108TH CONGRESS
2D SESSION

H. R. 3972

To ensure that appropriate State social services officers have the authority to access certain Federal databases for the purpose of carrying out checks in cases of child abuse and neglect and cases of missing children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2004

Mr. FOLEY (for himself, Mr. LAMPSON, Mr. BAKER, Mr. FROST, Mr. WEXLER, and Ms. WATSON) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To ensure that appropriate State social services officers have the authority to access certain Federal databases for the purpose of carrying out checks in cases of child abuse and neglect and cases of missing children, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Protecting Our Chil-

5 dren from Violence Act of 2004".

SEC. 2. ACCESS TO FEDERAL DATABASES BY STATE SOCIAL SERVICES OFFICERS FOR CERTAIN PURPOSES.

(a) CRIMINAL HISTORY RECORDS CHECKS.—

(1) IN GENERAL.—The Attorney General shall, upon request of the chief executive of a State, ensure that a covered State social services officer has the authority for online access to the databases of the National Crime Information Center of the Federal Bureau of Investigation and the Interstate Identification Index for the purpose of carrying out one or more criminal history records checks. The authority provided under this subsection is limited to a check of an individual who—

(A) resided, whether temporarily or permanently, with a minor—

(i) at the time of an actual or alleged incident of abuse or neglect of that minor; or

(ii) at a time during which an incident of abuse or neglect of that minor may have occurred, as determined by the head of a State agency responsible for social services; or

1   (B) is the subject of an investigation relat-

2   ing to an incident of abuse or neglect of a

3   minor.

4   (2) ACCESS AGENCY.—The access referred to in

5   paragraph (1) shall be provided to such officer only

6   through the control terminal agency relating to such

7   officer's State.

8   (b) MISSING PERSONS CHECKS.—The Attorney Gen-

9 eral shall ensure that a covered State social services officer

10 has the authority for "read only" electronic access to the

11 databases of the National Crime Information Center of

12 the Federal Bureau of Investigation for the purpose of

13 carrying out one or more checks of records relating to

14 missing persons or warrants. A covered State social service

15 officer shall use such access only for an investigation relat-

16 ing to a missing child and shall share any information ob-

17 tained through such access with appropriate Federal,

18 State, and local law enforcement agencies to assist in the

19 recovery of that child.

20   (c) COVERED OFFICERS.—An individual is a covered

21 State social services officer under subsection (a) or (b),

22 as applicable, if the head of a State agency responsible

23 for social services submits to the Attorney General,

24 through the control terminal agency relating to such offi-

25 cer's State—

1   (1) a certification that the individual—

2   (A) is an officer or employee of that agen-

3   cy;

4   (B) has direct charge over minors in the

5   child welfare system of that State;

6   (C) is an appropriate individual to have

7   the authority under subsection (a) or (b), as ap-

8   plicable; and

9   (D) has met all Federal standards for ac-

10   cess, including training, certification, and back-

11   ground screening; and

12   (2) such information supporting such certifi-

13   cation as the Attorney General may require.

14   (d) DEFINITION.—In this section:

15   (1) The term "control terminal agency" means

16   a duly authorized criminal justice agency with direct

17   access to the National Crime Information Center

18   telecommunications network providing statewide (or

19   equivalent) service to its criminal justice users with

20   respect to the various systems managed by the Fed-

21   eral Bureau of Investigation's Criminal Justice In-

22   formation Services Division.

23   (2) The term "State" includes the District of

24   Columbia, the Commonwealth of Puerto Rico, and

1 any other territory or possession of the United

2 States.

SEC. 3. ACCESS TO III BY NATIONAL CENTER FOR MISSING

4 **AND EXPLOITED CHILDREN.**

5 (a) IN GENERAL.—Subject to subsection (b), and

6 notwithstanding any other provision of law, the Attorney

7 General shall ensure that the following elements of the

8 National Center for Missing and Exploited Children each

9 have access to the Interstate Identification Index:

10 (1) The Case Analysis Division.

11 (2) The Missing Children's Division.

12 (3) The Exploited Child Unit.

13 (b) LIMITATION.—In providing access to an element

14 under subsection (a), the Attorney General shall ensure

15 that an officer or employee of that element has such access

16 only if that officer or employee has met all Federal stand-

17 ards for access, including training, certification, and back-

18 ground screening.

19 **SEC. 4. PRIVACY PROTECTIONS.**

20 (a) PROTECTION OF INFORMATION.—Information de-

21 rived as a result of a check under section 2, or as a result

22 of access under section 3, shall not be adjusted, deleted,

23 or altered in any way except as required by law for na-

24 tional security purposes.

1   (b) RELEASE OF INFORMATION.—A covered State so-
2 cial services officer (under section 2(c)) having informa-
3 tion derived as a result of a check under section 2, or an
4 officer or employee (under section 3(b)) having informa-
5 tion derived as a result of access under section 3, may
6 release that information only to—

7   (1) another covered State social services officer
8   (under section 2(c)) or another such officer or em-
9   ployee (under section 3(b)), as the case may be; or

10   (2) another person authorized by law to receive
11   that information.

12   (c) CRIMINAL PENALTIES.—Any person who know-
13 ingly releases information in violation of subsection (b)
14 shall be imprisoned not more than 1 year or fined under
15 title 18, United States Code, or both.

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