

an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

“(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.”

§ 5119b. Funding for improvement of child abuse crime information

(a) Omitted

(b) Additional funding grants for improvement of child abuse crime information

(1) The Attorney General shall, subject to appropriations and with preference to States that, as of December 20, 1993, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subchapter;

(B) for the improvement of existing computerized criminal history files for the purposes of this subchapter;

(C) to improve accessibility to the national criminal history background check system for the purposes of this subchapter;

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this subchapter; and

(E) to assist the State in paying all or part of the cost to the State of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or voluntary qualified entity to reduce the amount of fees charged for such background checks.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of \$20,000,000 for fiscal years 1999, 2000, 2001, and 2002.

(c) Withholding State funds

Effective 1 year after December 20, 1993, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3701 et seq.] that is not in compliance with the requirements of this subchapter.

(Pub. L. 103-209, § 4, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103-322, title XXXII, § 320928(d), Sept. 13, 1994, 108 Stat. 2132; Pub. L. 105-251, title II, § 222(c), Oct. 9, 1998, 112 Stat. 1885.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended. Title I of the Act is classified principally to chapter 46 (§ 3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CODIFICATION

Section is comprised of section 4 of Pub. L. 103-209. Subsec. (a) of section 4 of Pub. L. 103-209 amended former section 3759(b) of this title.

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-251 substituted “1999, 2000, 2001, and 2002” for “1994, 1995, 1996, and 1997”.

1994—Subsec. (b)(1)(E). Pub. L. 103-322, which directed the amendment of subsec. (b) by adding subpar. (E) at the end, was executed by adding subpar. (E) at the end of par. (1) of subsec. (b) to reflect the probable intent of Congress.

AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993

For appropriations for amounts authorized in subsec. (b) of this section from the Violent Crime Reduction Trust Fund established by section 14211 of this title, see section 210603(a) of Pub. L. 103-322, set out as a note under section 922 of Title 18, Crimes and Criminal Procedure.

§ 5119c. Definitions

For the purposes of this subchapter—

(1) the term “authorized agency” means a division or office of a State designated by a State to report, receive, or disseminate information under this subchapter;

(2) the term “child” means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term “child abuse crime” means a crime committed under any law of a State that involves the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by any person;

(4) the term “child abuse crime information” means the following facts concerning a person who has been arrested for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the child abuse crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, or convicted of, a child abuse crime;

(5) the term “care” means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities;

(6) the term “identifiable child abuse crime case” means a case that can be identified by the authorized criminal justice agency of the State as involving a child abuse crime by reference to the statutory citation or descriptive label of the crime as it appears in the criminal history record;

(7) the term “individuals with disabilities” means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks;

(8) the term “national criminal history background check system” means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(9) the term “provider” means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity (including an individual

who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity (including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(10) the term “qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; and

(11) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

(Pub. L. 103-209, § 5, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103-322, title XXXII, § 320928(a)(3), (j), Sept. 13, 1994, 108 Stat. 2132, 2133; Pub. L. 107-110, title X, § 1075, Jan. 8, 2002, 115 Stat. 2090.)

AMENDMENTS

2002—Par. (9)(A)(i). Pub. L. 107-110, § 1075(1), inserted before semicolon at end “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

Par. (9)(B)(i). Pub. L. 107-110, § 1075(2), inserted before semicolon at end “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

1994—Par. (5). Pub. L. 103-322, § 320928(a)(3)(A), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “the term ‘child care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;”.

Pars. (6), (7). Pub. L. 103-322, § 320928(j)(2), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 103-322, § 320928(j)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Pub. L. 103-322, § 320928(a)(3)(B), substituted “care” for “child care” wherever appearing.

Pars. (9) to (11). Pub. L. 103-322, § 320928(j)(1), redesignated pars. (7) to (9) as (9) to (11), respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CHAPTER 68—DISASTER RELIEF

SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

- | | |
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| Sec. | |
| 5121. | Congressional findings and declarations. |
| 5122. | Definitions. |

SUBCHAPTER II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

- | | |
|-------|---|
| 5131. | Federal and State disaster preparedness programs. |
| 5132. | Disaster warnings. |
| 5133. | Predisaster hazard mitigation. |
| 5134. | Interagency task force. |

SUBCHAPTER III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

- | | |
|-------------|---|
| 5141. | Waiver of administrative conditions. |
| 5142. | Repealed. |
| 5143. | Coordinating officers. |
| 5144. | Emergency support and response teams. |
| 5145, 5146. | Repealed. |
| 5147. | Reimbursement of Federal agencies. |
| 5148. | Nonliability of Federal Government. |
| 5149. | Performance of services. |
| 5150. | Use of local firms and individuals. |
| 5151. | Nondiscrimination in disaster assistance. |
| 5152. | Use and coordination of relief organizations. |
| 5153. | Priority to certain applications for public facility and public housing assistance. |
| 5154. | Insurance. |
| 5154a. | Prohibited flood disaster assistance. |
| 5155. | Duplication of benefits. |
| 5156. | Standards and reviews. |
| 5157. | Penalties. |
| 5158. | Availability of materials. |
| 5159. | Protection of environment. |
| 5160. | Recovery of assistance. |
| 5161. | Audits and investigations. |
| 5162. | Advance of non-Federal share. |
| 5163. | Limitation on use of sliding scales. |
| 5164. | Rules and regulations. |
| 5165. | Mitigation planning. |
| 5165a. | Minimum standards for public and private structures. |
| 5165b. | Management costs. |
| 5165c. | Public notice, comment, and consultation requirements. |
| 5165d. | Designation of Small State and Rural Advocate. |

SUBCHAPTER IV—MAJOR DISASTER ASSISTANCE PROGRAMS

- | | |
|-------------|---|
| 5170. | Procedure for declaration. |
| 5170a. | General Federal assistance. |
| 5170b. | Essential assistance. |
| 5170c. | Hazard mitigation. |
| 5171. | Federal facilities. |
| 5172. | Repair, restoration, and replacement of damaged facilities. |
| 5173. | Debris removal. |
| 5174. | Federal assistance to individuals and households. |
| 5175, 5176. | Repealed. |
| 5177. | Unemployment assistance. |
| 5177a. | Emergency grants to assist low-income migrant and seasonal farmworkers. |
| 5178. | Repealed. |
| 5179. | Benefits and distribution. |
| 5180. | Food commodities. |
| 5181. | Relocation assistance. |
| 5182. | Legal services. |