

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, 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; Pub. L. 114-328, div. A, title V, §575(b), Dec. 23, 2016, 130 Stat. 2142.)

CODIFICATION

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

AMENDMENTS

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.

§ 13032. Repealed. Pub. L. 110-401, title V, § 501(b)(1), Oct. 13, 2008, 122 Stat. 4251

Section, 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, required certain electronic communication service or remote computing service providers to report child pornography violations, established conditions for disclosure of the information reported, and limited civil liability and scope of reports by informants.

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), 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.)

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).

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 juveniles 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

Pub. L. 102-586, § 2(i)(2), Nov. 4, 1992, 106 Stat. 5015, provided that the repeal by that section is effective Sept. 30, 1993.

CHAPTER 133—POLLUTION PREVENTION

Sec.	
13101.	Findings and policy.
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13105.	Source Reduction Clearinghouse.
13106.	Source reduction and recycling data collection.
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§ 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 sav-

ings 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

Pub. L. 101-508, title VI, § 6601, Nov. 5, 1990, 104 Stat. 1388-321, 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—