

# Union Calendar No. 210

110TH CONGRESS  
1ST SESSION

# H. R. 3046

**[Report No. 110–339]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2007

Mr. McNULTY (for himself, Mr. SAM JOHNSON of Texas, Mr. RANGEL, Mr. McCRERY, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. PASCRELL, Mr. MEEK of Florida, Mr. HASTINGS of Washington, Ms. MATSUI, Mrs. CAPPS, Mr. FARR, Mr. RODRIGUEZ, Mr. FILNER, Ms. MCCOLLUM of Minnesota, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Ways and Means

SEPTEMBER 24, 2007

Additional sponsors: Mr. DAVIS of Illinois, Mr. MILLER of Florida, Mr. SAXTON, Mr. SULLIVAN, Mr. CARTER, Mr. LATHAM, Mr. KING of New York, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. GOHMERT, Ms. CORRINE BROWN of Florida, Mr. McHUGH, Mr. KUHL of New York, Mr. OBEY, Mrs. McMORRIS RODGERS, Ms. KILPATRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. PASTOR, Ms. BORDALLO, Mr. DEFazio, Mr. DELAHUNT, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. SESTAK, Ms. FOXX, and Mr. REYES

SEPTEMBER 24, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 16, 2007]

## 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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “So-*  
5 *cial Security Number Privacy and Identity Theft Preven-*  
6 *tion Act of 2007”.*

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

*Sec. 1. Short title and table of contents.*

*Sec. 2. Restrictions on the sale or display to the general public of social security account numbers by governmental entities.*

*Sec. 3. Prohibition of display of social security account numbers on checks issued for payment by governmental entities.*

*Sec. 4. Prohibition of the display of social security account numbers on certain government identification cards or tags.*

*Sec. 5. Prohibition of inmate access to social security account numbers.*

*Sec. 6. Measures to preclude unauthorized disclosure by governmental entities of social security account numbers and protect the confidentiality of such numbers.*

*Sec. 7. Uniform standards for truncation of the social security account number.*

*Sec. 8. Prohibition of the sale, purchase, and display to the general public of the social security account number in the private sector.*

*Sec. 9. New criminal penalties for misuse of social security account numbers.*

*Sec. 10. Extension of civil monetary penalty authority.*

*Sec. 11. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.*

*Sec. 12. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.*

*Sec. 13. Regulatory and enforcement authority with respect to misuse of the social security account number.*

*Sec. 14. Study on feasibility of banning social security account number as an authenticator.*

1 **SEC. 2. RESTRICTIONS ON THE SALE OR DISPLAY TO THE**  
 2 **GENERAL PUBLIC OF SOCIAL SECURITY AC-**  
 3 **COUNT NUMBERS BY GOVERNMENTAL ENTI-**  
 4 **TIES.**

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

8 *“(x)(I) A governmental entity (as defined in subclause*  
 9 *(X)) may not sell or display to the general public any social*  
 10 *security account number if such number has been disclosed*  
 11 *to such governmental entity pursuant to the assertion by*  
 12 *such governmental entity to any person that disclosure of*  
 13 *such number is a statutory or regulatory requirement. Not-*  
 14 *withstanding the preceding sentence, such number may be*  
 15 *sold or displayed to the general public in accordance with*  
 16 *the exceptions specified in subclauses (II), (III), (IV), (V),*  
 17 *(VI), (VII), and (VIII) (and for no other purpose).*

18 *“(II) Notwithstanding subclause (I), a social security*  
 19 *account number may be sold by a governmental entity to*  
 20 *the extent that such sale is specifically authorized by this*  
 21 *Act or the Privacy Act of 1974.*

1       “(III) Notwithstanding subclause (I), a social security  
2 account number may be sold by a governmental entity to  
3 the extent that is necessary or appropriate for law enforce-  
4 ment or national security purposes, as determined under  
5 regulations which shall be issued as provided in section  
6 1129C.

7       “(IV) Notwithstanding subclause (I), a social security  
8 account number may be sold by a governmental entity to  
9 the extent that such sale is required to comply with a tax  
10 law of the United States or of any State (or political sub-  
11 division thereof).

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

18       “(VI) Notwithstanding subclause (I), a social security  
19 account number may be sold or otherwise made available  
20 by a governmental entity to a consumer reporting agency  
21 (as defined in section 603(f) of the Fair Credit Reporting  
22 Act (15 U.S.C. 1681a(f))) for use or disclosure solely for  
23 permissible purposes described in section 604(a) of such Act  
24 (15 U.S.C. 1681b(a)).

1       “(VII) Notwithstanding subclause (I), a social security  
2 account number may be sold by a governmental entity to  
3 the extent necessary for research (other than market re-  
4 search) conducted by any governmental entity for the pur-  
5 pose of advancing the public good, on the condition that  
6 the researcher provides adequate assurances that the social  
7 security account numbers will not be used to harass, target,  
8 or publicly reveal information concerning any identifiable  
9 individuals, that information about identifiable individuals  
10 obtained from the research will not be used to make deci-  
11 sions that directly affect the rights, benefits, or privileges  
12 of specific individuals, and that the researcher has in place  
13 appropriate safeguards to protect the privacy and confiden-  
14 tiality of any information about identifiable individuals,  
15 including procedures to ensure that the social security ac-  
16 count numbers will be encrypted or otherwise appropriately  
17 secured from unauthorized disclosure. In the case of medical  
18 research, the Commissioner of Social Security shall main-  
19 tain ongoing consultation with the Office for Civil Rights  
20 of the Department of Health and Human Services to ensure  
21 that the sale or purchase of social security account numbers  
22 which constitute personally identifiable medical informa-  
23 tion is permitted only in compliance with existing Federal  
24 rules and regulations prescribed by the Secretary of Health  
25 and Human Services pursuant to section 264(c) of the

1 *Health Insurance Portability and Accountability Act of*  
2 *1996 (110 Stat. 2033).*

3       “(VIII) Notwithstanding subclause (I), a social secu-  
4 rity account number may be sold or displayed to the general  
5 public by a governmental entity under such other cir-  
6 cumstances as may be specified in regulations issued as pro-  
7 vided in section 1129C.

8       “(IX) This clause does not apply with respect to a so-  
9 cial security account number of a deceased individual.

10       “(X) For purposes of this clause, the term ‘govern-  
11 mental entity’ means an executive, legislative, or judicial  
12 agency or instrumentality of the Federal Government or of  
13 a State or political subdivision thereof, a federally recog-  
14 nized Indian tribe, or a trustee appointed in a case under  
15 title 11, United States Code. Such term includes a person  
16 acting as an agent of such an agency or instrumentality,  
17 Indian tribe, or trustee. For purposes of this subclause, the  
18 term ‘State’ has the meaning provided in subparagraph  
19 (D)(iii)(II).

20       “(XI) For purposes of this clause, the term ‘sell’ means,  
21 in connection with a social security account, to obtain, di-  
22 rectly or indirectly, anything of value in exchange for such  
23 number. Such term does not include the submission of such  
24 number as part of the process for applying for any type  
25 of Government benefits or programs (such as grants, loans,

1 or welfare or other public assistance programs) or as part  
2 of the administration of, or provision of benefits under, an  
3 employee benefit plan.

4 “(XII) For purposes of this clause, the term ‘display  
5 to the general public’ shall have the meaning provided such  
6 term in section 208A(a)(3)(A). In any case in which a gov-  
7 ernmental entity requires transmittal to such governmental  
8 entity of an individual’s social security account number by  
9 means of the Internet without ensuring that such number  
10 is encrypted or otherwise appropriately secured from disclo-  
11 sure, any such transmittal of such number as so required  
12 shall be treated, for purposes of this clause, as a ‘display  
13 to the general public’ of such number by such governmental  
14 entity for purposes of this clause.

15 “(XIII) For purposes of this clause, the term ‘social  
16 security account number’ includes any derivative of such  
17 number. Notwithstanding the preceding sentence, any ex-  
18 pression, contained in or on any item sold or displayed to  
19 the general public, shall not be treated as a social security  
20 account number solely because such expression sets forth not  
21 more than the last 4 digits of such number, if the remainder  
22 of such number cannot be determined based solely on such  
23 expression or any other matter presented in or on such item.

24 “(XIV) Nothing in the preceding subclauses of this  
25 clause shall be construed as superseding, altering, or affect-

1 *ing any statute, regulation, order, or interpretation in effect*  
 2 *under any other Federal or State law, except to the extent*  
 3 *that such statute, regulation, order, or interpretation is in-*  
 4 *consistent with such subclauses, and then only to the extent*  
 5 *of the inconsistency. For purposes of this subclause, a stat-*  
 6 *ue, regulation, order, or interpretation is not inconsistent*  
 7 *with the preceding subclauses of this clause if the protection*  
 8 *such statute, regulation, order, or interpretation affords any*  
 9 *person is greater than the protection provided under such*  
 10 *subclauses.”.*

11 *(b) EFFECTIVE DATE AND RELATED RULES.—*

12 *(1) IN GENERAL.—Initial final regulations pre-*  
 13 *scribed to carry out the provisions of section*  
 14 *205(c)(2)(C)(x) of the Social Security Act (added by*  
 15 *this section) shall be issued not later than the last*  
 16 *date of the 18th calendar month following the date of*  
 17 *the enactment of this Act. Such provisions shall take*  
 18 *effect, with respect to matters governed by such regu-*  
 19 *lations issued by the Commissioner of Social Security*  
 20 *or any other agency or instrumentality of the United*  
 21 *States, 1 year after the date of the issuance of such*  
 22 *regulations by the Commissioner or such other agency*  
 23 *or instrumentality, respectively. Such provisions shall*  
 24 *apply in the case of displays to the general public, as*  
 25 *defined in section 208A(a)(3) of such Act (added by*



section 8 of this Act), to such displays originally occurring after such 1-year period. Such provisions shall not apply with respect to any display of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) *SUNSET OF EXCEPTION.*—The last sentence of subclause (XIII) of section 205(c)(2)(C)(x) of the Social Security Act (added by this section) shall cease to be effective with respect to sales or displays to the general public occurring after 2 years after the effective date of the initial final regulations prescribed to carry out the provisions of such section 205(c)(2)(C)(x).

**SEC. 3. PROHIBITION OF DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL ENTITIES.**

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

“(xi) No governmental entity (as defined in clause (x)(X)) may include the social security account number of any individual (or any derivative of such number) on any check issued for any payment by such governmental entity

1 *or on any document attached to or accompanying such a*  
 2 *check.”.*

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

7 **SEC. 4. PROHIBITION OF THE DISPLAY OF SOCIAL SECU-**  
 8 **RITY ACCOUNT NUMBERS ON CERTAIN GOV-**  
 9 **ERNMENT IDENTIFICATION CARDS OR TAGS.**

10 *(a) IN GENERAL.—Section 205(c)(2)(C) of the Social*  
 11 *Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the*  
 12 *preceding provisions of this Act) is amended further by add-*  
 13 *ing at the end the following new clause:*

14 *“(xii) No governmental entity (as defined in clause*  
 15 *(x)(X)), and no other person offering benefits in connection*  
 16 *with an employee benefit plan maintained by such govern-*  
 17 *mental entity, may display a social security account num-*  
 18 *ber (or any derivative thereof) on any card or tag that is*  
 19 *commonly provided—*

20 *“(I) to employees of such governmental entity,*

21 *“(II) in the case of a governmental entity which*  
 22 *is an educational institution, to its students, or*

23 *“(III) in the case of a governmental entity which*  
 24 *is a medical institution, to its patients,*

1 *(or to their family members) for purposes of identification*  
 2 *or include on such card or tag a magnetic strip, bar code,*  
 3 *or other means of communication which conveys such num-*  
 4 *ber (or derivative thereof). The requirements of this clause*  
 5 *shall also apply to the Medicare card issued by the Depart-*  
 6 *ment of Health and Human Services.”.*

7 *(b) EFFECTIVE DATE.—The amendment made by this*  
 8 *section shall apply with respect to cards or tags issued after*  
 9 *1 year after the date of the enactment of this Act, except*  
 10 *that the last sentence of section 205(c)(2)(C)(xii) (as added*  
 11 *by this section) shall take effect 2 and one-half years after*  
 12 *the date of the enactment of this Act.*

13 **SEC. 5. PROHIBITION OF INMATE ACCESS TO SOCIAL SECU-**  
 14 **RITY ACCOUNT NUMBERS.**

15 *(a) IN GENERAL.—Section 205(c)(2)(C) of the Social*  
 16 *Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the*  
 17 *preceding provisions of this Act) is amended further by add-*  
 18 *ing at the end the following new clause:*

19 *“(xiii) No governmental entity (as defined in clause*  
 20 *(x)(X)) may employ, or enter into a contract for the use*  
 21 *or employment of, prisoners in any capacity that would*  
 22 *allow such prisoners access to the social security account*  
 23 *numbers of other individuals (or any derivatives of such*  
 24 *numbers). For purposes of this clause, the term ‘prisoner’*

1 *means an individual confined in a jail, prison, or other*  
2 *penal institution or correctional facility.”.*

3 *(b) EFFECTIVE DATE.—*

4 *(1) IN GENERAL.—Except as provided in para-*  
5 *graph (2), the amendment made by this section shall*  
6 *apply with respect to employment of prisoners, or*  
7 *entry into contract for the use or employment of pris-*  
8 *oners, on or after the date of the enactment of this*  
9 *Act.*

10 *(2) TREATMENT OF CURRENT ARRANGEMENTS.—*

11 *In the case of—*

12 *(A) prisoners employed as described in*  
13 *clause (xiii) of section 205(c)(2)(C) of the Social*  
14 *Security Act (as added by this section) on the*  
15 *date of the enactment of this Act, and*

16 *(B) contracts described in such clause in ef-*  
17 *fect on such date,*

18 *the amendment made by this section shall take effect*  
19 *90 days after the date of the enactment of this Act.*

1 **SEC. 6. MEASURES TO PRECLUDE UNAUTHORIZED DISCLO-**  
 2 **SURE BY GOVERNMENTAL ENTITIES OF SO-**  
 3 **CIAL SECURITY ACCOUNT NUMBERS AND**  
 4 **PROTECT THE CONFIDENTIALITY OF SUCH**  
 5 **NUMBERS.**

6 (a) *IN GENERAL.*—Section 205(c)(2)(C) of the Social  
 7 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the  
 8 preceding provisions of this Act) is amended further by add-  
 9 ing at the end the following new clause:

10 “(xiv) Except as otherwise provided in this paragraph,  
 11 in the case of any governmental entity (as defined in clause  
 12 (x)(X)) having access to an individual’s social security ac-  
 13 count number—

14 “(I) no officer or employee thereof shall have ac-  
 15 cess to such number for any purpose other than the  
 16 effective administration of the statutory provisions  
 17 governing its functions,

18 “(II) such governmental entity shall restrict, to  
 19 the satisfaction of the Commissioner of Social Secu-  
 20 rity, access to social security account numbers ob-  
 21 tained thereby to officers and employees thereof whose  
 22 duties or responsibilities require access for the admin-  
 23 istration or enforcement of such provisions, and

24 “(III) such governmental entity shall provide  
 25 such other safeguards as the Commissioner determines  
 26 to be necessary or appropriate to preclude unauthor-

1        *ized access to the social security account number and*  
 2        *to otherwise protect the confidentiality of such num-*  
 3        *ber.*

4        *For purposes of this clause the term ‘social security account*  
 5        *number’ includes any derivative thereof.’.*

6        *(b) EFFECTIVE DATE.—The amendment made by this*  
 7        *section shall take effect 1 year after the date of the enact-*  
 8        *ment of this Act.*

9        **SEC. 7. UNIFORM STANDARDS FOR TRUNCATION OF THE**  
 10        **SOCIAL SECURITY ACCOUNT NUMBER.**

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 the*  
 13        *preceding provisions of this Act) is amended further by add-*  
 14        *ing at the end the following new clause:*

15        *“(xv) The truncation by any governmental entity (as*  
 16        *defined in clause (x)(X)) or by any person in the private*  
 17        *sector of an individual’s social security account number*  
 18        *which is used by such governmental entity or person other-*  
 19        *wise in accordance with the requirements of this Act shall*  
 20        *be in accordance with a uniform truncation standard which*  
 21        *shall be specified in regulations prescribed by the Commis-*  
 22        *sioner of Social Security. Under such standard, the number*  
 23        *as truncated shall set forth not more than the last 4 digits*  
 24        *of the number. Nothing in this clause shall be construed to*  
 25        *authorize any use of the social security account number*

1 *which is not otherwise authorized by this title or regulations*  
 2 *prescribed thereunder.”.*

3 (b) *EFFECTIVE DATE.*—*Initial final regulations pre-*  
 4 *scribed to carry out the provisions of section*  
 5 *205(c)(2)(C)(xv) of the Social Security Act (added by this*  
 6 *section) shall be issued not later than the last date of the*  
 7 *18th calendar month following the date of the enactment*  
 8 *of this Act. Such provisions shall take effect, with respect*  
 9 *to matters governed by such regulations issued by the Com-*  
 10 *missioner or any other agency or instrumentality of the*  
 11 *United States, 1 year after the date of the issuance of such*  
 12 *regulations by the Commissioner or such other agency or*  
 13 *instrumentality, respectively.*

14 **SEC. 8. PROHIBITION OF THE SALE, PURCHASE, AND DIS-**  
 15 **PLAY TO THE GENERAL PUBLIC OF THE SO-**  
 16 **CIAL SECURITY ACCOUNT NUMBER IN THE**  
 17 **PRIVATE SECTOR.**

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

21 “*PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY TO*  
 22 *THE GENERAL PUBLIC OF THE SOCIAL SECURITY AC-*  
 23 *COUNT NUMBER IN THE PRIVATE SECTOR*

24 “*SEC. 208A. (a) DEFINITIONS.*—*For purposes of this*  
 25 *section:*

26 “(1) *PERSON.*—

1           “(A) *IN GENERAL.*—Subject to subpara-  
 2           graph (B), the term ‘person’ means any indi-  
 3           vidual, partnership, corporation, trust, estate,  
 4           cooperative, association, or any other entity.

5           “(B) *EXCLUSION OF GOVERNMENTAL ENTI-*  
 6           *TIES.*—Such term does not include a govern-  
 7           mental entity. Nothing in this subparagraph  
 8           shall be construed to authorize, in connection  
 9           with a governmental entity, an act or practice  
 10          otherwise prohibited under this section or section  
 11          205(c)(2)(C).

12          “(2) *SELLING AND PURCHASING.*—

13           “(A) *IN GENERAL.*—Subject to subpara-  
 14           graph (B)—

15           “(i) *SELL.*—The term ‘sell’ in connec-  
 16           tion with a social security account number  
 17           means to obtain, directly or indirectly, any-  
 18           thing of value in exchange for such number.

19           “(ii) *PURCHASE.*—The term ‘purchase’  
 20           in connection with a social security account  
 21           number means to provide, directly or indi-  
 22           rectly, anything of value in exchange for  
 23           such number.

24           “(B) *EXCEPTIONS.*—The terms ‘sell’ and  
 25           ‘purchase’ in connection with a social security



1       *account number do not include the submission of*  
2       *such number as part of—*

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

7               “(ii) *the administration of, or provi-*  
8               *sion of benefits under, an employee benefit*  
9               *plan, or*

10              “(iii) *the sale, lease, merger, transfer,*  
11              *or exchange of a trade or business.*

12       “(3) *DISPLAY TO THE GENERAL PUBLIC.—*

13              “(A) *IN GENERAL.—The term ‘display to*  
14              *the general public’ means, in connection with a*  
15              *social security account number, to intentionally*  
16              *place such number in a viewable manner on an*  
17              *Internet site that is available to the general pub-*  
18              *lic or to make such number available in any*  
19              *other manner intended to provide access to such*  
20              *number by the general public.*

21              “(B) *INTERNET TRANSMISSIONS.—In any*  
22              *case in which a person requires transmittal to*  
23              *such person of an individual’s social security ac-*  
24              *count number by means of the Internet without*  
25              *ensuring that such number is encrypted or other-*

1        *wise well-secured from disclosure, any such*  
2        *transmittal of such number as so required shall*  
3        *be treated as a ‘display to the general public’ of*  
4        *such number by such person.*

5        *“(4) SOCIAL SECURITY ACCOUNT NUMBER.—*

6                *“(A) IN GENERAL.—The term ‘social secu-*  
7        *rity account number’ has the meaning given*  
8        *such term in section 208(e), except that such*  
9        *term includes any derivative of such number.*

10              *“(B) 4-DIGIT EXPRESSION.—Notwith-*  
11        *standing the preceding sentence, for purposes of*  
12        *subsection (b)(1)(A), any expression, contained*  
13        *in or on any item sold or displayed to the gen-*  
14        *eral public, shall not be treated as a social secu-*  
15        *rity account number solely because such expres-*  
16        *sion sets forth not more than the last 4 digits of*  
17        *such number, if the remainder of such number*  
18        *cannot be determined based solely on such ex-*  
19        *pression or any other matter presented in or on*  
20        *such item.*

21        *“(5) GOVERNMENTAL ENTITY.—*

22              *“(A) IN GENERAL.—The term ‘governmental*  
23        *entity’ means an executive, legislative, or judi-*  
24        *cial agency or instrumentality of the Federal*  
25        *Government, a State or political subdivision*

1        *thereof, a federally recognized Indian tribe, or a*  
 2        *trustee appointed in a case under title 11,*  
 3        *United States Code. Such term includes a person*  
 4        *acting as an agent of such an agency or instru-*  
 5        *mentality, Indian tribe, or trustee.*

6                *“(B) STATE.—The term ‘State’ includes the*  
 7        *District of Columbia, the Commonwealth of*  
 8        *Puerto Rico, the Virgin Islands, Guam, the Com-*  
 9        *monwealth of the Northern Marianas, and the*  
 10        *Trust Territory of the Pacific Islands.*

11        *“(b) PROHIBITION OF SALE, PURCHASE, AND DISPLAY*  
 12        *TO THE GENERAL PUBLIC.—*

13                *“(1) IN GENERAL.—Except as provided in para-*  
 14        *graph (2), it shall be unlawful for any person to—*

15                *“(A) sell or purchase a social security ac-*  
 16        *count number or display to the general public a*  
 17        *social security account number, or*

18                *“(B) obtain or use any individual’s social*  
 19        *security account number for the purpose of locat-*  
 20        *ing or identifying such individual with the in-*  
 21        *tent to harass, harm, or physically injure such*  
 22        *individual or using the identity of such indi-*  
 23        *vidual for any illegal purpose.*

24                *“(2) EXCEPTIONS.—*

1           “(A) *IN GENERAL.*—Notwithstanding para-  
2           graph (1), and subject to paragraph (3), a social  
3           security account number may be sold or pur-  
4           chased by any person to the extent provided in  
5           this subsection (and for no other purpose) as fol-  
6           lows:

7                   “(i) *to the extent necessary for law en-*  
8                   *forcement, including (but not limited to) the*  
9                   *enforcement of a child support obligation,*  
10                  *as determined under regulations issued as*  
11                  *provided in section 1129C;*

12                  “(ii) *to the extent necessary for na-*  
13                  *tional security purposes, as determined*  
14                  *under regulations issued as provided in sec-*  
15                  *tion 1129C;*

16                  “(iii) *to the extent necessary for public*  
17                  *health purposes;*

18                  “(iv) *to the extent necessary in emer-*  
19                  *gency situations to protect the health or*  
20                  *safety of 1 or more individuals;*

21                  “(v) *to the extent that the sale or pur-*  
22                  *chase is required to comply with a tax law*  
23                  *of the United States or of any State (or po-*  
24                  *litical subdivision thereof);*

1           “(vi) to the extent that the sale or pur-  
2           chase is to or by a consumer reporting  
3           agency (as defined in section 603(f) of the  
4           Fair Credit Reporting Act (15 U.S.C.  
5           1681a(f))) for use or disclosure solely for  
6           permissible purposes described in section  
7           604(a) of such Act (15 U.S.C. 1681b(a));  
8           and

9           “(vii) to the extent necessary for re-  
10          search (other than market research) con-  
11          ducted by an agency or instrumentality of  
12          the United States or of a State or political  
13          subdivision thereof (or a person acting as  
14          an agent of such an agency or instrumen-  
15          tality) for the purpose of advancing the  
16          public good, on the condition that the re-  
17          searcher provides adequate assurances  
18          that—

19               “(I) the social security account  
20               numbers will not be used to harass,  
21               target, or publicly reveal information  
22               concerning any identifiable individ-  
23               uals;

24               “(II) information about identifi-  
25               able individuals obtained from the re-

1           *search will not be used to make deci-*  
2           *sions that directly affect the rights,*  
3           *benefits, or privileges of specific indi-*  
4           *viduals; and*

5                     *“(III) the researcher has in place*  
6           *appropriate safeguards to protect the*  
7           *privacy and confidentiality of any in-*  
8           *formation about identifiable individ-*  
9           *uals, including procedures to ensure*  
10          *that the social security account num-*  
11          *bers will be encrypted or otherwise ap-*  
12          *propriately secured from unauthorized*  
13          *disclosure.*

14                    *“(B) MEDICAL RESEARCH.—In the case of*  
15          *research referred to in subparagraph (A)(vii)*  
16          *consisting of medical research, the Commissioner*  
17          *of Social Security shall maintain ongoing con-*  
18          *sultation with the Office for Civil Rights of the*  
19          *Department of Health and Human Services to*  
20          *ensure that the sale or purchase of social security*  
21          *account numbers which constitute personally*  
22          *identifiable medical information is permitted*  
23          *only in compliance with existing Federal rules*  
24          *and regulations prescribed by the Secretary of*  
25          *Health and Human Services pursuant to section*

1           264(c) of the Health Insurance Portability and  
2           Accountability Act of 1996 (110 Stat. 2033).

3           “(3) CONSENT AND OTHER CIRCUMSTANCES DE-  
4           TERMINED BY REGULATION.—Notwithstanding para-  
5           graph (1), a social security account number assigned  
6           to an individual may be sold or purchased by any  
7           person—

8                   “(A) to the extent consistent with such indi-  
9                   vidual’s voluntary and affirmative written con-  
10                  sent to the sale or purchase, but only if—

11                           “(i) the terms of the consent and the  
12                           right to refuse consent are presented to the  
13                           individual in a clear, conspicuous, and un-  
14                           derstandable manner,

15                           “(ii) the individual is placed under no  
16                           obligation to provide consent to any such  
17                           sale or purchase, and

18                           “(iii) the terms of the consent authorize  
19                           the individual to limit the sale or purchase  
20                           to purposes directly associated with the  
21                           transaction with respect to which the con-  
22                           sent is sought, and

23                   “(B) under such circumstances as may be  
24                   deemed appropriate in regulations issued as pro-  
25                   vided under section 1129C.

1       “(c) *PROHIBITION OF DISPLAY ON CHECKS.—It shall*  
2 *be unlawful for any person to include the social security*  
3 *account number of any other individual on any check issued*  
4 *for any payment by such person or on any document at-*  
5 *tached to or accompanying such a check.*

6       “(d) *PROHIBITION OF UNAUTHORIZED DISCLOSURE*  
7 *TO GOVERNMENT AGENCIES OR INSTRUMENTALITIES.—*

8               “(1) *IN GENERAL.—It shall be unlawful for any*  
9 *person to communicate by any means to any agency*  
10 *or instrumentality of the United States or of any*  
11 *State or political subdivision thereof the social secu-*  
12 *rity account number of any individual other than*  
13 *such person without the written permission of such*  
14 *individual, unless the number was requested by the*  
15 *agency or instrumentality. In the case of an indi-*  
16 *vidual who is legally incompetent, permission pro-*  
17 *vided by the individual’s legal representatives shall be*  
18 *deemed to be permission provided by such individual.*

19               “(2) *EXCEPTIONS.—Paragraph (1) shall not*  
20 *apply to the extent necessary—*

21                       “(A) *for law enforcement, including (but*  
22 *not limited to) the enforcement of a child support*  
23 *obligation, or*

24                       “(B) *for national security purposes,*



1       *as determined under regulations issued as provided*  
2       *under section 1129C.*

3       “(e) *PROHIBITION OF THE DISPLAYS ON CARDS OR*  
4       *TAGS REQUIRED FOR ACCESS TO GOODS, SERVICES, OR*  
5       *BENEFITS.—No person may display a social security ac-*  
6       *count number on any card or tag issued to any other person*  
7       *for the purpose of providing such other person access to any*  
8       *goods, services, or benefits or include on such card or tag*  
9       *a magnetic strip, bar code, or other means of communica-*  
10       *tion which conveys such number.*

11       “(f) *PROHIBITION OF THE DISPLAYS ON EMPLOYEE*  
12       *IDENTIFICATION CARDS OR TAGS.—No person that is an*  
13       *employer, and no other person offering benefits in connec-*  
14       *tion with an employee benefit plan maintained by such em-*  
15       *ployer or acting as an agent of such employer, may display*  
16       *a social security account number on any card or tag that*  
17       *is commonly provided to employees of such employer (or*  
18       *to their family members) for purposes of identification or*  
19       *include on such card or tag a magnetic strip, bar code, or*  
20       *other means of communication which conveys such number.*

21       “(g) *MEASURES TO PRECLUDE UNAUTHORIZED DIS-*  
22       *CLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND*  
23       *PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.—*  
24       *Subject to the preceding provisions of this section, any per-*  
25       *son having access to the social security account number of*

1 *any individual other than such person shall, to the extent*  
2 *that such access is maintained for the conduct of such per-*  
3 *son’s trade or business—*

4           “(1) *ensure that no officer or employee thereof*  
5 *has access to such number for any purpose other than*  
6 *as necessary for the conduct of such person’s trade or*  
7 *business,*

8           “(2) *restrict, in accordance with regulations of*  
9 *the Commissioner of Social Security, access to social*  
10 *security account numbers obtained thereby to officers*  
11 *and employees thereof whose duties or responsibilities*  
12 *require access for the conduct of such person’s trade*  
13 *or business, and*

14           “(3) *provide such safeguards as may be specified,*  
15 *in regulations of the Commissioner of Social Security,*  
16 *to be necessary or appropriate to preclude unauthor-*  
17 *ized access to the social security account number and*  
18 *to otherwise protect the confidentiality of such num-*  
19 *ber.*

20           “(h) *DECEASED INDIVIDUALS.—This section does not*  
21 *apply with respect to the social security account number*  
22 *of a deceased individual.*

23           “(i) *APPLICABILITY OF OTHER PROTECTIONS.—Noth-*  
24 *ing in the preceding subsections of this section shall be con-*  
25 *strued as superseding, altering, or affecting any statutory*

1 *provision, regulation, order, or interpretation in effect*  
 2 *under any other Federal or State law, except to the extent*  
 3 *that such statutory provision, regulation, order, or interpre-*  
 4 *tation is inconsistent with such subsections, and then only*  
 5 *to the extent of the inconsistency. For purposes of this sub-*  
 6 *clause, a statutory provision, regulation, order, or interpre-*  
 7 *tation is not inconsistent with the preceding subsections of*  
 8 *this section if the protection such statutory provision, regu-*  
 9 *lation, order, or interpretation affords any person is greater*  
 10 *than the protection provided under such subsections.”.*

11 *(b) EFFECTIVE DATE AND RELATED RULES.—*

12 *(1) IN GENERAL.—Initial final regulations pre-*  
 13 *scribed to carry out the provisions of section 208A of*  
 14 *the Social Security Act (added by this section) shall*  
 15 *be issued not later than the last date of the 18th cal-*  
 16 *endar month following the date of the enactment of*  
 17 *this Act. Such provisions shall take effect, with respect*  
 18 *to matters governed by such regulations issued by the*  
 19 *Commissioner of Social Security or any other agency*  
 20 *or instrumentality of the United States, 1 year after*  
 21 *the date of the issuance of such regulations by the*  
 22 *Commissioner of Social Security or such other agency*  
 23 *or instrumentality, respectively. Section 208A(b) of*  
 24 *such Act shall apply in the case of displays to the*  
 25 *general public (as defined in section 208A(a)(3) of*

such Act) to such displays to the general public originally occurring after such 1-year period. Such provisions shall not apply with respect to any such display to the general public of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) *SUNSET OF EXCEPTION.*—Section 208A(a)(4)(B) of the Social Security Act (added by this section) shall cease to be effective with respect to sales, purchases, or displays to the general public occurring after 2 years after the effective date of the initial final regulations prescribed to carry out the provisions of section 208A of such Act.

**SEC. 9. NEW CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.**

(a) *IN GENERAL.*—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) in subsection (a), by inserting “or” at the end of paragraph (8) and by inserting after paragraph (8) the following new paragraph:

“(9) willfully acts or fails to act so as to cause a violation of section 208A(b)(1)(B);”.

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

1           (3) in subsection (c)(1) (as so redesignated), by  
2       inserting “or (b)” after “subsection (a)”; and

3           (4) by inserting after subsection (a) the following  
4       new subsection:

5       “(b)(1) Whoever—

6           “(A) knowingly, and with intent to commit, or  
7       to aid or abet, any activity that constitutes a viola-  
8       tion of Federal law, or a violation of any applicable  
9       law of a State or political subdivision thereof if the  
10      maximum penalty of such applicable law includes  
11      imprisonment for 5 years or more—

12           “(i) possesses the social security account  
13      number of another person without lawful author-  
14      ity, or

15           “(ii) possesses a social security card, know-  
16      ing that the social security account number or  
17      other identifying information displayed on the  
18      card has been altered, counterfeited, or forged or  
19      that the card was falsely made, stolen, or ob-  
20      tained from the Social Security Administration  
21      by use of false information;

22      if such activity is committed, or aided or abetted,  
23      with intent to use such social security account num-  
24      ber, social security card, or other identifying informa-

1        *tion displayed on such card in furtherance of such*  
 2        *violation;*

3                *“(B) being—*

4                        *“(i) an officer or employee of any govern-*  
 5                        *mental entity (as defined in section*  
 6                        *205(c)(2)(C)(x)(X)), or*

7                        *“(ii) a person acting as an agent of a gov-*  
 8                        *ernmental entity (as so defined),*  
 9        *willfully acts or fails to act so as to cause a violation*  
 10        *of clause (vi)(II), (xi), (xii), or (xv) of section*  
 11        *205(c)(2)(C);*

12                *“(C) being a trustee appointed in a case under*  
 13        *title 11, United States Code (or an officer or employee*  
 14        *thereof or a person acting as an agent thereof), will-*  
 15        *fully acts or fails to act so as to cause a violation of*  
 16        *clause (xi) or (xv) of section 205(c)(2)(C); or*

17                *“(D) willfully acts or fails to act so as to cause*  
 18        *a violation of subsection (c), (d), (e), or (f) of section*  
 19        *208A or, as a person in the private sector, willfully*  
 20        *acts or fails to act so as to cause a violation of section*  
 21        *205(c)(2)(C)(xv);*

22        *shall be guilty of a misdemeanor and upon conviction there-*  
 23        *of shall be fined under title 18, United States Code, or im-*  
 24        *prisoned for not more than 1 year, or both.*

25                *“(2)(A) Whoever—*

1           “(i) *with intent to deceive, discloses, sells, or*  
2           *transfers his own social security account number, as-*  
3           *signed to him by the Commissioner of Social Security*  
4           *(in the exercise of the Commissioner’s authority under*  
5           *section 205(c)(2) to establish and maintain records),*  
6           *to any person;*

7           “(ii) *without lawful authority, offers, for a fee,*  
8           *to acquire for any individual, or to assist in acquir-*  
9           *ing for any individual, an additional social security*  
10          *account number or a number that is purported to be*  
11          *a social security account number;*

12          “(iii) *being—*

13               “(I) *an officer or employee of any govern-*  
14               *mental entity (as defined in section*  
15               *205(c)(2)(C)(x)(X)), or*

16               “(II) *a person acting as an agent of a gov-*  
17               *ernmental entity (as so defined),*

18               *willfully acts or fails to act so as to cause a violation*  
19               *of clause (x), (xiii), or (xiv) of section 205(c)(2)(C);*

20               “(iv) *being a trustee appointed in a case under*  
21               *title 11, United States Code (or an officer or employee*  
22               *thereof or a person acting as an agent thereof), will-*  
23               *fully acts or fails to act so as to cause a violation of*  
24               *clause (x) or (xiv) of section 205(c)(2)(C); or*

1           “(v) willfully acts or fails to act so as to cause  
 2           a violation of subsection (b)(1)(A) or (g) of section  
 3           208A;

4           shall be fined, imprisoned, or both, as provided in subpara-  
 5           graph (B).

6           “(B) A person convicted of a violation described in  
 7           subparagraph (A) shall—

8           “(i) be fined under title 18, United States Code, im-  
 9           prisoned not more than 1 year, or both; and

10          “(ii) if the offense is committed under false pretenses  
 11          or for commercial advantage, personal gain, or malicious  
 12          harm, be fined under title 18, United States Code, impris-  
 13          oned not more than 5 years, or both.”.

14          (b) *EFFECTIVE DATES.*—The amendments made by  
 15          this section shall apply with respect to each violation occur-  
 16          ring after the date of the enactment of this Act, except that  
 17          subparagraphs (B), (C), and (D) of section 208(b)(1) of  
 18          such Act and clauses (iii), (iv), and (v) of section  
 19          208(b)(2)(A) of such Act (added by subsection (a)(3)) shall  
 20          apply, in connection with violations of clause (x), (xi),  
 21          (xii), (xiii), (xiv), or (xv) of section 205(c)(2)(C) or section  
 22          208A, with respect to each violation occurring on or after  
 23          the effective date applicable with respect to such violation  
 24          under section 2, 3, 4, 5, 6, 7, or 8.



1 **SEC. 10. EXTENSION OF CIVIL MONETARY PENALTY AU-**  
 2 **THORITY.**

3 (a) *APPLICATION OF CIVIL MONEY PENALTIES TO*  
 4 *ELEMENTS OF CRIMINAL VIOLATIONS.*—Section 1129(a) of  
 5 the Social Security Act (42 U.S.C. 1320a–8(a)) is amend-  
 6 ed—

7 (1) *by redesignating paragraphs (2) and (3) as*  
 8 *paragraphs (4) and (5), respectively;*

9 (2) *by designating the last sentence of paragraph*  
 10 *(1) as a new paragraph (2), appearing after and*  
 11 *below paragraph (1); and*

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

15 “(3) *Any person (including an organization, agency,*  
 16 *or other entity) who—*

17 “(A) *uses a social security account number that*  
 18 *such person knows or should know has been assigned*  
 19 *by the Commissioner of Social Security (in an exer-*  
 20 *cise of authority under section 205(c)(2) to establish*  
 21 *and maintain records) on the basis of false informa-*  
 22 *tion furnished to the Commissioner by any person;*

23 “(B) *falsely represents a number to be the social*  
 24 *security account number assigned by the Commis-*  
 25 *sioner of Social Security to any individual, when*  
 26 *such person knows or should know that such number*

1        *is not the social security account number assigned by*  
2        *the Commissioner to such individual;*

3            *“(C) with intent to deceive, alters a social secu-*  
4        *rity card that the person knows or should know was*  
5        *issued by the Commissioner of Social Security, or*  
6        *possesses such a card with intent to alter it;*

7            *“(D) buys or sells a card that such person knows*  
8        *or should know is, or is purported to be, a card issued*  
9        *by the Commissioner of Social Security, or possesses*  
10       *such a card with intent to buy or sell it;*

11           *“(E) counterfeits a social security card, or pos-*  
12        *sesses a counterfeit social security card with intent to*  
13        *buy or sell it;*

14           *“(F) discloses, uses, compels the disclosure of, or*  
15        *knowingly sells or purchases the social security ac-*  
16        *count number of any person in violation of the laws*  
17        *of the United States;*

18           *“(G) with intent to deceive the Commissioner of*  
19        *Social Security as to such person’s true identity (or*  
20        *the true identity of any other person), furnishes or*  
21        *causes to be furnished false information to the Com-*  
22        *missioner with respect to any information required*  
23        *by the Commissioner in connection with the establish-*  
24        *ment and maintenance of the records provided for in*  
25        *section 205(c)(2);*

1           “(H) without lawful authority, offers, for a fee,  
2           to acquire for any individual, or to assist in acquir-  
3           ing for any individual, an additional social security  
4           account number or a number which is purported to  
5           be a social security account number;

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

10          “(J) knowingly, and with intent to commit, or  
11          to aid or abet, any activity that constitutes a viola-  
12          tion of Federal law, or a violation of any applicable  
13          law of a State or political subdivision thereof if the  
14          maximum penalty of such applicable law includes  
15          imprisonment for 5 years or more—

16               “(i) possesses a social security account  
17               number of another individual without lawful au-  
18               thority, or

19               “(ii) possesses a social security card, know-  
20               ing that the social security account number or  
21               other identifying information displayed on the  
22               card has been altered, counterfeited, or forged or  
23               that the card was falsely made, stolen, or ob-  
24               tained from the Social Security Administration  
25               by use of false information,

1     *if such activity is committed, or aided or abetted,*  
 2     *with intent to use such social security account num-*  
 3     *ber, social security card, or other identifying informa-*  
 4     *tion displayed on such card in furtherance of such*  
 5     *violation;*

6             “(K) being—

7                 “(i) an officer or employee of a govern-  
 8                 mental entity (as defined in section  
 9                 205(c)(2)(C)(x)(X)), or

10                “(ii) a person acting as an agent of a gov-  
 11                ernmental entity (as so defined),  
 12     *willfully acts or fails to act so as to cause a violation*  
 13     *of clause (vi)(II), (x), (xi), (xii), (xiii), (xiv), or (xv)*  
 14     *of section 205(c)(2)(C);*

15             “(L) being a trustee appointed in a case under  
 16     *title 11, United States Code (or an officer or employee*  
 17     *thereof or a person acting as an agent thereof), will-*  
 18     *fully acts or fails to act so as to cause a violation of*  
 19     *clause (x), (xi), (xiv), or (xv) of section 205(c)(2)(C);*

20             “(M) violates section 208A (relating to prohibi-  
 21     *tion of the sale, purchase, or display of the social se-*  
 22     *curity account number in the private sector) or, as a*  
 23     *person in the private sector, violates section*  
 24     *205(c)(2)(C)(xv); or*

1           “(N) violates section 208(g) (relating to fraud by  
2           social security administration employees);  
3 shall be subject to, in addition to any other penalties that  
4 may be prescribed by law, a civil money penalty of not  
5 more than \$5,000 for each violation. Such person shall also  
6 be subject to an assessment, in lieu of damages sustained  
7 by the United States resulting from such violation, of not  
8 more than twice the amount of any benefits or payments  
9 paid as a result of such violation.”.

10       (b) *EFFECTIVE DATES.*—The amendments made by  
11 this section shall apply with respect to violations committed  
12 after the date of the enactment of this Act, except that sub-  
13 paragraphs (J), (K), (L), and (M) of section 1129(a)(3) of  
14 the Social Security Act (added by subsection (a)) shall  
15 apply with respect to violations of the provisions of clause  
16 (x), (xi), (xii), (xiii), (xiv), or (xv) of section 205(c)(2)(C)  
17 or section 208A occurring on or after the applicable effective  
18 date provided in connection with such provisions under sec-  
19 tion 2, 3, 4, 5, 6, 7, or 8 of this Act.

1 **SEC. 11. CRIMINAL PENALTIES FOR EMPLOYEES OF THE SO-**  
 2 **CIAL SECURITY ADMINISTRATION WHO**  
 3 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**  
 4 **CIAL SECURITY CARDS OR SOCIAL SECURITY**  
 5 **ACCOUNT NUMBERS.**

6 (a) *IN GENERAL.*—Section 208 of the Social Security  
 7 Act (as amended by section 9) is amended further by adding  
 8 at the end the following new subsection:

9 “(g)(1) Whoever is an employee of the Social Security  
 10 Administration and knowingly and fraudulently sells or  
 11 transfers one or more social security account numbers or  
 12 social security cards shall, upon conviction, be guilty of a  
 13 felony and fined under title 18, United States Code, impris-  
 14 oned as provided in paragraph (2), or both.

15 “(2) Imprisonment for a violation described in para-  
 16 graph (1) shall be for—

17 “(A) not more than 5 years, in the case of an  
 18 employee of the Social Security Administration who  
 19 has fraudulently sold or transferred not more than 50  
 20 social security account numbers or social security  
 21 cards,

22 “(B) not more than 10 years, in the case of an  
 23 employee of the Social Security Administration who  
 24 has fraudulently sold or transferred more than 50, but  
 25 not more than 100, social security account numbers  
 26 or social security cards, or

1           “(C) not more than 20 years, in the case of an  
2           employee of the Social Security Administration who  
3           has fraudulently sold or transferred more than 100  
4           social security account numbers or social security  
5           cards.

6           “(3) For purposes of this subsection—

7           “(A) The term ‘social security employee’ means  
8           any State employee of a State disability determina-  
9           tion service, any officer, employee, or contractor of the  
10          Social Security Administration, any employee of such  
11          a contractor, or any volunteer providing services or  
12          assistance in any facility of the Social Security Ad-  
13          ministration.

14          “(B) The term ‘social security account number’  
15          means a social security account number assigned by  
16          the Commissioner of Social Security under section  
17          205(c)(2)(B) or another number that has not been so  
18          assigned but is purported to have been so assigned.

19          “(C) The term ‘social security card’ means a  
20          card issued by the Commissioner of Social Security  
21          under section 205(c)(2)(G), another card which has  
22          not been so issued but is purported to have been so  
23          issued, and banknote paper of the type described in  
24          section 205(c)(2)(G) prepared for the entry of social

1        *security account numbers, whether fully completed or*  
 2        *not.”.*

3        *(b) EFFECTIVE DATE.—The amendment made by this*  
 4        *section shall apply with respect to violations occurring on*  
 5        *or after the date of the enactment of this Act.*

6        **SEC. 12. ENHANCED PENALTIES IN CASES OF TERRORISM,**  
 7                    **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**  
 8                    **OR PRIOR OFFENSES.**

9        *(a) AMENDMENTS TO TITLE II.—Section 208 of the*  
 10        *Social Security Act (as amended by the preceding provi-*  
 11        *sions of this Act) is amended further—*

12                *(1) in subsection (a), by striking “shall be fined”*  
 13                *and all that follows and inserting the following:*  
 14                *“shall be fined, imprisoned, or both, as provided in*  
 15                *subsection (c).”;*

16                *(2) in subsection (b)(2)(B)(ii) (as added by sec-*  
 17                *tion 9), by striking “be fined” and all that follows*  
 18                *and inserting the following: “be fined, imprisoned, or*  
 19                *both, as provided in subsection (c).”;*

20                *(3) by striking subsection (d);*

21                *(4) by redesignating subsection (c) as subsection*  
 22                *(d); and*

23                *(5) by inserting after subsection (b) the following*  
 24                *new subsection:*



1       “(c) A person convicted of a violation described in sub-  
2 section (a) or a violation described in subsection (b)(2)(A)  
3 which is subject to subsection (b)(2)(B)(ii) shall be—

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

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

13               “(3) fined under title 18, United States Code, or  
14 imprisoned for not more than 20 years, in the case  
15 of a violation which is committed to facilitate a drug  
16 trafficking crime (as defined in section 929(a)(2) of  
17 title 18, United States Code) or in connection with a  
18 crime of violence (as defined in section 924(c)(3) of  
19 title 18, United States Code) involving force against  
20 the person of another, subject to paragraph (4), and

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

1        paragraphs (1) and (5), respectively, of section 2331  
2        of title 18, United States Code).”.

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

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

8                (2) by redesignating subsection (b) as subsection  
9        (c); and

10                (3) by inserting after subsection (a) the following  
11        new subsection:

12        “(b) *PUNISHMENT.*—A person convicted of a violation  
13        described in subsection (a) shall be—

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

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

23                “(3) fined under title 18, United States Code, or  
24        imprisoned for not more than 20 years, in the case  
25        of a violation which is committed to facilitate a drug

1       *trafficking crime (as defined in section 929(a)(2) of*  
 2       *title 18, United States Code) or in connection with a*  
 3       *crime of violence (as defined in section 924(c)(3) of*  
 4       *title 18, United States Code) involving force against*  
 5       *the person of another, subject to paragraph (4), and*  
 6       *“(4) fined under title 18, United States Code, or*  
 7       *imprisoned for not more than 25 years, in the case*  
 8       *of a violation which is committed to facilitate an act*  
 9       *of international or domestic terrorism (as defined in*  
 10       *paragraphs (1) and (5), respectively, of section 2331*  
 11       *of title 18, United States Code).”.*

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

14               (1) *in subsection (a), by striking “shall be fined”*  
 15       *and all that follows and inserting “shall be fined, im-*  
 16       *prisoned, or both, as provided in subsection (b).”;*

17               (2) *by redesignating subsections (b) and (c) as*  
 18       *subsections (c) and (d), respectively; and*

19               (3) *by inserting after subsection (a) the following*  
 20       *new subsection:*

21       *“(b) A person convicted of a violation described in sub-*  
 22       *section (a) shall be—*

23               *“(1) fined under title 18, United States Code, or*  
 24       *imprisoned for not more than 5 years, or both, in the*

1       *case of an initial violation, subject to paragraphs (3)*  
2       *and (4),*

3               *“(2) fined under title 18, United States Code, or*  
4       *imprisoned for not more than 10 years, or both, in*  
5       *the case of a violation which occurs after a prior con-*  
6       *viction for another offense under subsection (a) be-*  
7       *comes final, subject to paragraphs (3) and (4),*

8               *“(3) fined under title 18, United States Code, or*  
9       *imprisoned for not more than 20 years, in the case*  
10       *of a violation which is committed to facilitate a drug*  
11       *trafficking crime (as defined in section 929(a)(2) of*  
12       *title 18, United States Code) or in connection with a*  
13       *crime of violence (as defined in section 924(c)(3) of*  
14       *title 18, United States Code) involving force against*  
15       *the person of another, subject to paragraph (4), and*

16               *“(4) fined under title 18, United States Code, or*  
17       *imprisoned for not more than 25 years, in the case*  
18       *of a violation which is committed to facilitate an act*  
19       *of international or domestic terrorism (as defined in*  
20       *paragraphs (1) and (5), respectively, of section 2331*  
21       *of title 18, United States Code).”.*

22       *(d) EFFECTIVE DATE.—The amendments made by this*  
23       *section shall apply with respect to violations occurring after*  
24       *the date of the enactment of this Act.*

1 **SEC. 13. REGULATORY AND ENFORCEMENT AUTHORITY**  
 2 **WITH RESPECT TO MISUSE OF THE SOCIAL**  
 3 **SECURITY ACCOUNT NUMBER.**

4 *Title XI of the Social Security Act is amended by in-*  
 5 *serting after section 1129B (42 U.S.C. 1320a–7b) the fol-*  
 6 *lowing new section:*

7 *“REGULATORY AND ENFORCEMENT AUTHORITY WITH RE-*  
 8 *SPECT TO MISUSE OF THE SOCIAL SECURITY ACCOUNT*  
 9 *NUMBER*

10 *“SEC. 1129C. (a) REGULATORY AUTHORITY.—*

11 *“(1) IN GENERAL.—The Commissioner of Social*  
 12 *Security shall prescribe regulations to carry out the*  
 13 *provisions of clauses (vi)(II), (x), (xi), (xii), (xiii),*  
 14 *(xiv), and (xv) of section 205(c)(2)(C) and section*  
 15 *208A. Such regulations shall be issued in consultation*  
 16 *with the Federal Trade Commission, the Attorney*  
 17 *General of the United States, the Secretary of Home-*  
 18 *land Security, the Secretary of Health and Human*  
 19 *Services, the Secretary of the Treasury, the Federal*  
 20 *banking agencies (as defined in section 3 of the Fed-*  
 21 *eral Deposit Insurance Act), the National Credit*  
 22 *Union Administration, the Securities and Exchange*  
 23 *Commission, State attorneys general, and such rep-*  
 24 *resentatives of the State insurance commissioners as*  
 25 *may be designated by the National Association of In-*  
 26 *surance Commissioners.*

1           “(2) *TREATMENT OF MATTERS RELATING TO LAW*  
2           *ENFORCEMENT AND NATIONAL SECURITY.—In issuing*  
3           *the regulations described in paragraph (1) with re-*  
4           *spect to the provisions of 205(c)(2)(C)(x)(III), para-*  
5           *graph (A) or (B) of section 208A(b)(2), or section*  
6           *208A(c)(2) (relating to law enforcement and national*  
7           *security), the sale or purchase of Social Security ac-*  
8           *count numbers may be authorized only if the Com-*  
9           *missioner (or the agency or instrumentality delegated*  
10          *authority to issue such regulations under paragraph*  
11          *(5)) determines that—*

12                   “(A) *such sale or purchase would serve a*  
13                   *compelling public interest that cannot reasonably*  
14                   *be served through alternative measures, and*

15                   “(B) *such sale or purchase will not pose an*  
16                   *unreasonable risk of identity theft, or bodily,*  
17                   *emotional, or financial harm to an individual*  
18                   *(taking into account any restrictions and condi-*  
19                   *tions that the agency or instrumentality issuing*  
20                   *the regulations imposes on the sale, purchase, or*  
21                   *disclosure).*

22           “(3) *TREATMENT OF OTHER MATTERS IN GEN-*  
23           *ERAL DISCRETION OF THE COMMISSIONER.—*

24                   “(A) *IN GENERAL.—In issuing the regula-*  
25                   *tions described in paragraph (1) with respect to*

1       the provisions of section 205(c)(2)(C)(x)(VIII) or  
2       section 208A(b)(3)(B), the sale, purchase, or dis-  
3       play to the general public of social security ac-  
4       count numbers may be authorized only after con-  
5       sidering, among other relevant factors—

6               “(i) the extent to which the authoriza-  
7               tion of the sale, purchase, or display of the  
8               social security account number would serve  
9               a compelling public interest that cannot  
10              reasonably be served through alternative  
11              measures,

12             “(ii) the associated cost or burden of  
13             the authorization to the general public,  
14             businesses, commercial enterprises, non-  
15             profit organizations, and Federal, State,  
16             and local governments; and

17             “(iii) the associated benefit of the au-  
18             thorization to the general public, businesses,  
19             commercial enterprises, non-profit associa-  
20             tions, and Federal, State, and local govern-  
21             ments.

22             “(B) RESTRICTIONS AND CONDITIONS.—If,  
23             after considering the factors in subparagraph  
24             (A), the sale, purchase, or display to the general  
25             public of social security account numbers is au-

1        *thorized under regulations referred to in sub-*  
2        *paragraph (A), the Commissioner (or the agency*  
3        *or instrumentality delegated authority to issue*  
4        *such regulations under paragraph (5)) shall im-*  
5        *pose restrictions and conditions on the sale, pur-*  
6        *chase, or display to the general public to the ex-*  
7        *tent necessary—*

8                *“(i) to provide reasonable assurances*  
9                *that social security account numbers will*  
10              *not be used to commit or facilitate fraud,*  
11              *deceptions, or crime, and*

12              *“(ii) to prevent an unreasonable risk of*  
13              *identity theft or bodily, emotional, or finan-*  
14              *cial harm to any individual, considering*  
15              *the nature, likelihood, and severity of the*  
16              *anticipated harm that could result from the*  
17              *sale, purchase, or display to the general*  
18              *public of social security account numbers,*  
19              *together with the nature, likelihood, and ex-*  
20              *tent of any benefits that could be realized.*

21              *“(C) 5-YEAR EXPIRATION DATE FOR REGU-*  
22              *LATIONS.—At the end of the 5-year period begin-*  
23              *ning on the effective date of any final regulations*  
24              *issued pursuant to this paragraph—*

25              *“(i) such regulations shall expire, and*



1                   “(ii) new regulations may be issued  
2                   pursuant to this paragraph.

3                   “(4) ADMINISTRATIVE PROCEDURE.—In the  
4                   issuance of regulations pursuant to this subsection,  
5                   notice shall be provided as described in paragraphs  
6                   (1), (2), and (3) of section 553(b) of title 5, United  
7                   States Code, and opportunity to participate in the  
8                   rule making shall be provided in accordance with sec-  
9                   tion 553(c) of such title.

10                  “(5) DELEGATION TO OTHER AGENCIES.—Any  
11                  agency or instrumentality of the United States may  
12                  exercise the authority of the Commissioner under this  
13                  subsection, with respect to matters otherwise subject to  
14                  regulation by such agency or instrumentality, to the  
15                  extent determined appropriate in regulations of the  
16                  Commissioner.

17                  “(6) CONSULTATION AND COORDINATION.—Each  
18                  agency and instrumentality exercising authority to  
19                  issue regulations under this subsection shall consult  
20                  and coordinate with the other such agencies and in-  
21                  strumentalities for the purposes of assuring, to the ex-  
22                  tent possible, that the regulations prescribed by each  
23                  such agency or instrumentality are consistent and  
24                  comparable, as appropriate, with the regulations pre-  
25                  scribed by the other such agencies and instrumental-

1        *ities. The Commissioner shall undertake to facilitate*  
 2        *such consultation and coordination.*

3                “(7) *DEFINITIONS AND SPECIAL RULES.—*

4                “(A) *For purposes of this subsection, the*  
 5                *terms ‘sell’, ‘purchase’, and ‘display to the gen-*  
 6                *eral public’ shall have the meanings provided*  
 7                *such terms under section 205(c)(2)(C)(x) or sec-*  
 8                *tion 208A(a), as applicable.*

9                “(B) *For purposes of this subsection, section*  
 10                *205(c)(2)(C)(x)(XI) shall apply.*

11               “(b) *COORDINATION OF ENFORCEMENT WITH OTHER*  
 12 *AGENCIES.—The Commissioner may provide, by regula-*  
 13 *tion, for enforcement by any other agency or instrumen-*  
 14 *tality of the United States of the provisions of section 208A*  
 15 *and regulations prescribed pursuant to subsection (a)(1)*  
 16 *with respect to section 208A.*

17               “(c) *ACTIONS BY STATES WITH RESPECT TO MISUSE*  
 18 *IN PRIVATE SECTOR OR BY STATE AND LOCAL GOVERN-*  
 19 *MENTS.—*

20               “(1) *CIVIL ACTIONS.—In any case in which the*  
 21 *attorney general of a State (as defined in section*  
 22 *205(c)(2)(C)(x)(X)) has reason to believe that an in-*  
 23 *terest of the residents of that State has been or is*  
 24 *threatened or adversely affected by an act or practice*  
 25 *described in paragraph (2), the State, as parens*

1        *patriae, may bring a civil action on behalf of the resi-*  
2        *dents of the State in a district court of the United*  
3        *States of appropriate jurisdiction, to—*

4                *“(A) enjoin that act or practice;*

5                *“(B) enforce compliance with the regula-*  
6        *tion;*

7                *“(C) obtain civil penalties in an amount of*  
8        *\$11,000 per violation not to exceed a total of*  
9        *\$5,000,000; or*

10               *“(D) obtain such other legal and equitable*  
11        *relief as the district court may consider to be ap-*  
12        *propriate.*

13        *Before filing an action under this subsection, the at-*  
14        *torney general of the State involved shall provide to*  
15        *the Commissioner of Social Security and the Attorney*  
16        *General of the United States a written notice of that*  
17        *action and a copy of the complaint for that action.*

18        *If the State attorney general determines that it is not*  
19        *feasible to provide the notice described in this sub-*  
20        *paragraph before the filing of the action, the State at-*  
21        *torney general shall provide the written notice and*  
22        *the copy of the complaint as soon after the filing of*  
23        *the complaint as practicable. Any reference in this*  
24        *subsection to the attorney general of a State shall be*

1        *deemed also to be a reference to any equivalent offi-*  
 2        *cial of such State.*

3                “(2) *ACTS OR PRACTICES SUBJECT TO ENFORCE-*  
 4        *MENT.—An act or practice described in this para-*  
 5        *graph is—*

6                “(A) *an act or practice by an executive, leg-*  
 7        *islative, or judicial agency or instrumentality of*  
 8        *the State involved or a political subdivision*  
 9        *thereof, a person acting as an agent thereof, or*  
 10       *any officer or employee of the foregoing or person*  
 11       *acting as an agent of the foregoing that violates*  
 12       *clause (vi)(II), (x), (xi), (xii), (xiii), (xiv), or*  
 13       *(xv) of section 205(c)(2)(C) or any regulation*  
 14       *promulgated thereunder, or*

15               “(B) *an act or practice by any person that*  
 16       *violates section 208A or any regulation promul-*  
 17       *gated thereunder.*

18               “(3) *ATTORNEY GENERAL AUTHORITY.—On re-*  
 19       *ceiving notice under paragraph (1), the Attorney*  
 20       *General of the United States shall have the right—*

21               “(A) *to move to stay the action, pending the*  
 22       *final disposition of a pending Federal matter as*  
 23       *described in paragraph (4);*

24               “(B) *to intervene in an action under para-*  
 25       *graph (1);*

1                   “(C) upon so intervening, to be heard on all  
2                   matters arising therein; and

3                   “(D) to file petitions for appeal.

4                   “(4) *PENDING CRIMINAL PROCEEDINGS.*—If the  
5                   Attorney General of the United States has instituted  
6                   a criminal proceeding under section 208 alleging an  
7                   act or practice described in paragraph (2) in connec-  
8                   tion with any State, such State may not, during the  
9                   pendency of such proceeding or action, bring an ac-  
10                  tion under this subsection against any defendant  
11                  named in the criminal proceeding.

12                  “(5) *RULE OF CONSTRUCTION.*—For purposes of  
13                  bringing any civil action under paragraph (1), noth-  
14                  ing in this subsection shall be construed to prevent an  
15                  attorney general of a State from exercising the powers  
16                  conferred on the attorney general by the laws of that  
17                  State to conduct investigations, administer oaths and  
18                  affirmations, or compel the attendance of witnesses or  
19                  the production of documentary and other evidence.

20                  “(6) *VENUE; SERVICE OF PROCESS.*—Any action  
21                  brought under paragraph (1) may be brought in any  
22                  district court of the United States that meets applica-  
23                  ble requirements relating to venue under section 1391  
24                  of title 28, United States Code. In an action brought  
25                  under paragraph (1), process may be served in any

1        *district in which the defendant is an inhabitant or*  
 2        *may be found.*

3        “(d) *REMEDIES TO INDIVIDUALS FOR VIOLATIONS BY*  
 4        *THE FEDERAL GOVERNMENT OF REQUIREMENTS RELATING*  
 5        *TO SOCIAL SECURITY ACCOUNT NUMBERS.—*

6                “(1) *CIVIL ACTIONS.—Any individual who is ag-*  
 7        *grieved by an act or practice by any person acting*  
 8        *as an officer, employee, or agent of an agency or in-*  
 9        *strumentality of the Federal Government in violation*  
 10        *of the requirements of clause (vi)(II), (x), (xi), (xii),*  
 11        *(xiii), (xiv), or (xv) of subsection (c)(2)(C) with re-*  
 12        *spect to the social security account number assigned*  
 13        *to such individual under subsection (c)(2)(B) may*  
 14        *commence a civil action for appropriate equitable re-*  
 15        *lief or actual damages.*

16                “(2) *VENUE; SERVICE OF PROCESS.—An action*  
 17        *under this subsection action may be brought in the*  
 18        *district court of the United States for the judicial dis-*  
 19        *trict in which the plaintiff resides, or has his prin-*  
 20        *cipal place of business, in which the violation took*  
 21        *place, or in which the defendant resides or may be*  
 22        *found, and process may be served in any other dis-*  
 23        *trict in which a defendant resides or may be found.*

24                “(3) *JURISDICTION.—The district courts of the*  
 25        *United States shall have jurisdiction, without respect*

1       to the amount in controversy or the citizenship of the  
2       parties, to grant the relief provided for in paragraph  
3       (1).

4               “(4) *ATTORNEY’S FEES.*—In any action under  
5       this subsection, the court in its discretion may allow  
6       a reasonable attorney’s fee and costs of action to ei-  
7       ther party.

8               “(e) *ONGOING GAO REVIEW ON EFFICACY OF REGU-*  
9       *LATIONS.*—

10              “(1) *IN GENERAL.*—The Comptroller General of  
11       the United States shall conduct an ongoing review of  
12       the efficacy of the regulations prescribed by any agen-  
13       cy or instrumentality of the United States pursuant  
14       to this section. Such review shall consider the extent  
15       to which such regulations are consistent with, and in  
16       furtherance of the purposes of, the amendments made  
17       by the Social Security Number Privacy and Identity  
18       Theft Prevention Act of 2007.

19              “(2) *REPORT.*—Not later than 4 years after the  
20       effective date of any final regulations issued by any  
21       agency or instrumentality of the United States pursu-  
22       ant to this section, the Comptroller General shall re-  
23       port to each House of the Congress regarding the re-  
24       sults of the review of such regulations conducted  
25       under this paragraph. Such report shall include the

1        *Comptroller General's recommendations for such stat-*  
 2        *utory or regulatory changes as the Comptroller Gen-*  
 3        *eral considers appropriate."*

4    **SEC. 14. STUDY ON FEASIBILITY OF BANNING SOCIAL SECU-**  
 5                    **RITY ACCOUNT NUMBER AS AN AUTHEN-**  
 6                    **TICATOR.**

7        *(a) STUDY.—As soon as practicable after the date of*  
 8        *the enactment of this Act, the Commissioner of Social Secu-*  
 9        *rity shall enter into an arrangement with the National Re-*  
 10       *search Council under which the Council shall carry out a*  
 11       *study to determine—*

12                *(1) the extent of the use of social security account*  
 13        *numbers as a primary means of authenticating iden-*  
 14        *tity;*

15                *(2) the extent of the use of social security account*  
 16        *numbers for verification in commercial transactions;*  
 17        *and*

18                *(3) the feasibility of a prohibition on such use.*  
 19        *The study shall also examine possible alternatives to social*  
 20        *security account numbers for verification purposes and uses*  
 21        *in authenticating identity.*

22        *(b) REPORT.—The arrangement entered into with the*  
 23        *Council under this section shall provide for submission by*  
 24        *the Council to the Commissioner and to each House of the*  
 25        *Congress of a report setting forth the results of the Council's*



1 *study under this section, together with the Council's find-*  
2 *ings and recommendations, no later than 1 year after the*  
3 *effective date of the initial final regulations issued by the*  
4 *Commissioner pursuant to the amendments made by section*  
5 *2 of this Act.*

Union Calendar No. 210

110TH CONGRESS  
1ST Session

**H. R. 3046**

[Report No. 110-339]

**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.

SEPTEMBER 24, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed