

107TH CONGRESS  
1ST SESSION

# S. 451

To establish civil and criminal penalties for the sale or purchase of a social security number.

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IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

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

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## A BILL

To establish civil and criminal penalties for the sale or purchase of a social security number.

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 Protection Act of 2001”.

6 **SEC. 2. PROHIBITION OF THE SALE OR PURCHASE OF A SO-**  
7 **CIAL SECURITY NUMBER.**

8 (a) DEFINITIONS.—In this section:

1           (1) PURCHASE.—The term “purchase” means  
2 providing directly or indirectly, anything of value in  
3 exchange for a social security number.

4           (2) SALE.—The term “sale” means obtaining,  
5 directly or indirectly, anything of value in exchange  
6 for a social security number.

7           (3) SOCIAL SECURITY NUMBER.—The term “so-  
8 cial security number” has the meaning given that  
9 term in section 208(c) of the Social Security Act (42  
10 U.S.C. 408(c)), and includes a social security ac-  
11 count number (as defined in such section) and any  
12 identifying portion or derivative of such a number.

13           (b) PROHIBITION OF THE SALE OR PURCHASE OF A  
14 SOCIAL SECURITY NUMBER.—No person may sell or pur-  
15 chase a social security number.

16           (c) CIVIL MONEY PENALTIES.—

17           (1) IN GENERAL.—Any person who the Attor-  
18 ney General determines has violated subsection (b)  
19 shall be subject, in addition to any other penalties  
20 that may be prescribed by law, to a civil money pen-  
21 alty of not more than—

22                   (A) in the case of an individual, \$10,000  
23 for each such violation; and

24                   (B) in the case of any other person,  
25 \$100,000 for each such violation.

1           (2) ENFORCEMENT PROCEDURES.—The provi-  
2           sions of section 1128A of the Social Security Act  
3           (42 U.S.C. 1320a–7a) (other than subsections (a),  
4           (b), (f), (h), (i), (j), and (m), and the first sentence  
5           of subsection (c)), and the provisions of subsections  
6           (d) and (e) of section 205 of the Social Security Act  
7           (42 U.S.C. 405), shall apply to a civil money penalty  
8           imposed under this subsection in the same manner  
9           as such provisions apply, respectively, to a penalty or  
10          proceeding under section 1128A(a) of that Act or to  
11          a hearing, investigation, or other proceeding author-  
12          ized or directed under title II of that Act, except  
13          that, for purposes of this paragraph, any reference  
14          in section 1128A of that Act to “the Secretary” and  
15          any reference in section 205 of that Act to “the  
16          Commissioner of Social Security” shall be deemed to  
17          be a reference to the “Attorney General”.

18          (d) CRIMINAL SANCTIONS.—Section 208(a) of the  
19          Social Security Act (42 U.S.C. 408(a)) is amended—

20                 (1) in paragraph (8), by inserting “or” after  
21                 the semicolon; and

22                 (2) by inserting after paragraph (8) the fol-  
23                 lowing new paragraph:

24                         “(9) knowingly and willfully sells or purchases  
25                         (as such terms are defined in section 2(a) of the So-

1       cial Security Number Protection Act of 2001) a so-  
2       cial security number (as defined in subsection (c));”.

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