

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''.

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 5601 of this title.

§ 13004. Authorization of appropriations

(a) Sections 13001b and 13002

There are authorized to be appropriated to carry out sections 13001b and 13002 of this title, $15,000,000 for each of fiscal years 2004 and 2005.

(b) Section 13003

There are authorized to be appropriated to carry out section 13003 of this title, $5,000,000 for each of fiscal years 2004 and 2005.

(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.)

[1] See References in Text note below.

AMENDMENTS

2003—Pub. L. 108–21 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 13001b and 13002 of $15,000,000 for fiscal year 1993 and such sums as necessary in fiscal years 1994 through 2000 and appropriations to carry out section 13003 of $5,000,000 for fiscal year 1993 and such sums as necessary in fiscal years 1994 through 2000.

1996—Subsecs. (a)(2), (b)(2). Pub. L. 104–235 substituted ''1996, and each of the fiscal years 1997 through 2000'' for ''and 1996''.

1992—Pub. L. 102–586, § 6(e), amended section generally. Prior to amendment, section authorized appropriations to carry out this subchapter of $20,000,000 in fiscal year 1991 and such sums as may be necessary in fiscal years 1992 and 1993 and provided that not less than 90 percent was to be used for grants under section 13002 of this title.

SUBCHAPTER II—COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

§ 13011. 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.)

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.''

§ 13012. Purpose

The purpose of this subchapter is to ensure that by January 1, 2010, 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.)

AMENDMENTS

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.

§ 13013. 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) of this section—

(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 5673 and 5676 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 Code of Ethics;

(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.

(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.)

AMENDMENTS

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) of this section—" for "subsection (a) of this section", 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".

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 5601 of this title.

§ 13013a. Report

(a) Report required

Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

(b) Elements of report

The report submitted under subsection (a) of this section shall include information on the following:

(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

(A) the length of time a child spends in foster care;

(B) the extent to which there is an increased provision of services;

(C) the percentage of cases permanently closed; and

(D) achievement of the permanent plan for reunification or adoption.

(Pub. L. 101–647, title II, § 218, as added Pub. L. 109–162, title I, § 112(d)(2), Jan. 5, 2006, 119 Stat. 2986.)

PRIOR PROVISIONS

A prior section 218 of Pub. L. 101–647 was renumbered section 219 and is classified to section 13014 of this title.

§ 13014. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter $12,000,000 for each of fiscal years 2007 through 2011.

(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.) 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.)

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, as amended. Title II of the Act is classified principally to subchapter II (§ 5611 et seq.) of chapter 72 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

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.''

SUBCHAPTER III—CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

§ 13021. 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 Adoption[1] 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 Adoption[1] and Child Welfare Act of 1980;

(5) compliance with the Adoption[1] 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 Adoption[1] 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.

[1] So in original. Probably should be ''Adoption Assistance''.

(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.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of this title. For complete classification of this Act to the Code, see section 1305 of this title 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, as amended. For complete classification of this Act to the Code, see Short Title of 1980 Amendments note set out under section 1305 of this title and Tables.

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.

§ 13022. 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.)

§ 13023. 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; and

(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 of this chapter.

(c) Grant criteria

The Administrator shall make grants under subsections (a) and (b) of this section consistent with sections 5666, 5673, and 5676 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.)

AMENDMENTS

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''.

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 5601 of this title.

§ 13024. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter $2,300,000 for each of fiscal years 2001 through 2005.

(b) Use of funds

Of the amounts appropriated in subsection (a) of this section, not less than 80 percent shall be used for grants under section 13023(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.) 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.)

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, as amended. Title II of the Act is classified principally to subchapter II (§ 5611 et seq.) of chapter 72 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

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.''

SUBCHAPTER IV—REPORTING REQUIREMENTS

§ 13031. Child abuse reporting

(a) In general

A person who, while engaged in a professional capacity or activity described in subsection (b) of this section 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) of this section.

(b) Covered professionals

Persons engaged in the following professions and activities are subject to the requirements of subsection (a) of this section:

(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; and

(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.

(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, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a) of this section. 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 services and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

(e) Reporting form

In every federally operated (or contracted) facility, and on all Federal lands, 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.

(f) Immunity for good faith reporting and associated actions

All persons who, acting in good faith, make a report by subsection (a) of this section, 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.

(g) Omitted

(h) Training of prospective reporters

All individuals in the occupations listed in subsection (b)(1) of this section who work on Federal lands, or are employed in federally operated (or contracted) facilities, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.

(Pub. L. 101–647, title II, § 226, Nov. 29, 1990, 104 Stat. 4806.)

CODIFICATION

Section is comprised of section 226 of Pub. L. 101–647. Subsec. (g) of section 226 of Pub. L. 101–647 enacted section 2258 of Title 18, Crimes and Criminal Procedure.

§ 13032. Reporting of child pornography by electronic communication service providers

(a) Definitions

In this section—

(1) the term ''electronic communication service'' has the meaning given the term in section 2510 of title 18; and

(2) the term ''remote computing service'' has the meaning given the term in section 2711 of title 18.

(b) Requirements

(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances from which a violation of section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of title 18, involving child pornography (as defined in section 2256 of that title), or a violation of section 1466A of that title, is apparent, shall, as soon as reasonably possible, make a report of such facts or circumstances to the Cyber Tip Line[1] at the National Center for Missing and Exploited Children, which shall forward that report to a law enforcement agency or agencies designated by the Attorney General.

(2) DESIGNATION OF AGENCIES.—Not later than 180 days after October 30, 1998, the Attorney

[1] So in original. Probably should be ''CyberTipline''.

General shall designate the law enforcement agency or agencies to which a report shall be forwarded under paragraph (1).

(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2) of this section, the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.

(4) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

(A) in the case of an initial failure to make a report, not more than $50,000; and

(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

(c) Civil liability

No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with or pursuant to this section.

(d) Limitation of information or material required in report

A report under subsection (b)(1) of this section may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

(e) Monitoring not required

Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

(f) Conditions of disclosure of information contained within report

(1) In general

No law enforcement agency that receives a report under subsection (b)(1) of this section shall disclose any information contained in that report, except that disclosure of such information may be made—

(A) to an attorney for the government for use in the performance of the official duties of the attorney;

(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

(2) Definitions

In this subsection, the terms ''attorney for the government'' and ''State'' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.

(g) Limitation on liability

(1) In general

Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions, as defined by this section, or from its efforts to identify child victims.

(2) Intentional, reckless, or other misconduct

Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

(3) Ordinary business activities

Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.

(Pub. L. 101–647, title II, § 227, as added Pub. L. 105–314, title VI, § 604(a), Oct. 30, 1998, 112 Stat. 2983; amended Pub. L. 106–113, div. B, § 1000(a)(1) [title I, § 121], Nov. 29, 1999, 113 Stat. 1535, 1501A–23; Pub. L. 108–21, title V, § 508(a), Apr. 30, 2003, 117 Stat. 683; Pub. L. 109–248, title I, § 130, July 27, 2006, 120 Stat. 601.)

REFERENCES IN TEXT

Rule 54 of the Federal Rules of Criminal Procedure, referred to in subsec. (f)(2), is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2006—Subsec. (g). Pub. L. 109–248 added subsec. (g).

2003—Subsec. (b)(1). Pub. L. 108–21, § 508(a)(1), inserted ''2252B,'' after ''2252A,'' and ''or a violation of section 1466A of that title,'' after ''of that title),''.

Subsec. (b)(3), (4). Pub. L. 108–21, § 508(a)(4), (5), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 108–21, § 508(a)(2), inserted ''or pursuant to'' after ''to comply with''.

Subsec. (f)(1)(D). Pub. L. 108–21, § 508(a)(3), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.''

1999—Subsec. (b)(1). Pub. L. 106–113, § 1000(a)(1) [title I, § 121(a)], inserted ''to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report'' after ''such facts or circumstances''.

Subsec. (b)(2). Pub. L. 106–113, § 1000(a)(1) [title I, § 121(b)], substituted ''forwarded'' for ''made''.

SUBCHAPTER V—CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS

§ 13041. 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) of this section, 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) of this section 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) of this section 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) of this section. 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) of this section, 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) of this section 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.)

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102–190, § 1094(a)(1), substituted ''May 29, 1991. Except as provided in subsection (b)(3) of this section, 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).

SUBCHAPTER VI—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

§§ 13051 to 13055. Repealed. Pub. L. 102–586, § 2(i)(2), Nov. 4, 1992, 106 Stat. 5015

Section 13051, Pub. L. 101–647, title II, § 251, Nov. 29, 1990, 104 Stat. 4814, authorized Administrator to make grants to public and nonprofit private organizations to develop, establish, and support projects for juvenile offenders who are victims of child abuse or neglect.

Section 13052, Pub. L. 101–647, title II, § 252, Nov. 29, 1990, 104 Stat. 4815, related to administrative requirements.

Section 13053, Pub. L. 101–647, title II, § 253, Nov. 29, 1990, 104 Stat. 4815, provided that Administrator in making grants give priority to applicants with experience and not disapprove an application solely because applicant proposes treating or serving juveniles whose offenses were not serious crimes.

Section 13054, Pub. L. 101–647, title II, § 254, Nov. 29, 1990, 104 Stat. 4815, authorized appropriations to carry out this subchapter.

Section 13055, Pub. L. 101–647, title II, § 255, Nov. 29, 1990, 104 Stat. 4815, defined ''Administrator'' and ''juvenile'' for purposes of this subchapter.

EFFECTIVE DATE OF REPEAL

Section 2(i)(2) of Pub. L. 102–586 provided that the repeal by that section is effective Sept. 30, 1993.

CHAPTER 133—POLLUTION PREVENTION

Sec.
13101. Findings and policy.
13102. Definitions.
13103. EPA activities.
13104. Grants to States for State technical assistance programs.
13105. Source Reduction Clearinghouse.
13106. Source reduction and recycling data collection.
13107. EPA report.
13108. Savings provisions.
13109. Authorization of appropriations.

§ 13101. Findings and policy

(a) Findings

The Congress finds that:

(1) The United States of America annually produces millions of tons of pollution and spends tens of billions of dollars per year controlling this pollution.

(2) There are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Such changes offer industry substantial savings in reduced raw material, pollution control, and liability costs as well as help protect the environment and reduce risks to worker health and safety.

(3) The opportunities for source reduction are often not realized because existing regulations, and the industrial resources they require for compliance, focus upon treatment and disposal, rather than source reduction; existing regulations do not emphasize multimedia management of pollution; and businesses need information and technical assistance to overcome institutional barriers to the adoption of source reduction practices.

(4) Source reduction is fundamentally different and more desirable than waste management and pollution control. The Environmental Protection Agency needs to address the historical lack of attention to source reduction.

(5) As a first step in preventing pollution through source reduction, the Environmental Protection Agency must establish a source reduction program which collects and disseminates information, provides financial assistance to States, and implements the other activities provided for in this chapter.

(b) Policy

The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

(Pub. L. 101–508, title VI, § 6602, Nov. 5, 1990, 104 Stat. 1388–321.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(5), was in the original ''this subtitle'', meaning subtitle F (§§ 6501, 6601–6610) of title VI, Pub. L. 101–508, which is classified generally to this chapter. For complete classification of subtitle F to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 6601 of Pub. L. 101–508 provided that: ''This subtitle [subtitle F (§§ 6501, 6601–6610) of title VI of Pub. L. 101–508, enacting this chapter and section 4370c of this title] may be cited as the 'Pollution Prevention Act of 1990'.''

§ 13102. Definitions

For purposes of this chapter—

(1) The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) The term ''Agency'' means the Environmental Protection Agency.

(3) The term ''toxic chemical'' means any substance on the list described in section 11023(c) of this title.

(4) The term ''release'' has the same meaning as provided by section 11049(8) of this title.

(5)(A) The term ''source reduction'' means any practice which—

(i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(B) The term ''source reduction'' does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

(6) The term ''multi-media'' means water, air, and land.

(7) The term ''SIC codes'' refers to the 2-digit code numbers used for classification of economic activity in the Standard Industrial Classification Manual.

(Pub. L. 101–508, title VI, § 6603, Nov. 5, 1990, 104 Stat. 1388–321.)

§ 13103. EPA activities

(a) Authorities

The Administrator shall establish in the Agency an office to carry out the functions of the Administrator under this chapter. The office shall