

108TH CONGRESS
2D SESSION

S. 2801

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2004

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

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
5 “Social Security Number Privacy and Identity Theft Pre-
6 vention Act of 2004”.

- 1 (b) TABLE OF CONTENTS.—The table of contents is
 2 as follows:

Sec. 1. Short title and table of contents.

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

- Sec. 101. Restrictions on the sale or display to the general public of Social Security account numbers by governmental agencies.
 Sec. 102. Regulatory authority.
 Sec. 103. Prohibition of display of Social Security account numbers on checks issued for payment by governmental agencies.
 Sec. 104. Prohibition of the display of Social Security account numbers on driver's licenses or motor vehicle registrations.
 Sec. 105. Prohibition of the display of personal identification numbers on government employee identification cards or tags.
 Sec. 106. Prohibition of inmate access to Social Security account numbers.
 Sec. 107. Measures to preclude unauthorized disclosure of Social Security account numbers and protect the confidentiality of such numbers.
 Sec. 108. Prohibition of sale, purchase, and display to the general public of the Social Security account number in the private sector.
 Sec. 109. Confidential treatment of credit header information.
 Sec. 110. Refusal to do business without receipt of Social Security account number considered unfair or deceptive Act or practice.

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

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

TITLE III—ENFORCEMENT

- Sec. 301. New criminal penalties for misuse of Social Security account numbers.
 Sec. 302. Extension of civil monetary penalty authority.
 Sec. 303. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue Social Security cards or Social Security account numbers.
 Sec. 304. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

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

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

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

12 “(x)(I) An executive, legislative, or judicial agency or
 13 instrumentality of the Federal Government or of a State
 14 or a political subdivision thereof or a trustee appointed
 15 in a case under title 11, United States Code (or person
 16 acting as an agent of such an agency or instrumentality
 17 or trustee) may not sell or display to the general public
 18 any Social Security account number if such number has
 19 been disclosed to such agency, instrumentality, trustee, or
 20 agent pursuant to the assertion by such an agency, instru-
 21 mentality, trustee, or agent to any person that disclosure
 22 of such number is mandatory. Notwithstanding the pre-
 23 ceding sentence, such number may be sold or displayed
 24 to the general public in accordance with the exceptions

1 specified in subclauses (II), (III), (IV), (V), (VI), (VII),
2 and (VIII) (and for no other purpose).

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

7 “(III) Notwithstanding subclause (I), a Social Secu-
8 rity account number may be sold by an agency, instrumen-
9 tality, trustee, or agent referred to in subclause (I) to the
10 extent that is necessary or appropriate for law enforce-
11 ment or national security purposes, as determined under
12 regulations which shall be issued as provided in subpara-
13 graph (I) of this paragraph.

14 “(IV) Notwithstanding subclause (I), a Social Secu-
15 rity account number may be sold by an agency, instrumen-
16 tality, trustee, or agent referred to in subclause (I) to the
17 extent that such sale is required to comply with a tax law
18 of the United States or of any State (or political subdivi-
19 sion thereof).

20 “(V) Notwithstanding subclause (I), a Social Security
21 account number may be sold by a State department of
22 motor vehicles as authorized under subsection (b) of sec-
23 tion 2721 of title 18, United States Code, if such number
24 is to be used pursuant to such sale solely for purposes

1 permitted under paragraph (1), (6), or (9) of such sub-
2 section.

3 “(VI) Notwithstanding subclause (I), a Social Secu-
4 rity account number may be sold or otherwise made avail-
5 able by an agency, instrumentality, trustee, or agent re-
6 ferred to in subclause (I) to a consumer reporting agency
7 (as defined in section 603(f) of the Fair Credit Reporting
8 Act (15 U.S.C. 1681a(f))) for use or disclosure solely for
9 permissible purposes described in section 604(a) of such
10 Act (15 U.S.C. 1681b(a)).

11 “(VII) Notwithstanding subclause (I), a Social Secu-
12 rity account number may be sold by an agency, instrumen-
13 tality, trustee, or agent referred to in subclause (I) to the
14 extent necessary for research (other than market research)
15 conducted by any agency or instrumentality referred to in
16 subclause (I) (or an agent of such an agency or instrumen-
17 tality) for the purpose of advancing the public good, on
18 the condition that the researcher provides adequate assur-
19 ances that the Social Security account numbers will not
20 be used to harass, target, or publicly reveal information
21 concerning any identifiable individuals, that information
22 about identifiable individuals obtained from the research
23 will not be used to make decisions that directly affect the
24 rights, benefits, or privileges of specific individuals, and
25 that the researcher has in place appropriate safeguards

1 to protect the privacy and confidentiality of any informa-
2 tion about identifiable individuals, including procedures to
3 ensure that the Social Security account numbers will be
4 encrypted or otherwise appropriately secured from unau-
5 thorized disclosure. In the case of Social Security account
6 numbers which constitute personally identifiable medical
7 information, the Commissioner of Social Security, with re-
8 spect to medical research referred to in the preceding sen-
9 tence, and the Attorney General of the United States, with
10 respect to any medical research not referred to in the pre-
11 ceding sentence but which is treated in regulations of the
12 Attorney General issued pursuant to subclause (VIII),
13 shall maintain ongoing consultation with the Office for
14 Civil Rights of the Department of Health and Human
15 Services to ensure that the sale or purchase of such Social
16 Security account numbers is permitted only in compliance
17 with existing Federal rules and regulations prescribed by
18 the Secretary of Health and Human Services pursuant to
19 section 264(c) of the Health Insurance Portability and Ac-
20 countability Act of 1996 (110 Stat. 2033).

21 “(VIII) Notwithstanding subclause (I), a Social Secu-
22 rity account number may be sold or displayed to the gen-
23 eral public by an agency, instrumentality, trustee, or agent
24 referred to in subclause (I) under such other cir-

1 cumstances as may be specified in regulations issued as
2 provided in subparagraph (I) of this paragraph.

3 “(IX) This clause does not apply with respect to a
4 Social Security account number of a deceased individual.

5 “(X) For purposes of this clause, the term ‘sell’
6 means, in connection with a Social Security account num-
7 ber, to accept an item of material value in exchange for
8 such number.

9 “(XI) For purposes of this clause, the term ‘display
10 to the general public’ shall have the meaning provided
11 such term in section 208A(a)(3)(A). In any case in which
12 an agency, instrumentality, trustee, or agent referred to
13 in subclause (I) requires transmittal to such agency, in-
14 strumentality, trustee, or agent of an individual’s Social
15 Security account number by means of the Internet without
16 reasonable provisions to ensure that such number is
17 encrypted or otherwise appropriately secured from disclo-
18 sure, any such transmittal of such number as so required
19 shall be treated, for purposes of this clause, as a ‘display
20 to the general public’ of such number by such agency, in-
21 strumentality, trustee, or agent for purposes of this clause.

22 “(XII) For purposes of this clause, the term Social
23 Security account number includes any derivative of such
24 number. Notwithstanding the preceding sentence, any ex-
25 pression, contained in or on any item sold or displayed

1 to the general public, shall not be treated as a Social Secu-
2 rity account number solely because such expression sets
3 forth not more than the last 4 digits of such number if
4 the remainder of such number cannot be determined based
5 solely on such expression or any other matter presented
6 in such material.

7 “(XIII) Nothing in this clause shall be construed to
8 supersede, alter, or affect any restriction or limitation on
9 the sale or display to the general public of Social Security
10 account numbers, provided in any Federal statute, regula-
11 tion, order, or interpretation, if the restriction or limita-
12 tion is greater than that provided under this clause, as
13 determined under applicable regulations issued by the
14 Commissioner of Social Security or by the Attorney Gen-
15 eral of the United States or another agency or instrumen-
16 tality of the United States as provided in subparagraph
17 (I) of this paragraph.”.

18 (b) EFFECTIVE DATE AND RELATED RULES.—

19 (1) IN GENERAL.—Initial final regulations pre-
20 scribed to carry out the provisions of section
21 205(c)(2)(C)(x) of the Social Security Act (added by
22 this section) shall be issued not later than the last
23 date of the 18th calendar month following the date
24 of the enactment of this Act. Such provisions shall
25 take effect, with respect to matters governed by such

1 regulations issued by the Commissioner of Social Se-
2 curity, or (pursuant to section 205(c)(2)(I) of such
3 Act (added by section 102)) by the Attorney General
4 of the United States or any other agency or instru-
5 mentality of the United States, 1 year after the date
6 of the issuance of such regulations by the Commis-
7 sioner, the Attorney General, or such other agency
8 or instrumentality, respectively. Such amendment
9 shall apply in the case of displays to the general
10 public, as defined in section 208A(a)(3) of such Act
11 (added by section 108), to such displays originally
12 occurring after such 1-year period. Such provisions
13 shall not apply with respect to any display of a
14 record (containing a Social Security account number
15 (or any derivative thereof)) generated prior to the
16 close of such 1-year period.

17 (2) SUNSET OF EXCEPTION.—The last sentence
18 of subclause (XI) of section 205(c)(2)(C)(x) of the
19 Social Security Act (added by this section) shall
20 cease to be effective with respect to sales, purchases,
21 or displays to the general public occurring after 6
22 years after the 18th calendar month referred to in
23 paragraph (1).

1 **SEC. 102. REGULATORY AUTHORITY.**

2 Section 205(c)(2) of the Social Security Act (42
3 U.S.C. 405(c)(2)) is amended by adding at the end the
4 following new subparagraph:

5 “(I)(i) The Attorney General of the United States
6 shall prescribe regulations to carry out the provisions of
7 subclauses (III) and (VIII) of subparagraph (C)(x) of this
8 paragraph, subparagraphs (A) and (B) of section
9 208A(b)(2), section 208A(b)(3)(B), and section
10 208A(c)(2). In issuing such regulations, the Attorney Gen-
11 eral shall consult with the Commissioner of Social Secu-
12 rity, the Secretary of Health and Human Services, the
13 Secretary of Homeland Security, the Secretary of the
14 Treasury, the Federal Trade Commission, the Federal
15 banking agencies (as defined in section 3 of the Federal
16 Deposit Insurance Act), the National Credit Union Ad-
17 ministration, the Securities and Exchange Commission,
18 State attorneys general, and such representatives of the
19 State insurance commissioners as may be designated by
20 the National Association of Insurance Commissioners.
21 Any agency or instrumentality of the United States may
22 exercise the authority of the Attorney General under this
23 subparagraph, with respect to matters otherwise subject
24 to regulation by such agency or instrumentality, to the ex-
25 tent determined appropriate in regulations of the Attorney
26 General.

1 “(ii) In issuing the regulations described in clause (i)
2 pursuant to the provisions of subparagraph (C)(x)(III),
3 paragraph (A) or (B) of section 208A(b)(2), or section
4 208A(c)(2) (relating to law enforcement and national se-
5 curity), the Attorney General may authorize the sale or
6 purchase of Social Security account numbers only if the
7 Attorney General determines that—

8 “(I) such sale or purchase would serve a com-
9 pelling public interest that cannot reasonably be
10 served through alternative measures, and

11 “(II) such sale or purchase will not pose an un-
12 reasonable risk of identity theft, or bodily, emo-
13 tional, or financial harm to an individual (taking
14 into account any restrictions and conditions that the
15 Attorney General imposes on the sale, purchase, or
16 disclosure).

17 “(iii) In issuing the regulations described in clause
18 (i) pursuant to the provisions of subparagraph
19 (C)(x)(VIII) of this paragraph or section 208A(b)(3)(B),
20 the Attorney General may authorize the sale, purchase,
21 or display to the general public of Social Security account
22 numbers only after considering, among other relevant fac-
23 tors—

24 “(I) the associated cost or burden to the gen-
25 eral public, businesses, commercial enterprises, non-

1 profit organizations, and Federal, State, and local
2 governments; and

3 “(II) the associated benefit to the general pub-
4 lic, businesses, commercial enterprises, non-profit as-
5 sociations, and Federal, State, and local govern-
6 ments.

7 “(iv) If, after considering the factors in clause (iii),
8 the Attorney General authorizes, in regulations referred
9 to in clause (iii), the sale, purchase, or display to the gen-
10 eral public of Social Security account numbers, the Attor-
11 ney General shall impose restrictions and conditions on
12 the sale, purchase, or display to the general public to the
13 extent necessary—

14 “(I) to provide reasonable assurances that So-
15 cial Security account numbers will not be used to
16 commit or facilitate fraud, deceptions, or crime, and

17 “(II) to prevent an unreasonable risk of identity
18 theft or bodily, emotional, or financial harm to any
19 individual, considering the nature, likelihood, and se-
20 verity of the anticipated harm that could result from
21 the sale, purchase, or display to the general public
22 of Social Security account numbers, together with
23 the nature, likelihood, and extent of any benefits
24 that could be realized.

1 “(v) In the issuance of regulations pursuant to this
2 subparagraph, notice shall be provided as described in
3 paragraphs (1), (2), and (3) of section 553(b) of title 5,
4 United States Code, and opportunity to participate in the
5 rule making shall be provided in accordance with section
6 553(c) of such title.

7 “(vi) Each agency and instrumentality exercising au-
8 thority to issue regulations under this subparagraph shall
9 consult and coordinate with the other such agencies and
10 instrumentalities for the purposes of assuring, to the ex-
11 tent possible, that the regulations prescribed by each such
12 agency or instrumentality are consistent and comparable,
13 as appropriate, with the regulations prescribed by the
14 other such agencies and instrumentalities. The Attorney
15 General shall undertake to facilitate such consultation and
16 coordination.

17 “(vii) For purposes of this subparagraph, the terms
18 ‘sell’, ‘purchase’, and ‘display to the general public’ shall
19 have the meanings provided such terms under subpara-
20 graph (C)(x) of this paragraph or under section 208A(a),
21 as applicable.

22 “(viii) For purposes of this subparagraph, subpara-
23 graph (C)(x)(XI) shall apply.”.

1 **SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY**
2 **ACCOUNT NUMBERS ON CHECKS ISSUED FOR**
3 **PAYMENT BY GOVERNMENTAL AGENCIES.**

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

8 “(xi) No executive, legislative, or judicial agency or
9 instrumentality of the Federal Government or of a State
10 or a political subdivision thereof or trustee appointed in
11 a case under title 11, United States Code (or person act-
12 ing as an agent of such an agency or instrumentality or
13 trustee) may include the Social Security account number
14 of any individual (or any derivative of such number) on
15 any check issued for any payment by the Federal Govern-
16 ment, any State or political subdivision thereof, or any
17 agency or instrumentality thereof, or such trustee or on
18 any document attached to or accompanying such a
19 check.”.

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

1 **SEC. 104. PROHIBITION OF THE DISPLAY OF SOCIAL SECUR-**
 2 **RITY ACCOUNT NUMBERS ON DRIVER'S LI-**
 3 **CENSES OR MOTOR VEHICLE REGISTRA-**
 4 **TIONS.**

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

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

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

11 “(II) Any State or political subdivision thereof (and
 12 any person acting as an agent of such an agency or instru-
 13 mentality), in the administration of any driver’s license or
 14 motor vehicle registration law within its jurisdiction, may
 15 not display a Social Security account number issued by
 16 the Commissioner of Social Security (or any derivative of
 17 such number) on any driver’s license or motor vehicle reg-
 18 istration or any other document issued by such State or
 19 political subdivision to an individual for purposes of identi-
 20 fication of such individual or include on any such license,
 21 registration, or other document a magnetic strip, bar code,
 22 or other means of communication which conveys such
 23 number (or derivative thereof).”.

24 (b) EFFECTIVE DATE.—The amendments made by
 25 this section shall apply with respect to licenses, registra-

1 tions, and other documents issued or reissued after 1 year
 2 after the date of the enactment of this Act.

3 **SEC. 105. PROHIBITION OF THE DISPLAY OF PERSONAL**
 4 **IDENTIFICATION NUMBERS ON GOVERN-**
 5 **MENT EMPLOYEE IDENTIFICATION CARDS OR**
 6 **TAGS.**

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

11 “(xii) No executive, legislative, or judicial agency or
 12 instrumentality of the Federal Government or of a State
 13 or political subdivision thereof, and no other person offer-
 14 ing benefits in connection with an employee benefit plan
 15 maintained by such agency or instrumentality or acting
 16 as an agent of such agency or instrumentality, may display
 17 a Social Security account number (or any derivative there-
 18 of) on any card or tag that is commonly provided to em-
 19 ployees of such agency or instrumentality (or to their fam-
 20 ily members) for purposes of identification or include on
 21 such card or tag a magnetic strip, bar code, or other
 22 means of communication which conveys such number.”.

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

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

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

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

17 (b) EFFECTIVE DATE.—

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

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

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

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

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

10 **SEC. 107. MEASURES TO PRECLUDE UNAUTHORIZED DIS-**
 11 **CLOSURE OF SOCIAL SECURITY ACCOUNT**
 12 **NUMBERS AND PROTECT THE CONFIDEN-**
 13 **TIALITY OF SUCH NUMBERS.**

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

18 “(xiv) Except as otherwise provided in this para-
 19 graph, in the case of any executive, legislative, or judicial
 20 agency or instrumentality of the Federal Government or
 21 of a State or political subdivision thereof and any trustee
 22 appointed in a case under title 11, United States Code
 23 (and any agent of such agency, instrumentality, or trust-
 24 ee) having in its possession an individual’s Social Security
 25 account number—

1 “(I) no officer or employee thereof shall have
2 access to such number for any purpose other than
3 the effective administration of the statutory provi-
4 sions governing its functions,

5 “(II) such agency, instrumentality, trustee, or
6 agent shall restrict, to the satisfaction of the Com-
7 missioner of Social Security, access to Social Secu-
8 rity account numbers obtained thereby to officers
9 and employees thereof whose duties or responsibil-
10 ities require access for the administration or enforce-
11 ment of such provisions, and

12 “(III) such agency, instrumentality, trustee, or
13 agent shall provide such other safeguards as the
14 Commissioner of Social Security determines to be
15 necessary or appropriate to preclude unauthorized
16 access to the Social Security account number and to
17 otherwise protect the confidentiality of such number.

18 For purposes of this clause the term Social Security ac-
19 count number includes any derivative thereof. ”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall take effect 1 year after the date of the
22 enactment of this Act.

1 **SEC. 108. PROHIBITION OF THE SALE, PURCHASE, AND DIS-**
 2 **PLAY TO THE GENERAL PUBLIC OF THE SO-**
 3 **CIAL SECURITY ACCOUNT NUMBER IN THE**
 4 **PRIVATE SECTOR.**

5 (a) IN GENERAL.—Title II of the Social Security Act
 6 is amended by inserting after section 208 (42 U.S.C. 408)
 7 the following new section: “Prohibition of the sale, pur-
 8 chase, and display to the general public of the Social Secu-
 9 rity account number in the private sector.

10 “SEC. 208A. (a) DEFINITIONS.—For purposes of this
 11 section:

12 “(1) PERSON.—

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

17 “(B) GOVERNMENTAL ENTITIES.—Such
 18 term does not include a governmental entity.
 19 Nothing in this subparagraph shall be con-
 20 strued to authorize, in connection with a gov-
 21 ernmental entity, an act or practice otherwise
 22 prohibited under this section or section
 23 205(c)(2)(C).

24 “(2) SELLING AND PURCHASING.—

25 “(A) IN GENERAL.—Subject to subpara-
 26 graph (B)—

1 “(i) SELL.—The term ‘sell’ in connec-
2 tion with a Social Security account number
3 means to obtain, directly or indirectly, any-
4 thing of value in exchange for such num-
5 ber.

6 “(ii) PURCHASE.—The term ‘pur-
7 chase’ in connection with a Social Security
8 account number means to provide, directly
9 or indirectly, anything of value in exchange
10 for such number.

11 “(B) EXCEPTIONS.—The terms ‘sell’ and
12 ‘purchase’ in connection with a Social Security
13 account number do not include the submission
14 of such number as part of—

15 “(i) the process for applying for any
16 type of Government benefits or programs
17 (such as grants or loans or welfare or
18 other public assistance programs),

19 “(ii) the administration of, or provi-
20 sion of benefits under, an employee benefit
21 plan, or

22 “(iii) the sale, lease, merger, transfer,
23 or exchange of a trade or business.

24 “(3) DISPLAY TO THE GENERAL PUBLIC.—

1 “(A) IN GENERAL.—The term ‘display to
2 the general public’ means, in connection with a
3 Social Security account number, to intentionally
4 place such number in a viewable manner on an
5 Internet site that is available to the general
6 public or to make such number available in any
7 other manner intended to provide access to such
8 number by the general public.

9 “(B) INTERNET TRANSMISSIONS.—In any
10 case in which a person requires, as a condition
11 of doing business with such person, transmittal
12 to such person of an individual’s Social Security
13 account number by means of the Internet with-
14 out reasonable provisions to ensure that such
15 number is encrypted or otherwise secured from
16 disclosure, any such transmittal of such number
17 as so required shall be treated as a ‘display to
18 the general public’ of such number by such per-
19 son.

20 “(4) SOCIAL SECURITY ACCOUNT NUMBER.—
21 The term ‘Social Security account number’ has the
22 meaning given such term in section 208(c), except
23 that such term includes any derivative of such num-
24 ber. Notwithstanding the preceding sentence, any ex-
25 pression, contained in or on any item sold or dis-

1 played to the general public, shall not be treated as
 2 a Social Security account number solely because
 3 such expression sets forth not more than the last 4
 4 digits of such number, if the remainder of such
 5 number cannot be determined based solely on such
 6 expression or any other matter presented in or on
 7 such item.

8 “(b) PROHIBITION OF SALE, PURCHASE, AND DIS-
 9 PLAY TO THE GENERAL PUBLIC.—(1) Except as provided
 10 in paragraph (2), it shall be unlawful for any person to—

11 “(A) sell or purchase a Social Security account
 12 number or display to the general public a Social Se-
 13 curity account number, or

14 “(B) obtain or use any individual’s Social Secu-
 15 rity account number for the purpose of locating or
 16 identifying such individual with the intent to phys-
 17 ically injure or harm such individual or using the
 18 identity of such individual for any illegal purpose.

19 “(2) Notwithstanding paragraph (1), and subject to
 20 paragraph (3), a Social Security account number may be
 21 sold or purchased by any person to the extent provided
 22 in this subsection (and for no other purpose) as follows:

23 “(A) to the extent necessary for law enforce-
 24 ment, including (but not limited to) the enforcement

1 of a child support obligation, as determined under
2 regulations issued as provided in section 205(c)(2)(I);

3 “(B) to the extent necessary for national secu-
4 rity purposes, as determined under regulations
5 issued as provided in section 205(c)(2)(I);

6 “(C) to the extent necessary for public health
7 purposes;

8 “(D) to the extent necessary in emergency situ-
9 ations to protect the health or safety of 1 or more
10 individuals;

11 “(E) to the extent that the sale or purchase is
12 required to comply with a tax law of the United
13 States or of any State (or political subdivision there-
14 of);

15 “(F) to the extent that the sale or purchase is
16 to or by a consumer reporting agency (as defined in
17 section 603(f) of the Fair Credit Reporting Act (15
18 U.S.C. 1681a(f))) for use or disclosure solely for
19 permissible purposes described in section 604(a) of
20 such Act (15 U.S.C. 1681b(a)); and

21 “(G) to the extent necessary for research (other
22 than market research) conducted by an agency or in-
23 strumentality of the United States or of a State or
24 political subdivision thereof (or an agent of such an
25 agency or instrumentality) for the purpose of ad-

1 vancing the public good, on the condition that the
2 researcher provides adequate assurances that—

3 “(i) the Social Security account numbers
4 will not be used to harass, target, or publicly
5 reveal information concerning any identifiable
6 individuals;

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

12 “(iii) the researcher has in place appro-
13 priate safeguards to protect the privacy and
14 confidentiality of any information about identi-
15 fiable individuals, including procedures to en-
16 sure that the Social Security account numbers
17 will be encrypted or otherwise appropriately se-
18 cured from unauthorized disclosure.

19 “(3) Notwithstanding paragraph (1), a Social Secu-
20 rity account number assigned to an individual may be sold,
21 purchased, or displayed to the general public by any per-
22 son—

23 “(A) to the extent consistent with such individ-
24 ual’s voluntary and affirmative written consent to

1 the sale, purchase, or display of the Social Security
2 account number, but only if—

3 “(i) the terms of the consent and the right
4 to refuse consent are presented to the individual
5 in a clear, conspicuous, and understandable
6 manner,

7 “(ii) the individual is placed under no obli-
8 gation to provide consent to any such sale, pur-
9 chase, or display, and

10 “(iii) the terms of the consent authorize
11 the individual to limit the sale, purchase, or dis-
12 play to purposes directly associated with the
13 transaction with respect to which the consent is
14 sought, and

15 “(B) under such circumstances as may be
16 deemed appropriate in regulations issued as provided
17 under section 205(c)(2)(I).

18 “(4) In the case of Social Security account numbers
19 which constitute personally identifiable medical informa-
20 tion—

21 “(A) the Commissioner of Social Security, with
22 respect to medical research referred to in paragraph
23 (3)(A), and

24 “(B) the Attorney General of the United States,
25 with respect to any medical research not referred to

1 in paragraph (3)(A) but which is treated in regula-
 2 tions of the Attorney General issued pursuant to
 3 paragraph (3)(B),
 4 shall maintain ongoing consultation with the Office for
 5 Civil Rights of the Department of Health and Human
 6 Services to ensure that the sale or purchase of such Social
 7 Security account numbers is permitted only in compliance
 8 with existing Federal rules and regulations prescribed by
 9 the Secretary of Health and Human Services pursuant to
 10 section 264(c) of the Health Insurance Portability and Ac-
 11 countability Act of 1996 (110 Stat. 2033).

12 “(c) PROHIBITION OF UNAUTHORIZED DISCLOSURE
 13 TO GOVERNMENT AGENCIES OR INSTRUMENTALITIES.—

14 (1) It shall be unlawful for any person to communicate
 15 by any means to any agency or instrumentality of the
 16 United States or of any State or political subdivision
 17 thereof the Social Security account number of any indi-
 18 vidual other than such person without the written permis-
 19 sion of such individual, unless the number was requested
 20 by the agency or instrumentality. In the case of an indi-
 21 vidual who is legally incompetent, permission provided by
 22 the individual’s legal representatives shall be deemed to
 23 be permission provided by such individual.

24 “(2) Paragraph (1) shall not apply to the extent nec-
 25 essary—

1 “(A) for law enforcement, including (but not
2 limited to) the enforcement of a child support obliga-
3 tion, or

4 “(B) for national security purposes,
5 as determined under regulations issued as provided under
6 section 205(c)(2)(I).

7 “(d) PROHIBITION OF THE DISPLAYS ON CARDS OR
8 TAGS REQUIRED FOR ACCESS TO GOODS, SERVICES, OR
9 BENEFITS.—No person may display a Social Security ac-
10 count number on any card or tag issued to any other per-
11 son for the purpose of providing such other person access
12 to any goods, services, or benefits or include on such card
13 or tag a magnetic strip, bar code, or other means of com-
14 munication which conveys such number.

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

1 “(f) MEASURES TO PRECLUDE UNAUTHORIZED DIS-
 2 CLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND
 3 PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.—

4 Subject to the preceding provisions of this section, any
 5 person having in such person’s records the Social Security
 6 account number of any individual other than such person
 7 shall, to the extent that such records are maintained for
 8 the conduct of such person’s trade or business—

9 “(1) ensure that no officer or employee thereof
 10 has access to such number for any purpose other
 11 than as necessary for the conduct of such person’s
 12 trade or business,

13 “(2) restrict, in accordance with regulations of
 14 the Commissioner, access to Social Security account
 15 numbers obtained thereby to officers and employees
 16 thereof whose duties or responsibilities require ac-
 17 cess for the conduct of such person’s trade or busi-
 18 ness, and

19 “(3) provide such safeguards as may be speci-
 20 fied, in regulations of the Commissioner, to be nec-
 21 essary or appropriate to preclude unauthorized ac-
 22 cess to the Social Security account number and to
 23 otherwise protect the confidentiality of such number.

1 “(g) DECEASED INDIVIDUALS.—This section does
2 not apply with respect to the Social Security account num-
3 ber of a deceased individual.

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

8 “(i) APPLICABILITY OF OTHER PROTECTIONS.—
9 Nothing in this section shall be construed to supersede,
10 alter, or affect any restriction or limitation on the sale,
11 purchase, display to the general public, or other disclosure
12 of Social Security account numbers, provided in any Fed-
13 eral statute, regulation, order, or interpretation, if the re-
14 striction or limitation is greater than that provided under
15 this section, as determined under applicable regulations
16 issued by the Commissioner of Social Security or by the
17 Attorney General of the United States or another agency
18 or instrumentality of the United States as provided in sec-
19 tion 205(c)(2)(I).”.

20 (b) EFFECTIVE DATE AND RELATED RULES.—

21 (1) IN GENERAL.—Initial final regulations pre-
22 scribed to carry out the provisions of section 208A
23 of the Social Security Act (added by this section)
24 shall be issued not later than the last date of the
25 18th calendar month following the date of the enact-

1 ment of this Act. Such provisions shall take effect,
2 with respect to matters governed by such regulations
3 issued by the Commissioner of Social Security, or
4 (pursuant to section 205(c)(2)(I) of such Act (added
5 by section 102)) by the Attorney General of the
6 United States or any other agency or instrumen-
7 tality of the United States, 1 year after the date of
8 the issuance of such regulations by the Commis-
9 sioner, the Attorney General, or such other agency
10 or instrumentality, respectively. Section 208A(b) of
11 such Act shall apply in the case of displays to the
12 general public (as defined in section 208A(a)(3) of
13 such Act) to such displays to the general public
14 originally occurring after such 1-year period. Such
15 provisions shall not apply with respect to any such
16 display to the general public of a record (containing
17 a Social Security account number (or any derivative
18 thereof)) generated prior to the close of such 1-year
19 period.

20 (2) SUNSET OF EXCEPTION.—The last sentence
21 of section 208A(a)(4) of the Social Security Act
22 (added by this section) shall cease to be effective
23 with respect to sales, purchases, or displays to the
24 general public occurring after 6 years after the 18th
25 calendar month referred to in paragraph (1).

1 **SEC. 109. CONFIDENTIAL TREATMENT OF CREDIT HEADER**
2 **INFORMATION.**

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

6 “(q) CONFIDENTIAL TREATMENT OF CREDIT HEAD-
7 ER INFORMATION.—Information regarding the Social Se-
8 curity account number of the consumer, or any derivative
9 thereof, may not be furnished to any person by a consumer
10 reporting agency other than in a full consumer report fur-
11 nished in accordance with section 604 and other require-
12 ments of this title.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect 90 days after the date of the
15 enactment of this Act.

16 **SEC. 110. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF**
17 **SOCIAL SECURITY ACCOUNT NUMBER CON-**
18 **SIDERED UNFAIR OR DECEPTIVE ACT OR**
19 **PRACTICE.**

20 (a) IN GENERAL.—Any person who refuses to do
21 business with an individual because the individual will not
22 consent to the receipt by such person of the Social Secu-
23 rity account number of such individual shall be considered
24 to have committed an unfair or deceptive act or practice
25 in violation of section 5 of the Federal Trade Commission

1 Act (15 U.S.C. 45). Action may be taken under such sec-
 2 tion 5 against such a person.

3 (b) EXCEPTION.—Subsection (a) shall not apply to
 4 any person in any case in which such person is expressly
 5 required under Federal law, in connection with doing busi-
 6 ness with an individual, to submit to the Federal Govern-
 7 ment such individual’s Social Security account number.

8 (c) EFFECTIVE DATE.—The preceding provisions of
 9 this section shall apply with respect to acts or practices
 10 committed after 180 days after the date of the enactment
 11 of this Act.

12 **TITLE II—MEASURES TO EN-**
 13 **SURE THE INTEGRITY OF AP-**
 14 **PLICATIONS FOR SOCIAL SE-**
 15 **CURITY ACCOUNT NUMBERS**
 16 **AND REPLACEMENT SOCIAL**
 17 **SECURITY CARDS**

18 **SEC. 201. INDEPENDENT VERIFICATION OF BIRTH**
 19 **RECORDS PROVIDED IN SUPPORT OF APPLI-**
 20 **CATIONS FOR SOCIAL SECURITY ACCOUNT**
 21 **NUMBERS.**

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

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

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

3 “(II) With respect to an application for a Social Secu-
 4 rity account number for an individual, other than for pur-
 5 poses of enumeration at birth, the Commissioner shall re-
 6 quire independent verification of any birth record provided
 7 by the applicant in support of the application. The Com-
 8 missioner may provide by regulation for reasonable excep-
 9 tions from the requirement for independent verification
 10 under this subclause in any case in which the Commis-
 11 sioner determines there is minimal opportunity for
 12 fraud.”.

13 (b) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall apply with respect to applications filed
 15 after 270 days after the date of the enactment of this Act.

16 (c) STUDY REGARDING APPLICATIONS FOR RE-
 17 PLACEMENT SOCIAL SECURITY CARDS.—

18 (1) IN GENERAL.—As soon as practicable after
 19 the date of the enactment of this Act, the Commis-
 20 sioner of Social Security shall undertake a study to
 21 test the feasibility and cost effectiveness of verifying
 22 all identification documents submitted by an appli-
 23 cant for a replacement Social Security card. As part
 24 of such study, the Commissioner shall determine the
 25 feasibility of, and the costs associated with, the de-

1 velopment of appropriate electronic processes for
2 third party verification of any such identification
3 documents which are issued by agencies and instru-
4 mentalities of the Federal Government and of the
5 States (and political subdivisions thereof).

6 (2) REPORT.—Not later than 2 years after the
7 date of the enactment of this Act, the Commissioner
8 shall report to the Committee on Ways and Means
9 of the House of Representatives and the Committee
10 on Finance of the Senate regarding the results of
11 the study undertaken under paragraph (1). Such re-
12 port shall contain such recommendations for legisla-
13 tive changes as the Commissioner considers nec-
14 essary to implement needed improvements in the
15 process for verifying identification documents sub-
16 mitted by applicants for replacement Social Security
17 cards.

18 **SEC. 202. ENUMERATION AT BIRTH.**

19 (a) IMPROVEMENT OF APPLICATION PROCESS.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of the enactment of this Act, the Commis-
22 sioner of Social Security shall undertake to make
23 improvements to the enumeration at birth program
24 for the issuance of Social Security account numbers

1 to newborns. Such improvements shall be designed
2 to prevent—

3 (A) the assignment of Social Security ac-
4 count numbers to unnamed children;

5 (B) the issuance of more than 1 Social Se-
6 curity account number to the same child; and

7 (C) other opportunities for fraudulently ob-
8 taining a Social Security account number.

9 (2) REPORT TO THE CONGRESS.—Not later
10 than 1 year after the date of the enactment of this
11 Act, the Commissioner shall transmit to each House
12 of the Congress a report specifying in detail the ex-
13 tent to which the improvements required under
14 paragraph (1) have been made.

15 (b) STUDY REGARDING PROCESS FOR ENUMERATION
16 AT BIRTH.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of the enactment of this Act, the Commis-
19 sioner of Social Security shall undertake a study to
20 determine the most efficient options for ensuring the
21 integrity of the process for enumeration at birth.
22 Such study shall include an examination of available
23 methods for reconciling hospital birth records with
24 birth registrations submitted to agencies of States
25 and political subdivisions thereof and with informa-

1 tion provided to the Commissioner as part of the
2 process for enumeration at birth.

3 (2) REPORT.—Not later than 18 months after
4 the date of the enactment of this Act, the Commis-
5 sioner shall report to the Committee on Ways and
6 Means of the House of Representatives and the
7 Committee on Finance of the Senate regarding the
8 results of the study undertaken under paragraph
9 (1). Such report shall contain such recommendations
10 for legislative changes as the Commissioner con-
11 siders necessary to implement needed improvements
12 in the process for enumeration at birth.

13 **SEC. 203. STUDY RELATING TO USE OF PHOTOGRAPHIC**
14 **IDENTIFICATION IN CONNECTION WITH AP-**
15 **PLICATIONS FOR BENEFITS, SOCIAL SECU-**
16 **RITY ACCOUNT NUMBERS, AND SOCIAL SECU-**
17 **RITY CARDS.**

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

21 (1) determine the best method of requiring and
22 obtaining photographic identification of applicants
23 for old-age, survivors, and disability insurance bene-
24 fits under title II of the Social Security Act, for a
25 Social Security account number, or for a replace-

1 ment Social Security card, and of providing for rea-
 2 sonable exceptions to any requirement for photo-
 3 graphic identification of such applicants that may be
 4 necessary to promote efficient and effective adminis-
 5 tration of this title, and

6 (2) evaluate the benefits and costs of instituting
 7 such a requirement for photographic identification,
 8 including the degree to which the security and integ-
 9 rity of the old-age, survivors, and disability insur-
 10 ance program would be enhanced.

11 (b) REPORT.—Not later than 18 months after the
 12 date of the enactment of this Act, the Commissioner shall
 13 report to the Committee on Ways and Means of the House
 14 of Representatives and the Committee on Finance of the
 15 Senate regarding the results of the study undertaken
 16 under paragraph (1). Such report shall contain such rec-
 17 ommendations for legislative changes as the Commissioner
 18 considers necessary relating to requirements for photo-
 19 graphic identification of applicants described in subsection
 20 (a).

21 **SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE RE-**
 22 **PLACEMENT SOCIAL SECURITY CARDS.**

23 (a) IN GENERAL.—Section 205(c)(2)(G) of the Social
 24 Security Act (42 U.S.C. 405(c)(2)(G)) is amended by add-
 25 ing at the end the following new sentence: “The Commis-

1 sioner shall restrict the issuance of multiple replacement
 2 Social Security cards to any individual to 3 per year and
 3 to 10 for the life of the individual, except in any case in
 4 which the Commissioner determines there is minimal op-
 5 portunity for fraud.”.

6 (b) REGULATIONS AND EFFECTIVE DATE.—The
 7 Commissioner of Social Security shall issue regulations
 8 under the amendment made by subsection (a) not later
 9 than 1 year after the date of the enactment of this Act.
 10 Systems controls developed by the Commissioner pursuant
 11 to such amendment shall take effect upon the earlier of
 12 the issuance of such regulations or the end of such 1-year
 13 period.

14 **SEC. 205. STUDY RELATING TO MODIFICATION OF THE SO-**
 15 **CIAL SECURITY ACCOUNT NUMBERING SYS-**
 16 **TEM TO SHOW WORK AUTHORIZATION STA-**
 17 **TUS.**

18 (a) IN GENERAL.—As soon as practicable after the
 19 date of the enactment of this Act, the Commissioner of
 20 Social Security, in consultation with the Secretary of
 21 Homeland Security, shall undertake a study to examine
 22 the best method of modifying the Social Security account
 23 number assigned to individuals who—

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

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

3 (3) are not authorized by the Secretary of
4 Homeland Security to work in the United States, or
5 are so authorized subject to one or more restrictions,
6 so as to include an indication of such lack of authorization
7 to work or such restrictions on such an authorization.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Commissioner shall re-
10 port to the Committee on Ways and Means of the House
11 of Representatives and the Committee on Finance of the
12 Senate regarding the results of the study undertaken
13 under this section. Such report shall include the Commis-
14 sioner’s recommendations of feasible options for modifying
15 the Social Security account number in the manner de-
16 scribed in subsection (a).

17 **TITLE III—ENFORCEMENT**

18 **SEC. 301. NEW CRIMINAL PENALTIES FOR MISUSE OF SO-** 19 **CIAL SECURITY ACCOUNT NUMBERS.**

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

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

24 “(D) with intent to deceive, discloses, sells,
25 or transfers his own Social Security account

1 number, assigned to him by the Commissioner
2 of Social Security (in the exercise of the Com-
3 missioner’s authority under section 205(c)(2) to
4 establish and maintain records), to any person;
5 or”;

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

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

10 “(9) without lawful authority, offers, for a fee,
11 to acquire for any individual, or to assist in acquir-
12 ing for any individual, an additional Social Security
13 account number or a number that purports to be a
14 Social Security account number; or

15 “(10) being an officer or employee of any exec-
16 utive, legislative, or judicial agency or instrumen-
17 tality of the Federal Government or of a State or
18 political subdivision thereof (or a person acting as
19 an agent of such an agency or instrumentality), will-
20 fully acts or fails to act so as to cause a violation
21 of section 205(c)(2)(C)(xi); or

22 “(11) being an officer or employee of any exec-
23 utive, legislative, or judicial agency or instrumen-
24 tality of the Federal Government or of a State or
25 political subdivision thereof (or a person acting as

1 an agent of such an agency or instrumentality) in
 2 possession of any individual's Social Security ac-
 3 count number (or an officer or employee thereof or
 4 a person acting as an agent thereof), willfully acts
 5 or fails to act so as to cause a violation of clause
 6 (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section
 7 205(c)(2)(C); or

8 “(12) being a trustee appointed in a case under
 9 title 11, United States Code (or an officer or em-
 10 ployee thereof or a person acting as an agent there-
 11 of), willfully acts or fails to act so as to cause a vio-
 12 lation of clause (x), (xi), or (xiv) of section
 13 205(c)(2)(C);”.

14 (b) EFFECTIVE DATES.—Paragraphs (7)(D) and (9)
 15 of section 208(a) of the Social Security Act (added by sub-
 16 section (a)(2)) shall apply with respect to each violation
 17 occurring after the date of the enactment of this Act.
 18 Paragraphs (10), (11), and (12) of section 208(a) of such
 19 Act (added by subsection (a)(2)) shall apply with respect
 20 to each violation occurring on or after the effective date
 21 applicable with respect to such violation under title I.

22 **SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AU-**
 23 **THORITY.**

24 (a) APPLICATION OF CIVIL MONEY PENALTIES TO
 25 ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a)

1 of the Social Security Act (42 U.S.C. 1320a–8(a)) is
2 amended—

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

5 (2) by designating the last sentence of para-
6 graph (1) as a new paragraph (2), appearing after
7 and below paragraph (1); and

8 (3) by inserting after paragraph (2) (as des-
9 ignated under paragraph (2) of this subsection) the
10 following:

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

13 “(A) uses a Social Security account number
14 that such person knows or should know has been as-
15 signed by the Commissioner of Social Security (in an
16 exercise of authority under section 205(c)(2) to es-
17 tablish and maintain records) on the basis of false
18 information furnished to the Commissioner by any
19 person;

20 “(B) falsely represents a number to be the So-
21 cial Security account number assigned by the Com-
22 missioner of Social Security to any individual, when
23 such person knows or should know that such number
24 is not the Social Security account number assigned
25 by the Commissioner to such individual;

1 “(C) knowingly alters a Social Security card
2 issued by the Commissioner of Social Security, or
3 possesses such a card with intent to alter it;

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

8 “(E) counterfeits a Social Security card, or pos-
9 sesses a counterfeit Social Security card with intent
10 to buy or sell it;

11 “(F) discloses, uses, compels the disclosure of,
12 or knowingly sells or purchases the Social Security
13 account number of any person in violation of the
14 laws of the United States;

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

23 “(H) without lawful authority, offers, for a fee,
24 to acquire for any individual, or to assist in acquir-
25 ing for any individual, an additional Social Security

1 account number or a number which purports to be
2 a Social Security account number;

3 “(I) with intent to deceive, discloses, sells, or
4 transfers his own Social Security account number,
5 assigned to him by the Commissioner of Social Secu-
6 rity under section 205(c)(2)(B), to any person;

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

16 “(K) being a trustee appointed in a case under
17 title 11, United States Code (or an officer or em-
18 ployee thereof or a person acting as an agent there-
19 of), willfully acts or fails to act so as to cause a vio-
20 lation of clause (x), (xi), or (xiv) of section
21 205(c)(2)(C);

22 “(L) violates section 208A (relating to prohibi-
23 tion of the sale, purchase, or display of the Social
24 Security account number in the private sector); or

1 “(M) violates section 208B (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
 6 also be subject to an assessment, in lieu of damages sus-
 7 tained by the United States resulting from such violation,
 8 of not more than twice the amount of any benefits or pay-
 9 ments paid as a result of such violation.”.

10 (b) EFFECTIVE DATES.—The amendments made by
 11 this section shall apply with respect to violations com-
 12 mitted after the date of the enactment of this Act, except
 13 that subparagraphs (J), (K), (L), and (M) of section
 14 1129(a)(3) of the Social Security Act (added by subsection
 15 (a)) shall apply with respect to violations occurring on or
 16 after the effective date provided in connection with such
 17 violations under title I.

18 **SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE**
 19 **SOCIAL SECURITY ADMINISTRATION WHO**
 20 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**
 21 **CIAL SECURITY CARDS OR SOCIAL SECURITY**
 22 **ACCOUNT NUMBERS.**

23 (a) IN GENERAL.—Title II of the Social Security Act
 24 (as amended by the preceding provisions of this Act) is

1 amended further by inserting after section 208A the fol-
2 lowing new section:

3 “FRAUD BY SOCIAL SECURITY ADMINISTRATION

4 EMPLOYEES

5 “SEC. 208B. (a) Whoever is an employee of the So-
6 cial Security Administration and knowingly and fraudu-
7 lently sells or transfers one or more Social Security ac-
8 count numbers or Social Security cards shall be guilty of
9 a felony and upon conviction thereof shall be fined under
10 title 18, United States Code, imprisoned as provided in
11 subsection (b), or both.

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

14 “(1) not less than 1 year and up to 5 years, in
15 the case of an employee of the Social Security Ad-
16 ministration who has fraudulently sold or trans-
17 ferred not more than 50 Social Security account
18 numbers or Social Security cards,

19 “(2) not less than 5 years and up to 10 years,
20 in the case of an employee of the Social Security Ad-
21 ministration who has fraudulently sold or trans-
22 ferred more than 50, but not more than 100, Social
23 Security account numbers or Social Security cards,
24 or

25 “(3) not less than 10 years and up to 20 years,
26 in the case of an employee of the Social Security Ad-

1 ministration who has fraudulently sold or trans-
2 ferred more than 100 Social Security account num-
3 bers or Social Security cards.

4 “(c) For purposes of this section—

5 “(1) The term ‘Social Security employee’ means
6 any State employee of a State disability determina-
7 tion service, any officer, employee, or contractor of
8 the Social Security Administration, any employee of
9 such a contractor, or any volunteer providing serv-
10 ices or assistance in any facility of the Social Secu-
11 rity Administration.

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

18 “(3) The term ‘Social Security card’ means a
19 card issued by the Commissioner of Social Security
20 under section 205(c)(2)(G), another card which has
21 not been so issued but is purported to have been so
22 issued, and banknote paper of the type described in
23 section 205(c)(2)(G) prepared for the entry of Social
24 Security account numbers, whether fully completed
25 or not.

1 “(d) Any employee of the Social Security Administra-
 2 tion who attempts or conspires to commit any violation
 3 of this section shall be subject to the same penalties as
 4 those prescribed for the violation the commission of which
 5 was the object of the attempt or conspiracy.”.

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

9 **SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM,**
 10 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**
 11 **OR PRIOR OFFENSES.**

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

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

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

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

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

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

1 in the case of an initial violation, subject to para-
2 graphs (3) and (4),

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

8 “(3) fined under title 18, United States Code,
9 or imprisoned for not more than 20 years, in the
10 case of a violation which is committed to facilitate
11 a drug trafficking crime (as defined in section
12 929(a)(2) of title 18, United States Code) or in con-
13 nection with a crime of violence (as defined in sec-
14 tion 924(c)(3) of title 18, United States Code), sub-
15 ject to paragraph (4), and

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

22 (4) in subsection (c) (as redesignated by para-
23 graph (2))—

24 (A) by striking the first sentence; and

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

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

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

16 (2) by redesignating subsection (b) as sub-
 17 section (c); and

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

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

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

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

6 “(3) fined under title 18, United States Code,
 7 or imprisoned for not more than 20 years, in the
 8 case of a violation which is committed to facilitate
 9 a drug trafficking crime (as defined in section
 10 929(a)(2) of title 18, United States Code) or in con-
 11 nection with a crime of violence (as defined in sec-
 12 tion 924(c)(3) of title 18, United States Code), sub-
 13 ject to paragraph (4), and

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

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

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

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

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

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

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

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

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

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

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

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

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