

108TH CONGRESS
1ST SESSION

H. R. 2971

To amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUTER, Mrs. CAPPs, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Social Security Number Privacy and Identity Theft Pre-
 4 vention Act of 2003”.

5 (b) **TABLE OF CONTENTS.**—The table of contents is
 6 as follows:

Sec. 1. Short title and table of contents.

**TITLE I—PROVISIONS RELATING TO THE SOCIAL SECURITY
 ACCOUNT NUMBER IN THE PUBLIC AND PRIVATE SECTORS**

- Sec. 101. Restrictions on the sale or display to the general public of social security account numbers by governmental agencies.
- Sec. 102. Regulatory authority of the Attorney General of the United States.
- Sec. 103. Prohibition of display of social security account numbers on checks issued for payment by governmental agencies.
- Sec. 104. Prohibition of the display of social security account numbers on driver’s licenses or motor vehicle registrations.
- Sec. 105. Prohibition of the display of personal identification numbers on employee identification cards or tags.
- Sec. 106. Prohibition of inmate access to social security account numbers.
- Sec. 107. Prohibition of the sale, purchase, or display to the general public of the social security account number in the private sector.
- Sec. 108. Confidential treatment of credit header information.
- Sec. 109. Refusal to do business without receipt of social security account number considered unfair or deceptive act or practice.

TITLE II—MEASURES TO ENSURE THE INTEGRITY OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND REPLACEMENT SOCIAL SECURITY CARDS

- Sec. 201. Independent verification of birth records provided in support of applications for social security account numbers and replacement social security cards.
- Sec. 202. Enumeration at birth.
- Sec. 203. Study relating to use of photographic identification in connection with applications for benefits, social security account numbers, and social security cards.
- Sec. 204. Restrictions on issuance of multiple replacement social security cards.
- Sec. 205. Study relating to modification of the social security account numbering system to show work authorization status.

TITLE III—ENFORCEMENT

- Sec. 301. New criminal penalties for misuse of social security account numbers.
- Sec. 302. Extension of civil monetary penalty authority.
- Sec. 303. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.

Sec. 304. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

1 **TITLE I—PROVISIONS RELATING**
2 **TO THE SOCIAL SECURITY AC-**
3 **COUNT NUMBER IN THE PUB-**
4 **LIC AND PRIVATE SECTORS**

5 **SEC. 101. RESTRICTIONS ON THE SALE OR DISPLAY TO THE**
6 **GENERAL PUBLIC OF SOCIAL SECURITY AC-**
7 **COUNT NUMBERS BY GOVERNMENTAL AGEN-**
8 **CIES.**

9 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
10 Security Act (42 U.S.C. 405(c)(2)(C)) is amended by add-
11 ing at the end the following new clause:

12 “(x)(I) An executive, legislative, or judicial agency or
13 instrumentality of the Federal Government or of a State
14 or a political subdivision thereof or trustee appointed in
15 a case under title 11, United States Code (or person act-
16 ing as an agent of such an agency or instrumentality or
17 trustee) in possession of any individual’s social security
18 account number may not sell or display to the general pub-
19 lic such number. Notwithstanding the preceding sentence,
20 such number may be sold or displayed to the general pub-
21 lic in accordance with the exceptions specified in sub-
22 clauses (II), (III), (IV), (V), and (VI) (and for no other
23 purpose).

1 “(II) Notwithstanding subclause (I), a social security
2 account number may be sold by an agency, instrumen-
3 tality, trustee, or agent referred to in subclause (I) to the
4 extent that such sale is specifically authorized by this Act.

5 “(III) Notwithstanding subclause (I), a social secu-
6 rity account number may be sold or displayed to the gen-
7 eral public by an agency, instrumentality, trustee, or agent
8 referred to in subclause (I) to the extent that is necessary
9 or appropriate for law enforcement or national security
10 purposes, as determined under regulations which shall be
11 issued by the Attorney General of the United States under
12 subparagraph (I).

13 “(IV) Notwithstanding subclause (I), a social security
14 account number may be sold by a State department of
15 motor vehicles as authorized under subsection (b) of sec-
16 tion 2721 of title 18, United States Code, if such number
17 is to be used pursuant to such sale solely for purposes
18 permitted under paragraph (1), (6), or (9) of such sub-
19 section.

20 “(V) Notwithstanding subclause (I), a social security
21 account number may be sold or otherwise made available
22 by an agency, instrumentality, trustee, or agent referred
23 to in subclause (I) to a consumer reporting agency, as de-
24 fined in section 603(f) of the Fair Credit Reporting Act

1 (15 U.S.C. 1618a(f)), exclusively for use in accordance
2 with such Act.

3 “(VI) Notwithstanding subclause (I), a social security
4 account number may be sold or displayed to the general
5 public by an agency, instrumentality, trustee, or agent re-
6 ferred to in subclause (I) under such other circumstances
7 as the Attorney General of the United States may deter-
8 mine appropriate in regulations issued under subpara-
9 graph (I).

10 “(VII) This clause does not apply with respect to a
11 social security account number of a deceased individual.

12 “(VIII) For purposes of this clause, the term ‘sell’
13 means, in connection with a social security account num-
14 ber, to accept an item of material value in exchange for
15 such number.

16 “(IX) For purposes of this clause, the term ‘display
17 to the general public’ shall have the meaning provided
18 such term in section 208A(a)(3).

19 “(X) For purposes of this clause, the term ‘social se-
20 curity account number’ includes any derivative of such
21 number.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall take effect 1 year after the date of the
24 issuance by the Attorney General of the United States of
25 final regulations under section 205(e)(2)(I) of the Social

1 Security Act (added by section 102). Such amendment
2 shall apply in the case of displays to the general public,
3 as defined in section 208A(a)(3) of such Act (added by
4 section 107), to such displays originally occurring after
5 such 1-year period.

6 **SEC. 102. REGULATORY AUTHORITY OF THE ATTORNEY**
7 **GENERAL OF THE UNITED STATES.**

8 (a) IN GENERAL.—Section 205(c)(2) of the Social
9 Security Act (42 U.S.C. 405(c)(2)) is amended by adding
10 at the end the following new subparagraph:

11 “(I)(i) Regulations issued by the Attorney General of
12 the United States pursuant to subclauses (III) and (VI)
13 of subparagraph (C)(x) and paragraphs (1), (2), and (7)
14 of section 208A(c) shall be issued in accordance with sec-
15 tion 553 of title 5, United States Code. In issuing such
16 regulations, the Attorney General shall consult with the
17 Commissioner of Social Security, the Secretary of Home-
18 land Security, the Federal Trade Commission, State attor-
19 neys general, and such other governmental agencies and
20 instrumentalities as the Attorney General of the United
21 States considers appropriate.

22 “(ii) In issuing the regulations described in clause (i)
23 pursuant to the provisions of subparagraph (C)(x)(III) or
24 paragraph (1) or (2) of section 208A(c) (relating to law
25 enforcement and national security), the Attorney General

1 may authorize the sale, purchase, or display to the general
2 public of social security account numbers only if the Attor-
3 ney General determines that—

4 “(I) such sale, purchase, or display would serve
5 a compelling public interest that cannot reasonably
6 be served through alternative measures, and

7 “(II) such sale, purchase, or display will not
8 pose an undue risk of bodily, emotional, or financial
9 harm to an individual (taking into account any re-
10 strictions and conditions that the Attorney General
11 imposes on the sale, purchase, or disclosure).

12 “(iii) If the Attorney General authorizes the sale,
13 purchase, or display to the general public of social security
14 account numbers, in regulations issued pursuant to sub-
15 paragraph (C)(x)(VI) or section 208A(c)(7) (relating to
16 matters other than law enforcement or national security),
17 the Attorney General shall impose restrictions and condi-
18 tions on the sale, purchase, or display to the general public
19 to the extent necessary—

20 “(I) to provide reasonable assurances that so-
21 cial security account numbers will not be used to
22 commit or facilitate fraud, deception, or crime, and

23 “(II) to prevent an undue risk of bodily, emo-
24 tional, or financial harm to an individual.

1 “(iv) For purposes of clause (iii), the Attorney Gen-
2 eral shall consider, among other relevant factors—

3 “(I) the cost or burden to the general public,
4 businesses, commercial enterprises, non-profit orga-
5 nizations, and to Federal, State, and local govern-
6 ments of complying with the restrictions and condi-
7 tions imposed by the Attorney General;

8 “(II) the benefit to the general public, busi-
9 nesses, commercial enterprises, non-profit associa-
10 tions, and to Federal, State, and local governments
11 derived from the imposition of such restrictions and
12 conditions; and

13 “(III) in connection with subclause (II) of
14 clause (iii), the nature, likelihood, and severity of the
15 anticipated harm described in such subclause that
16 could result from the sale, purchase, or display to
17 the general public of social security account num-
18 bers, together with the nature, likelihood, and extent
19 of any benefits that could be realized therefrom.

20 “(v) For purposes of this subparagraph, the terms
21 ‘sell’, ‘purchase’, and ‘display to the general public’ shall
22 have the meanings provided such terms under section
23 208A(a).

1 “(vi) For purposes of this subparagraph, the term
2 ‘social security account number’ includes any derivative of
3 such number.”.

4 (b) REGULATIONS.—The Attorney General of the
5 United States shall promulgate regulations required under
6 this section not later than 1 year after the date of the
7 enactment of this Act.

8 **SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY**
9 **ACCOUNT NUMBERS ON CHECKS ISSUED FOR**
10 **PAYMENT BY GOVERNMENTAL AGENCIES.**

11 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
12 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by
13 section 101) is amended further by adding at the end the
14 following new clause:

15 “(xi) No executive, legislative, or judicial agency or
16 instrumentality of the Federal Government or of a State
17 or a political subdivision thereof or trustee appointed in
18 a case under title 11, United States Code (or person act-
19 ing as an agent of such an agency or instrumentality or
20 trustee) may include the social security account number
21 of any individual on any check issued for any payment
22 by the Federal Government, any State or political subdivi-
23 sion thereof, or any agency or instrumentality thereof, or
24 such trustee or on any document attached to or accom-
25 panying such a check.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to checks (and docu-
3 ments attached to or accompanying such checks) issued
4 after 1 year after the date of the enactment of this Act.

5 **SEC. 104. PROHIBITION OF THE DISPLAY OF SOCIAL SECUR-**
6 **RITY ACCOUNT NUMBERS ON DRIVER'S LI-**
7 **CENSES OR MOTOR VEHICLE REGISTRA-**
8 **TIONS.**

9 (a) IN GENERAL.—Section 205(c)(2)(C)(vi) of the
10 Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is
11 amended—

12 (1) by inserting “(I)” after “(vi)”; and

13 (2) by adding at the end the following new sub-
14 clause:

15 “(II) A State or political subdivision thereof (and any
16 person acting as an agent of such an agency or instrumen-
17 tality), in the administration of any driver’s license or
18 motor vehicle registration law within its jurisdiction, may
19 not display the social security account numbers issued by
20 the Commissioner of Social Security, or any derivative of
21 such numbers, on any driver’s license or motor vehicle reg-
22 istration or any other document issued by such State or
23 political subdivision to an individual for purposes of identi-
24 fication of such individual.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to licenses, registra-
3 tions, and other documents issued or reissued after 1 year
4 after the date of the enactment of this Act.

5 **SEC. 105. PROHIBITION OF THE DISPLAY OF PERSONAL**
6 **IDENTIFICATION NUMBERS ON EMPLOYEE**
7 **IDENTIFICATION CARDS OR TAGS.**

8 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
9 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the
10 preceding provisions of this title) is amended further by
11 adding at the end the following new clause:

12 “(xii) No employer (including any executive, legisla-
13 tive, or judicial agency or instrumentality of the Federal
14 Government or of a State or political subdivision thereof),
15 and no person offering benefits in connection with an em-
16 ployee benefit plan maintained by such employer or acting
17 as an agent of such employer, may display the social secu-
18 rity account number (or any derivative of such number)
19 on any card or tag that is commonly provided to employees
20 of such employer (or to their family members) for pur-
21 poses of identification.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply with respect to cards or tags issued
24 after 1 year after the date of the enactment of this Act.

1 **SEC. 106. PROHIBITION OF INMATE ACCESS TO SOCIAL SE-**
2 **CURITY ACCOUNT NUMBERS.**

3 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
4 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the
5 preceding provisions of this title) is amended further by
6 adding at the end the following new clause:

7 “(xiv) No executive, legislative, or judicial agency or
8 instrumentality of the Federal Government or of a State
9 or political subdivision thereof (or person acting as an
10 agent of such an agency or instrumentality) may employ,
11 or enter into a contract for the use or employment of, pris-
12 oners in any capacity that would allow such prisoners ac-
13 cess to the social security account numbers of other indi-
14 viduals. For purposes of this clause, the term ‘prisoner’
15 means an individual confined in a jail, prison, or other
16 penal institution or correctional facility.”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the amendment made by this section shall
20 apply with respect to employment of prisoners, or
21 entry into contract for the use or employment of
22 prisoners, on or after the date of the enactment of
23 this Act.

24 (2) TREATMENT OF CURRENT ARRANGE-
25 MENTS.—In the case of—

1 (A) prisoners employed as described in
 2 clause (xiv) of section 205(c)(2)(C) of the So-
 3 cial Security Act (as added by this section) on
 4 the date of the enactment of this Act, and

5 (B) contracts described in such clause in
 6 effect on such date,

7 the amendment made by this section shall take ef-
 8 fect 90 days after the date of the enactment of this
 9 Act.

10 **SEC. 107. PROHIBITION OF THE SALE, PURCHASE, OR DIS-**
 11 **PLAY TO THE GENERAL PUBLIC OF THE SO-**
 12 **CIAL SECURITY ACCOUNT NUMBER IN THE**
 13 **PRIVATE SECTOR.**

14 (a) IN GENERAL.—Title II of the Social Security Act
 15 is amended by inserting after section 208 (42 U.S.C. 408)
 16 the following new section:

17 “PROHIBITION OF THE SALE, PURCHASE, OR DISPLAY TO
 18 THE GENERAL PUBLIC OF THE SOCIAL SECURITY
 19 ACCOUNT NUMBER IN THE PRIVATE SECTOR

20 “SEC. 208A. (a) DEFINITIONS.—In this section:

21 “(1) PERSON.—

22 “(A) IN GENERAL.—Subject to subpara-
 23 graph (B), the term ‘person’ means any indi-
 24 vidual, partnership, corporation, trust, estate,
 25 cooperative, association, or any other entity.

1 “(B) GOVERNMENTAL ENTITIES.—Such
2 term does not include a governmental entity.
3 Nothing in this subparagraph shall be con-
4 strued to authorize, in connection with a gov-
5 ernmental entity, an act or practice otherwise
6 prohibited under this section or section
7 205(c)(2)(C).

8 “(2) SELLING AND PURCHASING.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B)—

11 “(i) SELL.—The term ‘sell’ in connec-
12 tion with a social security account number
13 means to obtain, directly or indirectly, any-
14 thing of value in exchange for such num-
15 ber.

16 “(ii) PURCHASE.—The term ‘pur-
17 chase’ in connection with a social security
18 account number means to provide, directly
19 or indirectly, anything of value in exchange
20 for such number.

21 “(B) EXCEPTIONS.—The terms ‘sell’ and
22 ‘purchase’ in connection with a social security
23 account number do not include the submission
24 of such number as part of—

1 “(i) the process for applying for any
2 type of Government benefits or programs
3 (such as grants or loans or welfare or
4 other public assistance programs), or

5 “(ii) the administration of, or provi-
6 sion of benefits under, an employee benefit
7 plan.

8 “(3) DISPLAY TO THE GENERAL PUBLIC.—The
9 term ‘display to the general public’ means, in con-
10 nection with a social security account number, to in-
11 tentionally place such number in a viewable manner
12 on an Internet site that is available to the general
13 public or to make such number available in any
14 other manner intended to provide access to such
15 number by the general public.

16 “(4) SOCIAL SECURITY ACCOUNT NUMBER.—
17 The term ‘social security account number’ has the
18 meaning given such term in section 208(c).

19 “(b) PROHIBITION.—Except as provided in sub-
20 section (c), it shall be unlawful for any person to—

21 “(1) sell or purchase a social security account
22 number or display to the general public a social se-
23 curity account number or any derivative thereof, or

24 “(2) obtain or use any individual’s social secu-
25 rity account number for the purpose of locating or

1 identifying such individual with the intent to phys-
2 ically injure or harm such individual or using the
3 identity of such individual for any illegal purpose.

4 “(c) EXCEPTIONS.—

5 “(1) IN GENERAL.—Notwithstanding subsection
6 (b), a social security account number may be sold,
7 purchased, or displayed to the general public by any
8 person to the extent provided in this subsection (and
9 for no other purpose) as follows:

10 “(A) to the extent necessary for law en-
11 forcement, including (but not limited to) the en-
12 forcement of a child support obligation, as de-
13 termined under regulations of the Attorney
14 General of the United States issued under sec-
15 tion 205(c)(2)(I);

16 “(B) to the extent necessary for national
17 security purposes, as determined under regula-
18 tions of the Attorney General of the United
19 States issued under section 205(c)(2)(I);

20 “(C) to the extent necessary for public
21 health purposes;

22 “(D) to the extent necessary in emergency
23 situations to protect the health or safety of 1
24 or more individuals;

1 “(E) to the extent necessary for research
2 conducted for the purpose of advancing public
3 knowledge, on the condition that the researcher
4 provides adequate assurances that—

5 “(i) the social security account num-
6 bers will not be used to harass, target, or
7 publicly reveal information concerning any
8 identifiable individuals;

9 “(ii) information about identifiable in-
10 dividuals obtained from the research will
11 not be used to make decisions that directly
12 affect the rights, benefits, or privileges of
13 specific individuals; and

14 “(iii) the researcher has in place ap-
15 propriate safeguards to protect the privacy
16 and confidentiality of any information
17 about identifiable individuals;

18 “(F) to the extent consistent with an indi-
19 vidual’s voluntary and affirmative written con-
20 sent to the sale, purchase, or display to the gen-
21 eral public of a social security account number
22 that has been assigned to that individual; and

23 “(G) under such other circumstances as
24 the Attorney General of the United States may

1 determine appropriate in regulations issued
2 under section 205(c)(2)(I).

3 “(2) DECEASED INDIVIDUALS.—This section
4 does not apply with respect to the social security ac-
5 count number of a deceased individual.

6 “(d) CRIMINAL PENALTY.—Any person who violates
7 this section shall be guilty of a felony and upon conviction
8 thereof shall be fined under title 18, United States Code,
9 or imprisoned for not more than 5 years, or both.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply with respect to violations occurring
12 after 1 year after the date of the issuance by the Attorney
13 General of the United States of final regulations under
14 section 205(c)(2)(I) of the Social Security Act (added by
15 section 102).

16 **SEC. 108. CONFIDENTIAL TREATMENT OF CREDIT HEADER**
17 **INFORMATION.**

18 (a) IN GENERAL.—Section 603 of the Fair Credit
19 Reporting Act (15 U.S.C. 1681a) is amended by adding
20 at the end the following new subsection:

21 “(q) CONFIDENTIAL TREATMENT OF CREDIT HEAD-
22 ER INFORMATION.—Information regarding the social se-
23 curity account number of the consumer, or any derivative
24 thereof, may not be furnished to any person by a consumer
25 reporting agency other than in a full consumer report fur-

1 nished in accordance with section 604 and other require-
2 ments of this title.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall take effect 90 days after the date of the
5 enactment of this Act.

6 **SEC. 109. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF**
7 **SOCIAL SECURITY ACCOUNT NUMBER CON-**
8 **SIDERED UNFAIR OR DECEPTIVE ACT OR**
9 **PRACTICE.**

10 (a) **IN GENERAL.**—Any person who refuses to do
11 business with an individual because the individual will not
12 consent to the receipt by such person of the social security
13 account number of such individual shall be considered to
14 have committed an unfair or deceptive act or practice in
15 violation of section 5 of the Federal Trade Commission
16 Act (15 U.S.C. 45). Action may be taken under such sec-
17 tion 5 against such a person.

18 (b) **EXCEPTION.**—Subsection (a) shall not apply to
19 any person in any case in which such person is expressly
20 required under Federal law, in connection with doing busi-
21 ness with an individual, to submit to the Federal Govern-
22 ment such individual’s social security account number.

23 (c) **EFFECTIVE DATE.**—The preceding provisions of
24 this section shall apply with respect to acts or practices

1 committed after 180 days after the date of the enactment
2 of this Act.

3 **TITLE II—MEASURES TO EN-**
4 **SURE THE INTEGRITY OF AP-**
5 **PLICATIONS FOR SOCIAL SE-**
6 **CURITY ACCOUNT NUMBERS**
7 **AND REPLACEMENT SOCIAL**
8 **SECURITY CARDS**

9 **SEC. 201. INDEPENDENT VERIFICATION OF BIRTH**
10 **RECORDS PROVIDED IN SUPPORT OF APPLI-**
11 **CATIONS FOR SOCIAL SECURITY ACCOUNT**
12 **NUMBERS.**

13 (a) APPLICATIONS FOR SOCIAL SECURITY ACCOUNT
14 NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Secu-
15 rity Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

16 (1) by inserting “(I)” after “(ii)”; and

17 (2) by adding at the end the following new sub-
18 clause:

19 “(II) With respect to an application for a social secu-
20 rity account number for an individual, other than for pur-
21 poses of enumeration at birth, the Commissioner shall re-
22 quire independent verification of any birth record provided
23 by the applicant in support of the application. The Com-
24 missioner may provide by regulation for reasonable excep-
25 tions from the requirement for independent verification

1 under this subclause in any case in which the Commis-
2 sioner determines there is minimal opportunity for
3 fraud.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to applications filed
6 after 180 days after the date of the enactment of this Act.

7 (c) STUDY REGARDING APPLICATIONS FOR RE-
8 PLACEMENT SOCIAL SECURITY CARDS.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of the enactment of this Act, the Commis-
11 sioner of Social Security shall undertake a study to
12 test the feasibility and cost effectiveness of verifying
13 all identification documents submitted by an appli-
14 cant for a replacement social security card. As part
15 of such study, the Commissioner shall determine the
16 feasibility of, and the costs associated with, the de-
17 velopment of appropriate electronic processes for
18 third party verification of any such identification
19 documents which are issued by agencies and instru-
20 mentalities of the Federal Government and of the
21 States (and political subdivisions thereof).

22 (2) REPORT.—Not later than 1 year after the
23 date of the enactment of this Act, the Commissioner
24 shall report to the Committee on Ways and Means
25 of the House of Representatives and the Committee

1 on Finance of the Senate regarding the results of
2 the study undertaken under paragraph (1). Such re-
3 port shall contain such recommendations for legisla-
4 tive changes as the Commissioner considers nec-
5 essary to implement needed improvements in the
6 process for verifying identification documents sub-
7 mitted by applicants for replacement social security
8 cards.

9 **SEC. 202. ENUMERATION AT BIRTH.**

10 (a) IMPROVEMENT OF APPLICATION PROCESS.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of the enactment of this Act, the Commis-
13 sioner of Social Security shall undertake to make
14 improvements to the enumeration at birth program
15 for the issuance of social security account numbers
16 to newborns. Such improvements shall be designed
17 to prevent—

18 (A) the assignment of social security ac-
19 count numbers to unnamed children;

20 (B) the issuance of more than 1 social se-
21 curity account number to the same child; and

22 (C) other opportunities for fraudulently ob-
23 taining a social security account number.

24 (2) REPORT TO THE CONGRESS.—Not later
25 than 180 days after the date of the enactment of

1 this Act, the Commissioner shall transmit to each
2 House of the Congress a report specifying in detail
3 the extent to which the improvements required
4 under paragraph (1) have been made.

5 (b) STUDY REGARDING PROCESS FOR ENUMERATION
6 AT BIRTH.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of the enactment of this Act, the Commis-
9 sioner of Social Security shall undertake a study to
10 determine the most efficient options for ensuring the
11 integrity of the process for enumeration at birth.
12 Such study shall include an examination of available
13 methods for reconciling hospital birth records with
14 birth registrations submitted to agencies of States
15 and political subdivisions thereof and with informa-
16 tion provided to the Commissioner as part of the
17 process for enumeration at birth.

18 (2) REPORT.—Not later than 18 months after
19 the date of the enactment of this Act, the Commis-
20 sioner shall report to the Committee on Ways and
21 Means of the House of Representatives and the
22 Committee on Finance of the Senate regarding the
23 results of the study undertaken under paragraph
24 (1). Such report shall contain such recommendations
25 for legislative changes as the Commissioner con-

1 siders necessary to implement needed improvements
2 in the process for enumeration at birth.

3 **SEC. 203. STUDY RELATING TO USE OF PHOTOGRAPHIC**
4 **IDENTIFICATION IN CONNECTION WITH AP-**
5 **PLICATIONS FOR BENEFITS, SOCIAL SECU-**
6 **RITY ACCOUNT NUMBERS, AND SOCIAL SECU-**
7 **RITY CARDS.**

8 (a) IN GENERAL.—As soon as practicable after the
9 date of the enactment of this Act, the Commissioner of
10 Social Security shall undertake a study to—

11 (1) determine the best method of requiring and
12 obtaining photographic identification of applicants
13 for old-age, survivors, and disability insurance bene-
14 fits under title II of the Social Security Act, for a
15 social security account number, or for a replacement
16 social security card, and of providing for reasonable
17 exceptions to any requirement for photographic iden-
18 tification of such applicants that may be necessary
19 to promote efficient and effective administration of
20 this title, and

21 (2) evaluate the benefits and costs of instituting
22 such a requirement for photographic identification,
23 including the degree to which the security and integ-
24 rity of the old-age, survivors, and disability insur-
25 ance program would be enhanced.

1 (b) REPORT.—Not later than 270 days after the date
2 of the enactment of this Act, the Commissioner shall re-
3 port to the Committee on Ways and Means of the House
4 of Representatives and the Committee on Finance of the
5 Senate regarding the results of the study undertaken
6 under paragraph (1). Such report shall contain such rec-
7 ommendations for legislative changes as the Commissioner
8 considers necessary relating to requirements for photo-
9 graphic identification of applicants described in subsection
10 (a).

11 **SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE RE-**
12 **PLACEMENT SOCIAL SECURITY CARDS.**

13 (a) IN GENERAL.—Section 205(c)(2)(G) of the Social
14 Security Act (42 U.S.C. 405(c)(2)(G)) is amended by add-
15 ing at the end the following new sentence: “The Commis-
16 sioner shall by regulation restrict the issuance of multiple
17 replacement social security cards to any individual to mini-
18 mize fraud.”.

19 (b) REGULATIONS AND EFFECTIVE DATE.—The
20 Commissioner of Social Security shall issue regulations re-
21 quired under the amendment made by subsection (a) not
22 later than 180 days after the date of the enactment of
23 this Act. Systems controls developed by the Commissioner
24 pursuant to such amendment shall take effect upon the
25 issuance of such regulations.

1 **SEC. 205. STUDY RELATING TO MODIFICATION OF THE SO-**
2 **CIAL SECURITY ACCOUNT NUMBERING SYS-**
3 **TEM TO SHOW WORK AUTHORIZATION STA-**
4 **TUS.**

5 (a) IN GENERAL.—As soon as practicable after the
6 date of the enactment of this Act, the Commissioner of
7 Social Security, in consultation with the Secretary of
8 Homeland Security, shall undertake a study to examine
9 the best method of modifying the social security account
10 number assigned to individuals who—

11 (1) are not citizens of the United States,

12 (2) have not been admitted for permanent resi-
13 dence, and

14 (3) are not authorized by the Secretary of
15 Homeland Security to work in the United States, or
16 are so authorized subject to one or more restrictions,
17 so as to include an indication of such lack of authorization
18 to work or such restrictions on such an authorization.

19 (b) REPORT.—Not later than 270 days after the date
20 of the enactment of this Act, the Commissioner shall re-
21 port to the Committee on Ways and Means of the House
22 of Representatives and the Committee on Finance of the
23 Senate regarding the results of the study undertaken
24 under this section. Such report shall include the Commis-
25 sioner's recommendations of feasible options for modifying

1 the social security account number in the manner de-
2 scribed in subsection (a).

3 **TITLE III—ENFORCEMENT**

4 **SEC. 301. NEW CRIMINAL PENALTIES FOR MISUSE OF SO-** 5 **CIAL SECURITY ACCOUNT NUMBERS.**

6 (a) IN GENERAL.—Section 208(a) of the Social Secu-
7 rity Act (42 U.S.C. 408(a)) is amended—

8 (1) in paragraph (7), by adding after subpara-
9 graph (C) the following new subparagraph:

10 “(D) with intent to deceive, discloses, sells,
11 or transfers his own social security account
12 number, assigned to him by the Commissioner
13 of Social Security (in the exercise of the Com-
14 missioner’s authority under section 205(c)(2) to
15 establish and maintain records), to any person;
16 or”;

17 (2) in paragraph (8), by adding “or” at the
18 end; and

19 (3) by inserting after paragraph (8) the fol-
20 lowing new paragraphs:

21 “(9) without lawful authority, offers, for a fee,
22 to acquire for any individual, or to assist in acquir-
23 ing for any individual, an additional social security
24 account number or a number that purports to be a
25 social security account number; or

1 “(10) willfully acts or fails to act so as to cause
2 a violation of section 205(c)(2)(C)(xii); or

3 “(11) being an officer or employee of any execu-
4 tive, legislative, or judicial agency or instrumen-
5 tality of the Federal Government or of a State or
6 political subdivision thereof (or a person acting as
7 an agent of such an agency or instrumentality) in
8 possession of any individual’s social security account
9 number (or an officer or employee thereof or a per-
10 son acting as an agent thereof), willfully acts or fails
11 to act so as to cause a violation of clause (vi)(II),
12 (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C);
13 or

14 “(12) being a trustee appointed in a case under
15 title 11, United States Code (or an officer or em-
16 ployee thereof or a person acting as an agent there-
17 of), willfully acts or fails to act so as to cause a vio-
18 lation of clause (x) or (xi) of section 205(c)(2)(C);”.

19 (b) EFFECTIVE DATES.—Paragraphs (7)(D) and (9)
20 of section 208(a) of the Social Security Act (added by sub-
21 section (a)(2)) shall apply with respect to each violation
22 occurring after the date of the enactment of this Act.
23 Paragraphs (10), (11), and (12) of section 208(a) of such
24 Act (added by subsection (a)(2)) shall apply with respect

1 to each violation occurring on or after the effective date
2 applicable with respect to such violation under title I.

3 **SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AU-**
4 **THORITY.**

5 (a) APPLICATION OF CIVIL MONEY PENALTIES TO
6 ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a)
7 of the Social Security Act (42 U.S.C. 1320a–8(a)) is
8 amended—

9 (1) by redesignating paragraph (2) as para-
10 graph (4);

11 (2) by designating the last sentence of para-
12 graph (1) as a new paragraph (2), appearing after
13 and below paragraph (1); and

14 (3) by inserting after paragraph (2) (as des-
15 ignated under paragraph (2) of this subsection) the
16 following:

17 “(3) Any person (including an organization, agency,
18 or other entity) who—

19 “(A) uses a social security account number that
20 such person knows or should know has been as-
21 signed by the Commissioner of Social Security (in an
22 exercise of authority under section 205(c)(2) to es-
23 tablish and maintain records) on the basis of false
24 information furnished to the Commissioner by any
25 person;

1 “(B) falsely represents a number to be the so-
2 cial security account number assigned by the Com-
3 missioner of Social Security to any individual, when
4 such person knows or should know that such number
5 is not the social security account number assigned
6 by the Commissioner to such individual;

7 “(C) knowingly alters a social security card
8 issued by the Commissioner of Social Security, or
9 possesses such a card with intent to alter it;

10 “(D) knowingly buys or sells a card that is, or
11 purports to be, a card issued by the Commissioner
12 of Social Security, or possesses such a card with in-
13 tent to buy or sell it;

14 “(E) counterfeits a social security card, or pos-
15 sesses a counterfeit social security card with intent
16 to buy or sell it;

17 “(F) discloses, uses, compels the disclosure of,
18 or knowingly sells or purchases the social security
19 account number of any person in violation of the
20 laws of the United States;

21 “(G) with intent to deceive the Commissioner of
22 Social Security as to such person’s true identity (or
23 the true identity of any other person), furnishes or
24 causes to be furnished false information to the Com-
25 missioner with respect to any information required

1 by the Commissioner in connection with the estab-
2 lishment and maintenance of the records provided
3 for in section 205(c)(2);

4 “(H) without lawful authority, offers, for a fee,
5 to acquire for any individual, or to assist in acquir-
6 ing for any individual, an additional social security
7 account number or a number which purports to be
8 a social security account number;

9 “(I) with intent to deceive, discloses, sells, or
10 transfers his own social security account number, as-
11 signed to him by the Commissioner of Social Secu-
12 rity under section 205(c)(2)(B), to any person;

13 “(J) willfully acts or fails to act so as to cause
14 a violation of section 205(c)(2)(C)(xii);

15 “(K) being an officer or employee of any execu-
16 tive, legislative, or judicial agency or instrumentality
17 of the Federal Government or of a State or political
18 subdivision thereof (or a person acting as an agent
19 of such an agency or instrumentality) (or an officer
20 or employee thereof or a person acting as an agent
21 thereof), in possession of any individual’s social se-
22 curity account number, willfully acts or fails to act
23 so as to cause a violation of clause (vi)(II), (x), (xi),
24 (xii), (xiii), or (xiv) of section 205(c)(2)(C);

1 “(L) being a trustee appointed in a case under
2 title 11, United States Code (or an officer or em-
3 ployee thereof or a person acting as an agent there-
4 of), willfully acts or fails to act so as to cause a vio-
5 lation of clause (x) or (xi) of section 205(c)(2)(C);

6 “(M) violates section 208A (relating to prohibi-
7 tion of the sale, purchase, or display of the social se-
8 curity account number in the private sector); or

9 “(N) violates section 208B (relating to fraud by
10 social security administration employees);

11 shall be subject to, in addition to any other penalties that
12 may be prescribed by law, a civil money penalty of not
13 more than \$5,000 for each violation. Such person shall
14 also be subject to an assessment, in lieu of damages sus-
15 tained by the United States resulting from such violation,
16 of not more than twice the amount of any benefits or pay-
17 ments paid as a result of such violation.”.

18 (b) EFFECTIVE DATES.—The amendments made by
19 this section shall apply with respect to violations com-
20 mitted after the date of the enactment of this Act, except
21 that subparagraphs (J), (K), and (L) of section
22 1129(a)(3) of the Social Security Act (added by subsection
23 (a)) shall apply with respect to violations occurring on or
24 after the effective date provided in connection with such
25 violations under title I.

1 **SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE**
2 **SOCIAL SECURITY ADMINISTRATION WHO**
3 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**
4 **CIAL SECURITY CARDS OR SOCIAL SECURITY**
5 **ACCOUNT NUMBERS.**

6 (a) IN GENERAL.—Title II of the Social Security Act
7 (as amended by the preceding provisions of this Act) is
8 amended further by inserting after section 208A the fol-
9 lowing new section:

10 “FRAUD BY SOCIAL SECURITY ADMINISTRATION
11 EMPLOYEES

12 “SEC. 208B. (a) Whoever is an employee of the So-
13 cial Security Administration and knowingly and fraudu-
14 lently sells or transfers one or more social security account
15 numbers or social security cards shall be guilty of a felony
16 and upon conviction thereof shall be fined under title 18,
17 United States Code, imprisoned as provided in subsection
18 (b), or both.

19 “(b) Imprisonment for a violation described in sub-
20 section (a) shall be for—

21 “(1) not less than 1 year and up to 5 years, in
22 the case of an employee of the Social Security Ad-
23 ministration who has fraudulently sold or trans-
24 ferred not more than 50 social security account
25 numbers or social security cards,

1 “(2) not less than 5 years and up to 10 years,
2 in the case of an employee of the Social Security Ad-
3 ministration who has fraudulently sold or trans-
4 ferred more than 50, but not more than 100, social
5 security account numbers or social security cards, or

6 “(3) not less than 10 years and up to 20 years,
7 in the case of an employee of the Social Security Ad-
8 ministration who has fraudulently sold or trans-
9 ferred more than 100 social security account num-
10 bers or social security cards.

11 “(c) For purposes of this section—

12 “(1) The term ‘social security employee’ means
13 any officer, employee, or contractor of the Social Se-
14 curity Administration, any employee of such a con-
15 tractor (including any State employee of a disability
16 determination service), or any volunteer providing
17 services or assistance in any facility of the Social Se-
18 curity Administration.

19 “(2) The term ‘social security account number’
20 means a social security account number assigned by
21 the Commissioner of Social Security under section
22 205(c)(2)(B) or another number that has not been
23 so assigned but is purported to have been so as-
24 signed.

1 “(3) The term ‘social security card’ means a
2 card issued by the Commissioner of Social Security
3 under section 205(c)(2)(G), another card which has
4 not been so issued but is purported to have been so
5 issued, and banknote paper of the type described in
6 section 205(c)(2)(G) prepared for the entry of social
7 security account numbers, whether fully completed
8 or not.

9 “(c) Any employee of the Social Security Administra-
10 tion who attempts or conspires to commit any violation
11 of this section shall be subject to the same penalties as
12 those prescribed for the violation the commission of which
13 was the object of the attempt or conspiracy.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to violations occurring
16 on or after the date of the enactment of this Act.

17 **SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM,**
18 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**
19 **OR PRIOR OFFENSES.**

20 (a) AMENDMENTS TO TITLE II.—Section 208 of the
21 Social Security Act (42 U.S.C. 408) is amended—

22 (1) in subsection (a), by striking “shall be
23 fined” and all that follows and inserting the fol-
24 lowing: “shall be fined, imprisoned, or both, as pro-
25 vided in subsection (b).”;

1 (2) by redesignating subsections (b), (c), and
2 (d) as subsections (c), (d), and (e), respectively;

3 (3) by inserting after subsection (a) the fol-
4 lowing new subsection:

5 “(b) A person convicted of a violation described in
6 subsection (a) shall be—

7 “(1) fined under title 18, United States Code,
8 or imprisoned for not more than 5 years, or both,
9 in the case of an initial violation, subject to para-
10 graphs (3) and (4),

11 “(2) fined under title 18, United States Code,
12 or imprisoned for not more than 10 years, or both,
13 in the case of a violation which occurs after a prior
14 conviction for another offense under subsection (a)
15 becomes final, subject to paragraphs (3) and (4),

16 “(3) fined under title 18, United States Code,
17 or imprisoned for not more than 20 years, in the
18 case of a violation which is committed to facilitate
19 a drug trafficking crime (as defined in section
20 929(a)(2) of title 18, United States Code) or in con-
21 nection with a crime of violence (as defined in sec-
22 tion 924(c)(3) of title 18, United States Code), sub-
23 ject to paragraph (4), and

24 “(4) fined under title 18, United States Code,
25 or imprisoned for not more than 25 years, in the

1 case of a violation which is committed to facilitate
2 an act of international or domestic terrorism (as de-
3 fined in paragraphs (1) and (5), respectively, of sec-
4 tion 2331 of title 18, United States Code).”; and
5 (4) in subsection (c) (as redesignated by para-
6 graph (2))—

7 (A) by striking the first sentence; and

8 (B) in the second sentence, by striking
9 “any violation described in the preceding sen-
10 tence, including a first such violation” and in-
11 serting “a violation of any of the provisions of
12 this section committed by any person or other
13 entity in the role of such person or entity as,
14 or in applying to become, a certified payee
15 under section 205(j) on behalf of another indi-
16 vidual (other than such person’s spouse)”.

17 (b) AMENDMENTS TO TITLE VIII.—Section 811 of
18 such Act (42 U.S.C. 1011) is amended—

19 (1) in subsection (a), by striking “shall be
20 fined” and all that follows and inserting “shall be
21 fined, imprisoned, or both, as provided in subsection
22 (b).”;

23 (2) by redesignating subsection (b) as sub-
24 section (c); and

1 (3) by inserting after subsection (a) the fol-
2 lowing new subsection:

3 “(b) PUNISHMENT.—A person convicted of a viola-
4 tion described in subsection (a) shall be—

5 “(1) fined under title 18, United States Code,
6 or imprisoned for not more than 5 years, or both,
7 in the case of an initial violation, subject to para-
8 graphs (3) and (4),

9 “(2) fined under title 18, United States Code,
10 or imprisoned for not more than 10 years, or both,
11 in the case of a violation which occurs after a prior
12 conviction for another offense under subsection (a)
13 becomes final, subject to paragraphs (3) and (4),

14 “(3) fined under title 18, United States Code,
15 or imprisoned for not more than 20 years, in the
16 case of a violation which is committed to facilitate
17 a drug trafficking crime (as defined in section
18 929(a)(2) of title 18, United States Code) or in con-
19 nection with a crime of violence (as defined in sec-
20 tion 924(c)(3) of title 18, United States Code), sub-
21 ject to paragraph (4), and

22 “(4) fined under title 18, United States Code,
23 or imprisoned for not more than 25 years, in the
24 case of a violation which is committed to facilitate
25 an act of international or domestic terrorism (as de-

1 fined in paragraphs (1) and (5), respectively, of sec-
2 tion 2331 of title 18, United States Code).”.

3 (c) AMENDMENTS TO TITLE XVI.—Section 1632 of
4 such Act (42 U.S.C. 1383a) is amended—

5 (1) in subsection (a), by striking “shall be
6 fined” and all that follows and inserting “shall be
7 fined, imprisoned, or both, as provided in subsection
8 (b).”;

9 (2) by redesignating subsection (b) as sub-
10 section (c); and

11 (3) by inserting after subsection (a) the fol-
12 lowing new subsection:

13 “(b) A person convicted of a violation described in
14 subsection (a) shall be—

15 “(1) fined under title 18, United States Code,
16 or imprisoned for not more than 5 years, or both,
17 in the case of an initial violation, subject to para-
18 graphs (3) and (4),

19 “(2) fined under title 18, United States Code,
20 or imprisoned for not more than 10 years, or both,
21 in the case of a violation which occurs after a prior
22 conviction for another offense under subsection (a)
23 becomes final, subject to paragraphs (3) and (4),

24 “(3) fined under title 18, United States Code,
25 or imprisoned for not more than 20 years, in the

1 case of a violation which is committed to facilitate
2 a drug trafficking crime (as defined in section
3 929(a)(2) of title 18, United States Code) or in con-
4 nection with a crime of violence (as defined in sec-
5 tion 924(c)(3) of title 18, United States Code), sub-
6 ject to paragraph (4), and

7 “(4) fined under title 18, United States Code,
8 or imprisoned for not more than 25 years, in the
9 case of a violation which is committed to facilitate
10 an act of international or domestic terrorism (as de-
11 fined in paragraphs (1) and (5), respectively, of sec-
12 tion 2331 of title 18, United States Code).”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to violations occurring
15 after the date of the enactment of this Act.

○