

109TH CONGRESS
1ST SESSION

H. R. 1745

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mr. SHAW (for himself, Mr. RANGEL, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mr. CARDIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. FOLEY, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. BECERRA, Mr. REYNOLDS, Ms. HART, Mr. WOLF, Ms. KAPTUR, Mr. SAXTON, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. KOLBE, Mr. BROWN of Ohio, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Mr. CUMMINGS, Mr. HASTINGS of Washington, Mrs. CAPPS, Mr. FORBES, Mr. MILLER of Florida, and Mr. SULLIVAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Social Security Number Privacy and Identity Theft Pre-
 4 vention Act of 2005”.

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

Sec. 1. Short title and table of contents.

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

Sec. 101. Restrictions on the sale or display to the general public of social secu-
 rity 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 personal identification numbers on gov-
 ernment employee identification cards or tags.

Sec. 105. Prohibition of inmate access to social security account numbers.

Sec. 106. Measures to preclude unauthorized disclosure of social security ac-
 count numbers and protect the confidentiality of such numbers.

Sec. 107. Prohibition of the sale, purchase, and display to the general public
 of the social security account number in the private sector.

Sec. 108. Confidential treatment of credit header information.

Sec. 109. Refusal to do business without receipt of social security account num-
 ber considered unfair or deceptive Act or practice.

**TITLE II—STUDIES RELATING TO THE INTEGRITY OF APPLICA-
 TIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND SOCIAL
 SECURITY CARDS**

Sec. 201. Study relating to use of photographic identification in connection with
 applications for benefits, social security account numbers, and
 social security cards.

Sec. 202. Study relating to modification of the social security account num-
 bering 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 Administra-
 tion 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 security
4 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 security
15 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 security
4 account number may be sold or otherwise made available
5 by an agency, instrumentality, trustee, or agent referred
6 to in subclause (I) to a consumer reporting agency (as
7 defined in section 603(f) of the Fair Credit Reporting Act
8 (15 U.S.C. 1681a(f))) for use or disclosure solely for per-
9 missible purposes described in section 604(a) of such Act
10 (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. Such term does not include the submission
9 of such number as part of the administration of, or provi-
10 sion of benefits under, an employee benefit plan.

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

24 “(XII) For purposes of this clause, the term social
25 security account number includes any derivative of such

1 number. Notwithstanding the preceding sentence, any ex-
2 pression, contained in or on any item sold or displayed
3 to the general public, shall not be treated as a social secu-
4 rity account number solely because such expression sets
5 forth not more than the last 4 digits of such number if
6 the remainder of such number cannot be determined based
7 solely on such expression or any other matter presented
8 in such material.

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

20 (b) EFFECTIVE DATE AND RELATED RULES.—

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

1 of the enactment of this Act. Such provisions shall
2 take effect, with respect to matters governed by such
3 regulations issued by the Commissioner of Social Se-
4 curity, or (pursuant to section 205(c)(2)(I) of such
5 Act (added by section 102)) by the Attorney General
6 of the United States or any other agency or instru-
7 mentality of the United States, 1 year after the date
8 of the issuance of such regulations by the Commis-
9 sioner, the Attorney General, or such other agency
10 or instrumentality, respectively. Such amendment
11 shall apply in the case of displays to the general
12 public, as defined in section 208A(a)(3) of such Act
13 (added by section 107), to such displays originally
14 occurring after such 1-year period. Such provisions
15 shall not apply with respect to any display of a
16 record (containing a social security account number
17 (or any derivative thereof)) generated prior to the
18 close of such 1-year period.

19 (2) SUNSET OF EXCEPTION.—The last sentence
20 of subclause (XII) of section 205(c)(2)(C)(x) of the
21 Social Security Act (added by this section) shall
22 cease to be effective with respect to sales, purchases,
23 or displays to the general public occurring after 6
24 years after the 18th calendar month referred to in
25 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 the
23 nature, likelihood, and extent of any benefits that
24 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 PERSONAL**
2 **IDENTIFICATION NUMBERS ON GOVERN-**
3 **MENT EMPLOYEE IDENTIFICATION CARDS OR**
4 **TAGS.**

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

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

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

1 **SEC. 105. 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. 106. 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 security
8 account numbers obtained thereby to officers and
9 employees thereof whose duties or responsibilities re-
10 quire access for the administration or enforcement
11 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. 107. 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:

8 “PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY
9 TO THE GENERAL PUBLIC OF THE SOCIAL SECURITY
10 ACCOUNT NUMBER IN THE PRIVATE SECTOR

11 “Definitions

12 “SEC. 208A. (a) For purposes of this section:

13 “(1) PERSON.—

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

18 “(B) GOVERNMENTAL ENTITIES.—Such
19 term does not include a governmental entity.
20 Nothing in this subparagraph shall be con-
21 strued to authorize, in connection with a gov-
22 ernmental entity, an act or practice otherwise
23 prohibited under this section or section
24 205(c)(2)(C).

25 “(2) SELLING AND PURCHASING.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B)—

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

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

13 “(B) EXCEPTIONS.—The terms ‘sell’ and
14 ‘purchase’ in connection with a social security
15 account number do not include the submission
16 of such number as part of—

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

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

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

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

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

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

21 “(4) SOCIAL SECURITY ACCOUNT NUMBER.—

22 The term ‘social security account number’ has the
23 meaning given such term in section 208(c), except
24 that such term includes any derivative of such num-
25 ber. Notwithstanding the preceding sentence, any ex-

11 “(b)(1) Except as provided in paragraph (2), it shall
12 be unlawful for any person to—

13 “(A) sell or purchase a social security account
14 number or display to the general public a social se-
15 curity account number, or

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

•HR 1745 IH

1 “(A) to the extent necessary for law enforce-
2 ment, including (but not limited to) the enforcement
3 of a child support obligation, as determined under
4 regulations issued as provided in section
5 205(c)(2)(I);

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

9 “(C) to the extent necessary for public health
10 purposes;

11 “(D) to the extent necessary in emergency situ-
12 ations to protect the health or safety of 1 or more
13 individuals;

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

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

24 “(G) to the extent necessary for research (other
25 than market research) conducted by an agency or in-

1 strumentality of the United States or of a State or
2 political subdivision thereof (or an agent of such an
3 agency or instrumentality) for the purpose of ad-
4 vancing the public good, on the condition that the
5 researcher provides adequate assurances that—

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

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

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

22 “(3) Notwithstanding paragraph (1), a social security
23 account number assigned to an individual may be sold,
24 purchased, or displayed to the general public by any per-
25 son—

1 “(A) to the extent consistent with such individ-
2 ual’s voluntary and affirmative written consent to
3 the sale, purchase, or display of the social security
4 account number, but only if—

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

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

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

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

20 “(4) In the case of social security account numbers
21 which constitute personally identifiable medical informa-
22 tion—

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

14 “Prohibition of Unauthorized Disclosure to Government
15 Agencies or Instrumentalities

•HR 1745 IH

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

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

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

9 “Prohibition of the Displays on Cards or Tags Required
10 for Access to Goods, Services, or Benefits

11 “(d) No person may display a social security account
12 number on any card or tag issued to any other person
13 for the purpose of providing such other person access to
14 any goods, services, or benefits or include on such card
15 or tag a magnetic strip, bar code, or other means of com-
16 munication which conveys such number.

17 “Prohibition of the Displays on Employee Identification
18 Cards or Tags

19 “(e) No person that is an employer, and no other per-
20 son offering benefits in connection with an employee ben-
21 efit plan maintained by such employer or acting as an
22 agent of such employer, may display a social security ac-
23 count number on any card or tag that is commonly pro-
24 vided to employees of such employer (or to their family
25 members) for purposes of identification or include on such

1 card or tag a magnetic strip, bar code, or other means
2 of communication which conveys such number.

3 “Measures to Preclude Unauthorized Disclosure of Social
4 Security Account Numbers and Protect the Con-
5 fidentiality of Such Numbers

6 “(f) Subject to the preceding provisions of this sec-
7 tion, any person having in such person’s records the social
8 security account number of any individual other than such
9 person shall, to the extent that such records are main-
10 tained for the conduct of such person’s trade or busi-
11 ness—

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

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

22 “(3) provide such safeguards as may be speci-
23 fied, in regulations of the Commissioner, to be nec-
24 essary or appropriate to preclude unauthorized ac-

1 cess to the social security account number and to
2 otherwise protect the confidentiality of such number.

3 “Deceased Individuals

4 “(g) This section does not apply with respect to the
5 social security account number of a deceased individual.

6 “Criminal Penalty

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

11 “Applicability of Other Protections

12 “(i) Nothing in this section shall be construed to su-
13 persede, alter, or affect any restriction or limitation on
14 the sale, purchase, display to the general public, or other
15 disclosure of social security account numbers, provided in
16 any Federal statute, regulation, order, or interpretation,
17 if the restriction or limitation is greater than that provided
18 under this section, as determined under applicable regula-
19 tions issued by the Commissioner of Social Security or by
20 the Attorney General of the United States or another
21 agency or instrumentality of the United States as provided
22 in section 205(c)(2)(I).”.

23 (b) EFFECTIVE DATE AND RELATED RULES.—

24 (1) IN GENERAL.—Initial final regulations pre-
25 scribed to carry out the provisions of section 208A

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

23 (2) SUNSET OF EXCEPTION.—The last sentence
24 of section 208A(a)(4) of the Social Security Act
25 (added by this section) shall cease to be effective

1 with respect to sales, purchases, or displays to the
2 general public occurring after 6 years after the 18th
3 calendar month referred to in paragraph (1).

4 **SEC. 108. CONFIDENTIAL TREATMENT OF CREDIT HEADER**
5 **INFORMATION.**

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

9 “(q) CONFIDENTIAL TREATMENT OF CREDIT HEAD-
10 ER INFORMATION.—Information regarding the social se-
11 curity account number of the consumer, or any derivative
12 thereof, may not be furnished to any person by a consumer
13 reporting agency other than in a full consumer report fur-
14 nished for use or disclosure solely for permissible purposes
15 described in section 604(a).”.

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

19 **SEC. 109. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF**
20 **SOCIAL SECURITY ACCOUNT NUMBER CON-**
21 **SIDERED UNFAIR OR DECEPTIVE ACT OR**
22 **PRACTICE.**

23 (a) IN GENERAL.—Any person who refuses to do
24 business with an individual because the individual will not
25 consent to the receipt by such person of the social security

1 account number of such individual shall be considered to
2 have committed an unfair or deceptive act or practice in
3 violation of section 5 of the Federal Trade Commission
4 Act (15 U.S.C. 45). Action may be taken under such sec-
5 tion 5 against such a person.

6 (b) EXCEPTION.—Subsection (a) shall not apply to
7 any person in any case in which such person is expressly
8 required under Federal law, in connection with doing busi-
9 ness with an individual, to submit to the Federal Govern-
10 ment such individual's social security account number.

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

1 **TITLE II—STUDIES RELATING TO**
2 **THE INTEGRITY OF APPLICA-**
3 **TIONS FOR SOCIAL SECURITY**
4 **ACCOUNT NUMBERS AND SO-**
5 **CIAL SECURITY CARDS**

6 **SEC. 201. STUDY RELATING TO USE OF PHOTOGRAPHIC**
7 **IDENTIFICATION IN CONNECTION WITH AP-**
8 **PLICATIONS FOR BENEFITS, SOCIAL SECU-**
9 **RITY ACCOUNT NUMBERS, AND SOCIAL SECU-**
10 **RITY CARDS.**

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

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

24 (2) evaluate the benefits and costs of instituting
25 such a requirement for photographic identification,

1 including the degree to which the security and integ-
2 rity of the old-age, survivors, and disability insur-
3 ance program would be enhanced.

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

14 **SEC. 202. 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 account
 3 number (or an officer or employee thereof or a per-
 4 son acting as an agent thereof), willfully acts or fails
 5 to act so as to cause a violation of clause (vi)(II),
 6 (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C);
 7 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 paragraphs (2) and (3) as
4 paragraphs (4) and (5), respectively;

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 that
14 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, as-
5 signed 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 se-
24 curity 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 account
8 numbers or social security cards shall be guilty of a felony
9 and upon conviction thereof shall be fined under title 18,
10 United States Code, imprisoned as provided in subsection
11 (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, or

24 “(3) not less than 10 years and up to 20 years,
25 in the case of an employee of the Social Security Ad-
26 ministration who has fraudulently sold or trans-

1 ferred more than 100 social security account num-
2 bers or social security cards.

3 “(c) For purposes of this section—

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

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

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

19 (3) by redesignating subsection (b) as sub-
 20 section (c); and

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

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

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

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

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

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

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

1 (1) in subsection (a), by striking “shall be
2 fined” and all that follows and inserting “shall be
3 fined, imprisoned, or both, as provided in subsection
4 (b).”;

5 (2) by redesignating subsection (b) as sub-
6 section (c); and

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

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

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

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

20 “(3) fined under title 18, United States Code,
21 or imprisoned for not more than 20 years, in the
22 case of a violation which is committed to facilitate
23 a drug trafficking crime (as defined in section
24 929(a)(2) of title 18, United States Code) or in con-
25 nection with a crime of violence (as defined in sec-

1 tion 924(c)(3) of title 18, United States Code), sub-
2 ject to paragraph (4), and

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

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

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

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

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

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

21 “(1) fined under title 18, United States Code,
22 or imprisoned for not more than 5 years, or both,
23 in the case of an initial violation, subject to para-
24 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 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to violations occurring
22 after the date of the enactment of this Act.

○