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2D SESSION

S. 2742

To provide for public notice and input prior to the closure, consolidation, or public access limitation of field or hearing offices of the Social Security Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. SCHUMER (for himself, Mr. NELSON, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for public notice and input prior to the closure, consolidation, or public access limitation of field or hearing offices of the Social Security Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Social Security Services Act”.

1 **SEC. 2. REDUCTIONS IN PUBLIC ACCESS TO SOCIAL SECUR-**
2 **RITY ADMINISTRATION FIELD OR HEARING**
3 **OFFICES.**

4 (a) IN GENERAL.—Section 704 of the Social Security
5 Act (42 U.S.C. 904) is amended by adding at the end the
6 following new subsection:

7 “Ensuring Public Access to Field and Hearing Offices

8 “(f)(1) The Commissioner may not impose any reduc-
9 tion in public access on an office unless the requirements
10 under paragraphs (2) through (5) have been satisfied in
11 connection with such reduction.

12 “(2) Not later than 180 days before the date that
13 the proposed reduction in access to an office would take
14 effect, the Commissioner shall provide effective public no-
15 tice regarding the proposed reduction, which—

16 “(A) may include, to the extent feasible, pro-
17 viding notice to—

18 “(i) all individuals residing in areas serv-
19 iced by such office by direct mailing, the dis-
20 semination of print or electronic notices, or
21 publication in community outlets such as news-
22 papers and posting in heavily trafficked public
23 spaces; and

24 “(ii) representatives of institutions in areas
25 serviced by such office that may be affected by
26 the proposed reduction, including schools, hos-

1 pitals, nursing homes, elder rights advocacy
2 groups, community-based organizations that
3 represent Social Security beneficiaries, and any
4 organization that represents employees of the
5 Administration by direct mailing, electronic
6 mail, or telephone; and

7 “(B) shall include—

8 “(i) direct, written notification of the elect-
9 ed officials of individuals residing in areas serv-
10 iced by such office, which shall include each
11 Member of the Congress representing a State or
12 congressional district in which such office is lo-
13 cated and may include the mayor, city council,
14 or other local government officials representing
15 the areas serviced by such office;

16 “(ii) on the website of the Social Security
17 Administration, a description of the proposed
18 reduction and the most recent information used
19 by the Commissioner in evaluating the office for
20 closure, including the most recent Service Area
21 Review of such office;

22 “(iii) relevant information regarding the
23 areas serviced by such office, including—

1 “(I) the percentage of individuals in
2 such areas with access to broadband inter-
3 net service;

4 “(II) the availability of public and pri-
5 vate transportation from such office to the
6 other offices nearest to such areas to indi-
7 viduals residing in such areas, and the ex-
8 tent to which such other offices are acces-
9 sible by public or private transportation;

10 “(III) the percentage of individuals in
11 such areas that lack facility with the
12 English language;

13 “(IV) the percentage of individuals in
14 such area with annual incomes that do not
15 exceed the Federal poverty threshold appli-
16 cable to the family size involved (as deter-
17 mined by the Bureau of the Census); and

18 “(V) any other relevant factors that
19 may limit public access to the other offices
20 nearest to such areas;

21 “(iv) a description of the effect that the re-
22 duction in public access will have on areas serv-
23 iced by such office, including—

24 “(I) the number of Social Security
25 beneficiaries that such office services;

1 “(II) the projected population of indi-
2 viduals residing in such areas (including
3 any congressional district serviced by such
4 office) who, during the 5-year, 10-year,
5 and 15-year periods subsequent to the re-
6 duction in public access, will have attained
7 early retirement age;

8 “(III) the number of Administration
9 employees who work in such areas and any
10 congressional district serviced by such of-
11 fice;

12 “(IV) the number of cases pending,
13 the average number of daily visitors in the
14 previous year at such office, and the aver-
15 age wait time for service in the previous
16 year at such office;

17 “(V) the number of miles between
18 such office and the other offices nearest to
19 such areas;

20 “(VI) the average increase in travel
21 from such office to the other offices near-
22 est to such office for a member of the pub-
23 lic or an employee of the Administration
24 that is expected to result from the reduc-
25 tion in public access; and

1 “(VII) the level of public access avail-
2 able at the other offices nearest to such
3 areas, including potential obstacles faced
4 by elderly and disabled citizens;

5 “(v) the projected savings to the Adminis-
6 tration resulting from the reduction in public
7 access for the 10-year period subsequent to
8 such reduction;

9 “(vi) the estimated cost of co-locating such
10 office with another Federal agency as an alter-
11 native to the proposed reduction in public ac-
12 cess;

13 “(vii) any measures the Administration
14 plans to take to eliminate or reduce obstacles to
15 public access at the other offices nearest to the
16 areas serviced by such office;

17 “(viii) relevant information regarding the
18 criteria and reasons for imposing a reduction in
19 public access on an office; and

20 “(ix) the date, time, and location of the
21 public hearing described in paragraph (4).

22 “(3) Not later than 30 days after the issuance of the
23 public notice described in paragraph (2), the Commis-
24 sioner shall provide for a public comment period of not
25 less than 60 days.

1 “(4) Not earlier than 30 days after the issuance of
2 the public notice described in paragraph (2) and not later
3 than 80 days before the date that the proposed reduction
4 in access to an office would take effect, the Commissioner
5 shall conduct not less than 1 public hearing at which the
6 Commissioner shall present the justifications for the re-
7 duction in access and provide attendees with an oppor-
8 tunity to present their views regarding such reduction.

9 “(5) Not later than 30 days after the conclusion of
10 the public comment period described in paragraph (3) or
11 the date of the public hearing described in paragraph (4),
12 whichever is later, the Commissioner shall submit to the
13 Committee on Ways and Means of the House of Rep-
14 resentatives, the Committee on Finance of the Senate, and
15 each Member of the Congress representing a State or con-
16 gressional district in which the office is located a detailed
17 final report, which shall be made available to the public,
18 regarding the reduction in public access, including the jus-
19 tifications for such reduction and any findings made by
20 the Commissioner in regards to comments received during
21 the public comment period or the public hearing.

22 “(6) In this subsection:

23 “(A) The term ‘reduction in public access’
24 means any closure of an office, consolidation of 2 or
25 more offices, or reduction in the number of hours in

1 which an office is open to the public by 8 or more
 2 hours per week, except that such term shall not in-
 3 clude a temporary closure or reduction that is the
 4 result of the need to make necessary repairs, a nat-
 5 ural disaster, or other emergency necessitating a re-
 6 duction or closure.

7 “(B) The term ‘office’ means any field or hear-
 8 ing office of the Administration.”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply with respect to any reduction in
 11 public access to an office that takes effect after the date
 12 of enactment of this Act.

13 **SEC. 3. IMPROVING SOCIAL SECURITY ADMINISTRATION**
 14 **SERVICES.**

15 (a) IN GENERAL.—Each field office of the Social Se-
 16 curity Administration (referred to in this section as an
 17 “office”) shall be required to provide services necessary
 18 for—

19 (1) until August 1, 2015, Social Security num-
 20 ber printout services; and

21 (2) until October 1, 2015, benefit verification
 22 letter services.

23 (b) OUTREACH.—

24 (1) NATIONAL CAMPAIGN.—The Commissioner
 25 of Social Security (referred to in this Act as the

1 “Commissioner”) shall conduct an outreach cam-
 2 paign to notify Social Security beneficiaries and
 3 other interested parties (including State depart-
 4 ments of motor vehicles, the Internal Revenue Serv-
 5 ice, State and Federal housing assistance agencies,
 6 and other State and Federal agencies that provide
 7 need-based assistance) of—

8 (A) plans to phase out—

9 (i) Social Security number printout
 10 services; or

11 (ii) benefit verification letter services
 12 at offices; and

13 (B) the online availability of the services
 14 described in subparagraph (A).

15 (2) LOCAL OUTREACH.—Each office that ceases
 16 to offer, or reduces the availability of, the services
 17 described in paragraph (1)(A) shall provide notice to
 18 key local organizations whose members or patrons
 19 may be affected by such cessation or reduction, in-
 20 cluding—

21 (A) employee placement organizations;

22 (B) housing assistance organizations;

23 (C) organizations that assist with the ad-
 24 ministration of need-based government benefits;

25 (D) income tax preparers; and

1 (E) banks and other financial institutions.

2 (c) LIVE-CHAT ASSISTANCE.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of the enactment of this Act, the Commis-
5 sioner shall establish a system providing live-chat as-
6 sistance for online users of the website of the Social
7 Security Administration.

8 (2) IMPLEMENTATION REPORT.—Not later than
9 9 months after the date of the enactment of this
10 Act, the Commissioner shall submit a report to the
11 Inspector General of the Department of Health and
12 Human Services that describes—

13 (A) the Commissioner’s progress in imple-
14 menting the live-chat assistance system de-
15 scribed in paragraph (1); and

16 (B) other measures that the Commissioner
17 has taken to notify users of the website of the
18 Social Security Administration of the avail-
19 ability of live-chat assistance and the cir-
20 cumstances in which the use of such assistance
21 may be advisable.

22 (d) WAIVER OF FEES FOR SERVICES.—

23 (1) IN GENERAL.—Section 205 of the Social
24 Security Act (42 U.S.C. 405) is amended by adding
25 at the end the following new subsection:

1 “Waiver of Fees for Services

2 “(v)(1) In any case where the Social Security Admin-
3 istration (referred to in this subsection as the ‘Administra-
4 tion’) charges a fee for a service offered by the Adminis-
5 tration, either online or at a field office of the Administra-
6 tion, the Commissioner of Social Security shall establish
7 a process whereby an eligible individual (as defined in
8 paragraph (2)) may apply for a reduction or waiver of
9 such fee.

10 “(2) For purposes of paragraph (1), an ‘eligible indi-
11 vidual’ is an individual whose annual income does not ex-
12 ceed the Federal poverty threshold applicable to the family
13 size involved (as determined by the Bureau of the Census).

14 “(3) The Commissioner of Social Security shall pro-
15 vide timely notice to an individual who makes an applica-
16 tion under paragraph (1) of the approval or denial of such
17 application.”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect 180 days after the
20 date of the enactment of this Act.

21 (e) REPORT.—Not later than 6 months after the date
22 of the enactment of this Act, the Commissioner shall sub-
23 mit a report to the Committee on Ways and Means of the
24 House of Representatives and the Committee on Finance

1 of the Senate describing the Administration's long-term
 2 strategy for service delivery, including—

3 (1) the Social Security Administration's strat-
 4 egy for providing face-to-face services to a growing
 5 population of elderly individuals; and

6 (2) recommendations for reforming the process
 7 by which offices are selected for closure.

8 **SEC. 4. IMPROVING COMMUNICATION TO PREVENT AND**
 9 **RESOLVE INSTANCES OF IDENTITY THEFT.**

10 (a) NOTIFICATION SYSTEM.—Not later than 180
 11 days after the date of the enactment of this section, the
 12 Commissioner shall establish an automated notification
 13 system to alert Social Security beneficiaries of changes
 14 made to their information for direct deposit to a financial
 15 institution of their Social Security benefits in a timely
 16 manner by direct mail and, taking due precautions to en-
 17 sure security, electronic mail.

18 (b) SINGLE POINT OF CONTACT.—Not later than 180
 19 days after the date of the enactment of this section, the
 20 Commissioner shall establish new procedures to ensure
 21 that any Social Security beneficiary whose benefits have
 22 been delayed or otherwise adversely affected due to iden-
 23 tity theft has a single point of contact at the Administra-
 24 tion throughout the processing of such beneficiary's case.
 25 Such point of contact shall track the case of the bene-

1 ficiary from start to finish and coordinate with other spe-
 2 cialized units to resolve case issues as quickly as possible.

3 **SEC. 5. PROHIBITION OF THE DISPLAY, SALE, OR PUR-**
 4 **CHASE OF SOCIAL SECURITY NUMBERS.**

5 (a) PROHIBITION.—

6 (1) IN GENERAL.—Chapter 47 of title 18,
 7 United States Code, is amended by inserting after
 8 section 1028A the following:

9 **“§ 1028B. Prohibition of the display, sale, or purchase**
 10 **of Social Security numbers**

11 “(a) DEFINITIONS.—In this section:

12 “(1) DISPLAY.—The term ‘display’ means to in-
 13 tentiously communicate or otherwise make available
 14 (on the Internet or in any other manner) to the gen-
 15 eral public an individual’s Social Security number.

16 “(2) PERSON.—The term ‘person’ means any
 17 individual, partnership, corporation, trust, estate, co-
 18 operative, association, or any other entity.

19 “(3) PURCHASE.—The term ‘purchase’ means
 20 providing directly or indirectly, anything of value in
 21 exchange for a Social Security number.

22 “(4) SALE.—The term ‘sale’ means obtaining,
 23 directly or indirectly, anything of value in exchange
 24 for a Social Security number.

1 “(5) STATE.—The term ‘State’ means any
2 State of the United States, the District of Columbia,
3 Puerto Rico, the Northern Mariana Islands, the
4 United States Virgin Islands, Guam, American
5 Samoa, and any territory or possession of the
6 United States.

7 “(b) LIMITATION ON DISPLAY.—No person may dis-
8 play any individual’s Social Security number to the gen-
9 eral public without the affirmatively expressed consent of
10 the individual.

11 “(c) LIMITATION ON SALE OR PURCHASE.—Except
12 as otherwise provided in this section, no person may sell
13 or purchase any individual’s Social Security number with-
14 out the affirmatively expressed consent of the individual.

15 “(d) PREREQUISITES FOR CONSENT.—In order for
16 consent to exist under subsection (b) or (c), the person
17 displaying or seeking to display, selling or attempting to
18 sell, or purchasing or attempting to purchase, an individ-
19 ual’s Social Security number shall—

20 “(1) inform the individual of the general pur-
21 pose for which the number will be used, the types of
22 persons to whom the number may be available, and
23 the scope of transactions permitted by the consent;
24 and

1 “(2) obtain the affirmatively expressed consent
2 (electronically or in writing) of the individual.

3 “(e) EXCEPTIONS.—Nothing in this section shall be
4 construed to prohibit or limit the display, sale, or purchase
5 of a Social Security number—

6 “(1) required, authorized, or excepted under
7 any Federal law;

8 “(2) for a public health purpose, including the
9 protection of the health or safety of an individual in
10 an emergency situation;

11 “(3) for a national security purpose;

12 “(4) for a law enforcement purpose, including
13 the investigation of fraud and the enforcement of a
14 child support obligation;

15 “(5) if the display, sale, or purchase of the
16 number is for a use occurring as a result of an inter-
17 action between businesses, governments, or business
18 and government (regardless of which entity initiates
19 the interaction), including, but not limited to—

20 “(A) the prevention of fraud (including
21 fraud in protecting an employee’s right to em-
22 ployment benefits);

23 “(B) the facilitation of credit checks or the
24 facilitation of background checks of employees,
25 prospective employees, or volunteers;

1 “(C) the retrieval of other information
2 from other businesses, commercial enterprises,
3 government entities, or private nonprofit orga-
4 nizations; or

5 “(D) when the transmission of the number
6 is incidental to, and in the course of, the sale,
7 lease, franchising, or merger of all, or a portion
8 of, a business;

9 “(6) if the transfer of such a number is part of
10 a data matching program involving a Federal, State,
11 or local agency; or

12 “(7) if such number is required to be submitted
13 as part of the process for applying for any type of
14 Federal, State, or local government benefit or pro-
15 gram;

16 except that, nothing in this subsection shall be construed
17 as permitting a professional or commercial user to display
18 or sell a Social Security number to the general public.

19 “(f) LIMITATION.—Nothing in this section shall pro-
20 hibit or limit the display, sale, or purchase of Social Secu-
21 rity numbers as permitted under title V of the Gramm-
22 Leach-Bliley Act, or for the purpose of affiliate sharing
23 as permitted under the Fair Credit Reporting Act, except
24 that no entity regulated under such Acts may make Social
25 Security numbers available to the general public, as may

1 be determined by the appropriate regulators under such
 2 Acts. For purposes of this subsection, the general public
 3 shall not include affiliates or unaffiliated third-party busi-
 4 ness entities as may be defined by the appropriate regu-
 5 lators.”.

6 (2) CONFORMING AMENDMENT.—The chapter
 7 analysis for chapter 47 of title 18, United States
 8 Code, is amended by inserting after the item relating
 9 to section 1028 the following:

“1028B. Prohibition of the display, sale, or purchase of Social Security num-
 bers.”.

10 (b) STUDY; REPORT.—

11 (1) IN GENERAL.—The Attorney General shall
 12 conduct a study and prepare a report on all of the
 13 uses of Social Security numbers permitted, required,
 14 authorized, or excepted under any Federal law. The
 15 report shall include a detailed description of the uses
 16 allowed as of the date of enactment of this Act, the
 17 impact of such uses on privacy and data security,
 18 and shall evaluate whether such uses should be con-
 19 tinued or discontinued by appropriate legislative ac-
 20 tion.

21 (2) REPORT.—Not later than 1 year after the
 22 date of enactment of this Act, the Attorney General
 23 shall report to Congress findings under this sub-
 24 section. The report shall include such recommenda-

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

7 SEC. 6. CRIMINAL PENALTIES FOR THE MISUSE OF A SO-
8 CIAL SECURITY NUMBER.

9 (a) PROHIBITION OF WRONGFUL USE AS PERSONAL
10 IDENTIFICATION NUMBER.—No person may obtain any
11 individual's Social Security number for purposes of locat-
12 ing or identifying an individual with the intent to phys-
13 ically injure, harm, or use the identity of the individual
14 for any illegal purpose.

15 (b) CRIMINAL SANCTIONS.—Section 208(a) of the
16 Social Security Act (42 U.S.C. 408(a)) is amended—

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

(2) by inserting after paragraph (8) the following:

21 “(9) except as provided in subsections (e) and
22 (f) of section 1028B of title 18, United States Code,
23 knowingly and willfully displays, sells, or purchases
24 (as those terms are defined in section 1028B(a) of
25 title 18, United States Code) any individual’s Social

1 Security account number without having met the
 2 prerequisites for consent under section 1028B(d) of
 3 title 18, United States Code;

4 “(10) obtains any individual’s Social Security
 5 number for the purpose of locating or identifying the
 6 individual with the intent to injure or to harm that
 7 individual, or to use the identity of that individual
 8 for an illegal purpose; or

9 “(11) conspires to commit any offense described
 10 in any of paragraphs (1) through (4).”.

11 **SEC. 7. PROHIBITION RELATING TO REFERENCES TO SO-**
 12 **CIAL SECURITY AND MEDICARE IN ELEC-**
 13 **TRONIC COMMUNICATIONS.**

14 Section 1140(a)(1) of the Social Security Act (42
 15 U.S.C. 1320b–10(a)(1)) is amended by inserting “(includ-
 16 ing any electronic communication)” after “or other com-
 17 munication”.

18 **SEC. 8. CIVIL ACTIONS AND CIVIL PENALTIES.**

19 (a) CIVIL ACTION IN STATE COURTS.—

20 (1) IN GENERAL.—Any individual aggrieved by
 21 an act of any person in violation of this Act or any
 22 amendments made by this Act may, if otherwise per-
 23 mitted by the laws or rules of the court of a State,
 24 bring in an appropriate court of that State—

25 (A) an action to enjoin such violation;

1 (B) an action to recover for actual mone-
 2 tary loss from such a violation, or to receive up
 3 to \$500 in damages for each such violation,
 4 whichever is greater; or

5 (C) both such actions.

6 It shall be an affirmative defense in any action
 7 brought under this paragraph that the defendant
 8 has established and implemented, with due care, rea-
 9 sonable practices and procedures to effectively pre-
 10 vent violations of the regulations prescribed under
 11 this Act. If the court finds that the defendant will-
 12 fully or knowingly violated the regulations prescribed
 13 under this subsection, the court may, in its discre-
 14 tion, increase the amount of the award to an amount
 15 equal to not more than 3 times the amount available
 16 under subparagraph (B).

17 (2) STATUTE OF LIMITATIONS.—An action may
 18 be commenced under this subsection not later than
 19 the earlier of—

20 (A) 5 years after the date on which the al-
 21 leged violation occurred; or

22 (B) 3 years after the date on which the al-
 23 leged violation was or should have been reason-
 24 ably discovered by the aggrieved individual.

1 (3) NONEXCLUSIVE REMEDY.—The remedy pro-
2 vided under this subsection shall be in addition to
3 any other remedies available to the individual.

4 (b) CIVIL PENALTIES.—

5 (1) IN GENERAL.—Any person who the Attor-
6 ney General determines has violated any section of
7 this Act or of any amendments made by this Act
8 shall be subject, in addition to any other penalties
9 that may be prescribed by law—

10 (A) to a civil penalty of not more than
11 \$5,000 for each such violation; and

12 (B) to a civil penalty of not more than
13 \$50,000, if the violations have occurred with
14 such frequency as to constitute a general busi-
15 ness practice.

16 (2) DETERMINATION OF VIOLATIONS.—Any
17 willful violation committed contemporaneously with
18 respect to the Social Security numbers of 2 or more
19 individuals by means of mail, telecommunication, or
20 otherwise, shall be treated as a separate violation
21 with respect to each such individual.

22 (3) ENFORCEMENT PROCEDURES.—The provi-
23 sions of section 1128A of the Social Security Act
24 (42 U.S.C. 1320a–7a), other than subsections (a),
25 (b), (f), (h), (i), (j), (m), and (n) and the first sen-

1 tence of subsection (c) of such section, and the pro-
2 visions of subsections (d) and (e) of section 205 of
3 such Act (42 U.S.C. 405) shall apply to a civil pen-
4 alty action under this subsection in the same man-
5 ner as such provisions apply to a penalty or pro-
6 ceeding under section 1128A(a) of such Act (42
7 U.S.C. 1320a–7a(a)), except that, for purposes of
8 this paragraph, any reference in section 1128A of
9 such Act (42 U.S.C. 1320a–7a) to the Secretary
10 shall be deemed to be a reference to the Attorney
11 General.

○