

112TH CONGRESS
1ST SESSION

S. 2026

To ensure that representative payees under the Social Security program
are subject to criminal background checks.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2011

Mr. CASEY introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To ensure that representative payees under the Social
Security program are subject to criminal background checks.

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 “Allowing Social Secu-
5 rity to Electronically Screen for Suitability Act of 2011”
6 or the “ASSESS Act”.

1 **SEC. 2. BACKGROUND CHECKS FOR REPRESENTATIVE PAY-**
2 **EES.**

3 (a) OLD AGE, SURVIVORS, AND DISABILITY INSUR-
4 ANCE BENEFITS.—Section 205(j)(2) of the Social Secu-
5 rity Act (42 U.S.C. 405(j)(2)) is amended—

6 (1) in subparagraph (B)(i)(IV), by inserting
7 “subject to subparagraph (F),” before “obtain infor-
8 mation”; and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(F)(i) For purposes of subparagraph (B)(i)(IV),
12 section 807(b)(2)(D), and section 1631(a)(2)(B)(ii)(IV),
13 the Attorney General of the United States (referred to in
14 this subparagraph as the ‘Attorney General’) and the Di-
15 rector of the Federal Bureau of Investigation (referred to
16 in this subparagraph as the ‘Director’) shall provide the
17 Commissioner of Social Security (referred to in this sub-
18 paragraph as the ‘Commissioner’) access to the criminal
19 history record information contained in the National
20 Crime Information Center’s Interstate Identification
21 Index (NCIC–III), Wanted Persons File, and to any other
22 files maintained by the National Crime Information Cen-
23 ter that may be mutually agreed upon by the Attorney
24 General and the Commissioner.

25 “(ii) Access to information under this subparagraph
26 shall be provided by means of extracts of the files de-

1 scribed in clause (i) for placement in the appropriate data-
2 base by the Commissioner, and shall be provided without
3 any fee or charge. The Director shall provide periodic up-
4 dates of the extracts at intervals mutually agreed upon
5 with the Commissioner. Upon receipt of such updated ex-
6 tracts, the Commissioner shall make corresponding up-
7 dates to the appropriate database and destroy previously
8 provided extracts. The provision of the extracts described
9 in this clause may be reconsidered by the Attorney General
10 and the Commissioner upon the development and deploy-
11 ment of a more cost-effective and efficient means of shar-
12 ing such information.

13 “(iii) Access to an extract described in clause (ii) does
14 not entitle the Commissioner to obtain the full content of
15 the corresponding automated criminal history record. To
16 obtain the full content of a criminal history record, the
17 Commissioner shall submit the fingerprints of the person
18 subject to an investigation under subparagraph (A)(i) and
19 any appropriate fingerprint processing fee authorized by
20 law to the Criminal Justice Information Services Division
21 of the Federal Bureau of Investigation.

22 “(iv) For purposes of administering this subpara-
23 graph, the Commissioner shall, prior to receiving access
24 to the information described in clause (i) but not later

1 than 12 months after the date of enactment of this sub-
 2 paragraph, promulgate final regulations—

3 “(I) for purposes of clause (iii), to implement
 4 procedures for the taking of fingerprints; and

5 “(II) to establish the conditions for the use of
 6 any information received from the Director, in order
 7 to—

8 “(aa) limit the re-dissemination of such in-
 9 formation;

10 “(bb) ensure that such information is used
 11 solely for the purposes described in subpara-
 12 graph (B)(i)(IV), section 807(b)(2)(D), and
 13 section 1631(a)(2)(B)(ii)(IV);

14 “(cc) ensure the security, confidentiality,
 15 and destruction of such information; and

16 “(dd) protect the privacy rights of individ-
 17 uals who are subjects of such information.”.

18 (b) SPECIAL BENEFITS FOR CERTAIN VETERANS.—
 19 Section 807(b)(2)(D) of the Social Security Act (42
 20 U.S.C. 1007(b)(2)(D)) is amended by inserting “subject
 21 to section 205(j)(2)(F),” before “obtain information”.

22 (c) SUPPLEMENTAL SECURITY INCOME.—Section
 23 1631(a)(2)(B)(ii)(IV) of the Social Security Act (42
 24 U.S.C. 1383(a)(2)(B)(ii)(IV)) is amended by inserting

1 “subject to section 205(j)(2)(F),” before “obtain informa-
2 tion”.

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