

110TH CONGRESS
1ST SESSION

S. 1691

To amend title 18, United States Code, to restrict the public display on the Internet of all or any portion of social security account numbers by State and local governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2007

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

A BILL

To amend title 18, United States Code, to restrict the public display on the Internet of all or any portion of social security account numbers by State and local governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Num-
5 ber Online Protection Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The inappropriate display of social security
2 account numbers has contributed to a growing range
3 of illegal activities, including fraud, identity theft,
4 stalking, and other crimes that have a substantial
5 effect on interstate commerce and public safety.

6 (2) The Federal Government requires virtually
7 every individual in the United States to obtain and
8 maintain a social security account number in order
9 to pay taxes, to qualify for old-age, survivors, and
10 disability insurance benefits under title II of the So-
11 cial Security Act, or to seek employment. An unin-
12 tended consequence of these requirements is that so-
13 cial security account numbers have become one of
14 the tools that can be used to facilitate crime, fraud,
15 and invasions of the privacy of the individuals to
16 whom the numbers are assigned. Because the Fed-
17 eral Government created and maintains this system,
18 and because the Federal Government does not per-
19 mit individuals to exempt themselves from those re-
20 quirements, it is appropriate for the Federal Govern-
21 ment to take steps to stem the abuse of social secu-
22 rity account numbers.

23 (3) In most jurisdictions throughout the United
24 States, State and local law requires that certain
25 public documents, such as business filings, property

1 records, and birth and marriage certificates, be
2 made available to the general public. These docu-
3 ments may contain an individual's social security ac-
4 count number. An increasing number of official
5 records repositories, such as repositories maintained
6 by a Secretary of State's office or a local clerk's of-
7 fice, are storing such records on the Internet. In a
8 report issued in November 2004, the Government
9 Accountability Office estimated that between 15 and
10 28 percent of counties display records containing so-
11 cial security account numbers on the Internet, po-
12 tentially affecting millions of individuals. Due to a
13 patchwork of practices and regulations, the risk of
14 exposure of social security account numbers through
15 the Internet is highly variable across States and lo-
16 calities. While online availability of public records
17 improves access, it also increases the risk that social
18 security account numbers will be widely displayed
19 and misused.

1 **SEC. 3. PROHIBITION ON THE DISPLAY TO THE GENERAL**
 2 **PUBLIC ON THE INTERNET OF ALL OR ANY**
 3 **PORTION OF SOCIAL SECURITY ACCOUNT**
 4 **NUMBERS BY STATE AND LOCAL GOVERN-**
 5 **MENTS.**

6 (a) IN GENERAL.—Chapter 88 of title 18, United
 7 States Code, is amended by inserting at the end the fol-
 8 lowing:

9 **“§ 1802. Prohibition on the display to the general**
 10 **public on the Internet of all or any por-**
 11 **tion of social security account numbers**
 12 **by State and local governments**

13 “(a) IN GENERAL.—A State, a political subdivision
 14 of a State, or any officer, employee, or contractor of a
 15 State or a political subdivision of a State, shall not display
 16 to the general public on the Internet all or any portion
 17 of any social security account number.

18 “(b) RULES OF CONSTRUCTION; DEEMED COMPLI-
 19 ANCE.—

20 “(1) RULES OF CONSTRUCTION.—Nothing in
 21 this section shall be construed to supersede, alter, or
 22 affect—

23 “(A) any restriction or limitation on the
 24 display to the general public on the Internet of
 25 all, or any part of, social security account num-
 26 bers provided for in any statute, regulation, or

1 order of the Federal Government, a State, or a
2 political subdivision of a State, or under any in-
3 terpretation of such a statute, regulation, or
4 order, if the restriction or limitation is greater
5 than that provided under this section; or

6 “(B) any statute, regulation, or order of
7 the Federal Government, a State, or a political
8 subdivision of a State relating to the submission
9 of a social security account number to a State
10 or a political subdivision of a State.

11 “(2) DEEMED COMPLIANCE.—A State, a polit-
12 ical subdivision of a State, or any officer, employee,
13 or contractor of a State or a political subdivision of
14 a State, shall be deemed to be in compliance with
15 the requirements of subsection (a) if the State or po-
16 litical subdivision permits an individual to submit in
17 addition to original material required to be sub-
18 mitted to the State or political subdivision that con-
19 tains all or any portion of the individual’s social se-
20 curity account number, a duplicate of the material
21 that has all of the individual’s social security ac-
22 count number redacted.

23 “(c) PENALTIES.—A State or a political subdivision
24 of a State that has a policy or practice of substantial non-
25 compliance with this section shall be subject to a civil pen-

1 alty imposed by the Attorney General of not more than
 2 \$5,000 a day for each day of substantial noncompliance.

3 “(d) ENFORCEMENT.—The Attorney General may
 4 bring a civil action against a State, a political subdivision
 5 of a State, or any officer, employee, or contractor of a
 6 State or a political subdivision of a State, in any appro-
 7 priate United States District Court for appropriate relief
 8 with respect to a display to the general public on the Inter-
 9 net of all or any portion of any social security account
 10 number in violation of this section.

11 “(e) DEFINITIONS.—In this section:

12 “(1) DISPLAY TO THE GENERAL PUBLIC ON
 13 THE INTERNET.—

14 “(A) IN GENERAL.—The term ‘display to
 15 the general public on the Internet’ means, in
 16 connection with all or any portion of a social se-
 17 curity account number, to place such number or
 18 any portion of such number, in a viewable man-
 19 ner on an Internet site that is available to the
 20 general public, including any Internet site that
 21 requires a fee for access to information acces-
 22 sible on or through the site.

23 “(B) INCLUSION OF CERTAIN UNPRO-
 24 TECTED TRANSMISSIONS.—In any case in which
 25 a State, a political subdivision of a State, or

1 any officer, employee, or contractor of a State
 2 or a political subdivision of a State, requires as
 3 a condition of doing business transmittal of all,
 4 or any part of, an individual's social security
 5 account number by means of the Internet with-
 6 out reasonable provisions to ensure that such
 7 number is encrypted or otherwise secured from
 8 disclosure, any such transmittal of such number
 9 shall be treated as a 'display to the general
 10 public on the Internet' for purposes of this sec-
 11 tion.

12 “(2) SOCIAL SECURITY ACCOUNT NUMBER.—
 13 The term ‘social security account number’ means the
 14 account number assigned to an individual by the
 15 Commissioner of Social Security in the exercise of
 16 the Commissioner's authority under section
 17 205(c)(2) of the Social Security Act and includes
 18 any derivative of such number.”

19 (b) CLERICAL AMENDMENT.—The chapter analysis
 20 for chapter 88 of title 18, United States Code, is amended
 21 by adding at the end the following:

“1802. Prohibition on the display to the general public on the Internet of all
 or any portion of social security account numbers by State and
 local governments.”

22 (c) EFFECTIVE DATE.—The amendments made by
 23 subsections (a) and (b) shall take effect on the date that

1 is 180 days after the date of enactment of this Act and
2 shall apply to violations occurring on or after that date.

3 (d) NO RETROACTIVE APPLICATION.—Nothing in
4 section 1802 of title 18, United States Code, as added by
5 the amendments made by subsections (a) and (b), shall
6 be construed as applying to the placement of all or any
7 portion of a social security account number in a viewable
8 manner on an Internet site that is available to the general
9 public, including any Internet site that requires a fee for
10 access to information accessible on or through the site,
11 by a State, a political subdivision of a State, or any officer,
12 employee, or contractor of a State or a political subdivision
13 of a State, that is done prior to the effective date of such
14 amendments.

15 **SEC. 4. GRANTS TO STATE AND LOCAL GOVERNMENTS TO**
16 **COME INTO COMPLIANCE WITH THE PROHI-**
17 **BITION ON THE DISPLAY TO THE GENERAL**
18 **PUBLIC ON THE INTERNET OF ALL OR ANY**
19 **PORTION OF SOCIAL SECURITY ACCOUNT**
20 **NUMBERS.**

21 (a) IN GENERAL.—The Attorney General shall award
22 grants to States and political subdivisions of States to
23 carry out activities to remove or redact all social security
24 account numbers from forms and records of executive, leg-
25 islative, and judicial agencies of States and political sub-

1 divisions of States that, as of the date of enactment of
2 this Act, have been displayed to the general public on the
3 Internet and would be a violation of section 1802 of title
4 18, United States Code, (as added by section 3) if that
5 section had been in effect at the time such numbers were
6 first displayed.

7 (b) APPLICATION.—A State or political subdivision of
8 a State desiring a grant under this section shall submit
9 an application to the Attorney General at such time, in
10 such manner, and containing such information as the At-
11 torney General shall require.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Attorney General to
14 carry out this section, \$10,000,000 for each of fiscal years
15 2008 and 2009.

16 (d) DEFINITION OF STATE.—In this section, the term
17 “State” means each of the 50 States, the District of Co-
18 lumbia, the Commonwealth of Puerto Rico, the United
19 States Virgin Islands, Guam, and the Commonwealth of
20 the Northern Marianas.

○