

Subsec. (d). Pub. L. 115-126, §101(a)(4), inserted “and for all covered individuals” after “reside”.

Subsec. (f). Pub. L. 115-126, §101(a)(5), substituted “on all” for “and on all” and inserted “and for all covered individuals,” after “lands.”

Subsec. (h). Pub. L. 115-126, §101(a)(6), inserted “and all covered individuals,” after “facilities.”

Subsec. (i). Pub. L. 115-126, §101(a)(7), added subsec. (i).

2016—Subsec. (a). Pub. L. 114-328, §575(b)(1), inserted before period at end “and to the agency or agencies provided for in subsection (e), if applicable”.

Subsecs. (e) to (g). Pub. L. 114-328, §575(b)(2), (3), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

§ 20342. Federal immunity

(1) In general

Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, rising from making such report or providing such information or assistance.

(2) Presumption of good faith

In a Federal civil action or criminal prosecution brought against a person based on the person’s reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

(3) Costs

If the defendant prevails in a Federal civil action described in paragraph (2), the court may award costs and reasonable attorney’s fees incurred by the defendant.

(Pub. L. 115-424, §3(b), Jan. 7, 2019, 132 Stat. 5470.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Victims of Child Abuse Act Reauthorization Act of 2018, and not as part of the Victims of Child Abuse Act of 1990 which comprises this chapter.

SUBCHAPTER V—CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS

§ 20351. Requirement for background checks

(a) In general

(1) Each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision to children under the age of 18 of child care services shall assure that all existing and newly-hired employees undergo a criminal history background check. All existing staff shall receive such checks not later than May 29, 1991.

Except as provided in subsection (b)(3), no additional staff shall be hired without a check having been completed.

(2) For the purposes of this section, the term “child care services” means child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services.

(b) Criminal history check

(1) A background check required by subsection (a) shall be—

(A) based on a set of the employee’s fingerprints obtained by a law enforcement officer and on other identifying information;

(B) conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that an employee or prospective employee lists as current and former residences in an employment application; and

(C) initiated through the personnel programs of the applicable Federal agencies.

(2) The results of the background check shall be communicated to the employing agency.

(3) An agency or facility described in subsection (a)(1) may hire a staff person provisionally prior to the completion of a background check if, at all times prior to receipt of the background check during which children are in the care of the person, the person is within the sight and under the supervision of a staff person with respect to whom a background check has been completed.

(c) Applicable criminal histories

Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be ground for denying employment or for dismissal of an employee in any of the positions listed in subsection (a)(2). In the case of an incident in which an individual has been charged with one of those offenses, when the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved. Conviction of a crime other than a sex crime may be considered if it bears on an individual’s fitness to have responsibility for the safety and well-being of children.

(d) Employment applications

(1) Employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in any of the positions listed in subsection (a)(1), shall contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description of the disposition of the arrest or charge. An application shall state that it is being signed under penalty of perjury, with the applicable Federal punishment for perjury stated on the application.

(2) A Federal agency seeking a criminal history record check shall first obtain the signature of the employee or prospective employee

indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing Federal agency and the right to challenge the accuracy and completeness of any information contained in the report.

(e) Encouragement of voluntary criminal history checks for others who may have contact with children

Federal agencies and facilities are encouraged to submit identifying information for criminal history checks on volunteers working in any of the positions listed in subsection (a) and on adult household members in places where child care or foster care services are being provided in a home.

(Pub. L. 101-647, title II, § 231, Nov. 29, 1990, 104 Stat. 4808; Pub. L. 102-190, div. A, title X, § 1094(a), Dec. 5, 1991, 105 Stat. 1488.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13041 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-190, § 1094(a)(1), substituted “May 29, 1991. Except as provided in subsection (b)(3), no additional staff” for “6 months after November 29, 1990, and no additional staff”.

Subsec. (b)(3). Pub. L. 102-190, § 1094(a)(2), added par. (3).

CHAPTER 205—AMBER ALERT

Sec.	
20501.	National coordination of AMBER Alert communications network.
20502.	Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network.
20503.	Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.
20504.	Grant program for support of AMBER Alert communications plans.
20505.	Limitation on liability.

§ 20501. National coordination of AMBER Alert communications network

(a) Coordination within Department of Justice

The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties

In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

- (1) seek to eliminate gaps in the network, including gaps in areas of interstate travel (including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States);

- (2) work with States, territories of the United States, and tribal governments to encourage the development of additional elements (known as local AMBER plans) in the network;

- (3) work with States, territories of the United States, and tribal governments to ensure appropriate regional coordination of various elements of the network; and

- (4) act as the nationwide point of contact for—

- (A) the development of the network; and

- (B) regional coordination of alerts on abducted children through the network.

(c) Consultation with Federal Bureau of Investigation

In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation

The Coordinator shall cooperate with the Secretary of Transportation, the Secretary of Homeland Security, and the Federal Communications Commission in carrying out activities under this section.

(e) Report

Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

(Pub. L. 108-21, title III, § 301, Apr. 30, 2003, 117 Stat. 660; Pub. L. 116-283, div. H, title C, § 10001(a)(1), Jan. 1, 2021, 134 Stat. 4860.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5791 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283, § 10001(a)(1)(A)(i), inserted “(including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States)” after “gaps in areas of interstate travel”.

Subsec. (b)(2), (3). Pub. L. 116-283, § 10001(a)(1)(A)(ii), inserted “, territories of the United States, and tribal governments” after “States”.

Subsec. (d). Pub. L. 116-283, § 10001(a)(1)(B), inserted “, the Secretary of Homeland Security,” after “Secretary of Transportation”.

§ 20502. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network

(a) Establishment of minimum standards

Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

- (1) the issuance of alerts through the AMBER Alert communications network; and