

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3046
OFFERED BY MR. RANGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

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 2007”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Restrictions on the sale or display to the general public of social security account numbers by governmental entities.
- Sec. 3. Prohibition of display of social security account numbers on checks issued for payment by governmental entities.
- Sec. 4. Prohibition of the display of social security account numbers on certain government identification cards or tags.
- Sec. 5. Prohibition of inmate access to social security account numbers.
- Sec. 6. Measures to preclude unauthorized disclosure by governmental entities of social security account numbers and protect the confidentiality of such numbers.
- Sec. 7. Uniform standards for truncation of the social security account number.
- Sec. 8. Prohibition of the sale, purchase, and display to the general public of the social security account number in the private sector.
- Sec. 9. New criminal penalties for misuse of social security account numbers.
- Sec. 10. Extension of civil monetary penalty authority.
- Sec. 11. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.
- Sec. 12. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.
- Sec. 13. Regulatory and enforcement authority with respect to misuse of the social security account number.
- Sec. 14. Study on feasibility of banning social security account number as an authenticator.

1 **SEC. 2. RESTRICTIONS ON THE SALE OR DISPLAY TO THE**
2 **GENERAL PUBLIC OF SOCIAL SECURITY AC-**
3 **COUNT NUMBERS BY GOVERNMENTAL ENTI-**
4 **TIES.**

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

8 “(x)(I) A governmental entity (as defined in sub-
9 clause (X)) may not sell or display to the general public
10 any social security account number if such number has
11 been disclosed to such governmental entity pursuant to the
12 assertion by such governmental entity to any person that
13 disclosure of such number is a statutory or regulatory re-
14 quirement. Notwithstanding the preceding sentence, such
15 number may be sold or displayed to the general public in
16 accordance with the exceptions specified in subclauses (II),
17 (III), (IV), (V), (VI), (VII), and (VIII) (and for no other
18 purpose).

19 “(II) Notwithstanding subclause (I), a social security
20 account number may be sold by a governmental entity to
21 the extent that such sale is specifically authorized by this
22 Act or the Privacy Act of 1974.

23 “(III) Notwithstanding subclause (I), a social secu-
24 rity account number may be sold by a governmental entity
25 to the extent that is necessary or appropriate for law en-
26 forcement or national security purposes, as determined

1 under regulations which shall be issued as provided in sec-
2 tion 1129C.

3 “(IV) Notwithstanding subclause (I), a social security
4 account number may be sold by a governmental entity to
5 the extent that such sale is required to comply with a tax
6 law of the United States or of any State (or political sub-
7 division thereof).

8 “(V) Notwithstanding subclause (I), a social security
9 account number may be sold by a State department of
10 motor vehicles as authorized under subsection (b) of sec-
11 tion 2721 of title 18, United States Code, if such number
12 is to be used pursuant to such sale solely for purposes
13 permitted under paragraph (1), (6), or (9) of such sub-
14 section.

15 “(VI) Notwithstanding subclause (I), a social security
16 account number may be sold or otherwise made available
17 by a governmental entity to a consumer reporting agency
18 (as defined in section 603(f) of the Fair Credit Reporting
19 Act (15 U.S.C. 1681a(f))) for use or disclosure solely for
20 permissible purposes described in section 604(a) of such
21 Act (15 U.S.C. 1681b(a)).

22 “(VII) Notwithstanding subclause (I), a social secu-
23 rity account number may be sold by a governmental entity
24 to the extent necessary for research (other than market
25 research) conducted by any governmental entity for the

1 purpose of advancing the public good, on the condition
2 that the researcher provides adequate assurances that the
3 social security account numbers will not be used to harass,
4 target, or publicly reveal information concerning any iden-
5 tifiable individuals, that information about identifiable in-
6 dividuals obtained from the research will not be used to
7 make decisions that directly affect the rights, benefits, or
8 privileges of specific individuals, and that the researcher
9 has in place appropriate safeguards to protect the privacy
10 and confidentiality of any information about identifiable
11 individuals, including procedures to ensure that the social
12 security account numbers will be encrypted or otherwise
13 appropriately secured from unauthorized disclosure. In the
14 case of medical research, the Commissioner of Social Secu-
15 rity shall maintain ongoing consultation with the Office
16 for Civil Rights of the Department of Health and Human
17 Services to ensure that the sale or purchase of social secu-
18 rity account numbers which constitute personally identifi-
19 able medical information is permitted only in compliance
20 with existing Federal rules and regulations prescribed by
21 the Secretary of Health and Human Services pursuant to
22 section 264(c) of the Health Insurance Portability and Ac-
23 countability Act of 1996 (110 Stat. 2033).

24 “(VIII) Notwithstanding subelause (I), a social secu-
25 rity account number may be sold or displayed to the gen-

1 eral public by a governmental entity under such other cir-
2 cumstances as may be specified in regulations issued as
3 provided in section 1129C.

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

6 “(X) For purposes of this clause, the term ‘govern-
7 mental entity’ means an executive, legislative, or judicial
8 agency or instrumentality of the Federal Government or
9 of a State or political subdivision thereof, a Federally rec-
10 ognized Indian tribe, or a trustee appointed in a case
11 under title 11, United States Code. Such term includes
12 a person acting as an agent of such an agency or instru-
13 mentality, Indian tribe, or trustee. For purposes of this
14 subclause, the term ‘State’ has the meaning provided in
15 subparagraph (D)(iii)(II).

16 “(XI) For purposes of this clause, the term ‘sell’
17 means, in connection with a social security account, to ob-
18 tain, directly or indirectly, anything of value in exchange
19 for such number. Such term does not include the submis-
20 sion of such number as part of the process for applying
21 for any type of Government benefits or programs (such
22 as grants, loans, or welfare or other public assistance pro-
23 grams) or as part of the administration of, or provision
24 of benefits under, an employee benefit plan.

1 “(XII) For purposes of this clause, the term ‘display
2 to the general public’ shall have the meaning provided
3 such term in section 208A(a)(3)(A). In any case in which
4 a governmental entity requires transmittal to such govern-
5 mental entity of an individual’s social security account
6 number by means of the Internet without ensuring that
7 such number is encrypted or otherwise appropriately se-
8 cured from disclosure, any such transmittal of such num-
9 ber as so required shall be treated, for purposes of this
10 clause, as a ‘display to the general public’ of such number
11 by such governmental entity for purposes of this clause.

12 “(XIII) For purposes of this clause, the term ‘social
13 security account number’ includes any derivative of such
14 number. Notwithstanding the preceding sentence, any ex-
15 pression, contained in or on any item sold or displayed
16 to the general public, shall not be treated as a social secu-
17 rity account number solely because such expression sets
18 forth not more than the last 4 digits of such number, if
19 the remainder of such number cannot be determined based
20 solely on such expression or any other matter presented
21 in or on such item.

22 “(XIV) Nothing in the preceding subclauses of this
23 clause shall be construed as superseding, altering, or af-
24 fecting any statute, regulation, order, or interpretation in
25 effect under any other Federal or State law, except to the

1 extent that such statute, regulation, order, or interpreta-
2 tion is inconsistent with such subclauses, and then only
3 to the extent of the inconsistency. For purposes of this
4 subclause, a statute, regulation, order, or interpretation is
5 not inconsistent with the preceding subclauses of this
6 clause if the protection such statute, regulation, order, or
7 interpretation affords any person is greater than the pro-
8 tection provided under such subclauses.”.

9 (b) EFFECTIVE DATE AND RELATED RULES.—

10 (1) IN GENERAL.—Initial final regulations pre-
11 scribed to carry out the provisions of section
12 205(c)(2)(C)(x) of the Social Security Act (added by
13 this section) shall be issued not later than the last
14 date of the 18th calendar month following the date
15 of the enactment of this Act. Such provisions shall
16 take effect, with respect to matters governed by such
17 regulations issued by the Commissioner of Social Se-
18 curity or any other agency or instrumentality of the
19 United States, 1 year after the date of the issuance
20 of such regulations by the Commissioner or such
21 other agency or instrumentality, respectively. Such
22 provisions shall apply in the case of displays to the
23 general public, as defined in section 208A(a)(3) of
24 such Act (added by section 8 of this Act), to such
25 displays originally occurring after such 1-year pe-

1 riod. Such provisions shall not apply with respect to
2 any display of a record (containing a social security
3 account number (or any derivative thereof)) gen-
4 erated prior to the close of such 1-year period.

5 (2) SUNSET OF EXCEPTION.—The last sentence
6 of subclause (XIII) of section 205(c)(2)(C)(x) of the
7 Social Security Act (added by this section) shall
8 cease to be effective with respect to sales or displays
9 to the general public occurring after 2 years after
10 the effective date of the initial final regulations pre-
11 scribed to carry out the provisions of such section
12 205(c)(2)(C)(x).

13 **SEC. 3. PROHIBITION OF DISPLAY OF SOCIAL SECURITY AC-**
14 **COUNT NUMBERS ON CHECKS ISSUED FOR**
15 **PAYMENT BY GOVERNMENTAL ENTITIES.**

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

20 “(xi) No governmental entity (as defined in clause
21 (x)(X)) may include the social security account number
22 of any individual (or any derivative of such number) on
23 any check issued for any payment by such governmental
24 entity or on any document attached to or accompanying
25 such a check.”.

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

5 **SEC. 4. PROHIBITION OF THE DISPLAY OF SOCIAL SECUR-**
6 **RITY ACCOUNT NUMBERS ON CERTAIN GOV-**
7 **ERNMENT IDENTIFICATION CARDS OR TAGS.**

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

12 “(xii) No governmental entity (as defined in clause
13 (x)(X)), and no other person offering benefits in connec-
14 tion with an employee benefit plan maintained by such
15 governmental entity, may display a social security account
16 number (or any derivative thereof) on any card or tag that
17 is commonly provided—

18 “(I) to employees of such governmental entity,

19 “(II) in the case of a governmental entity which
20 is an educational institution, to its students, or

21 “(III) in the case of a governmental entity
22 which is a medical institution, to its patients,

23 (or to their family members) for purposes of identification
24 or include on such card or tag a magnetic strip, bar code,

25 or other means of communication which conveys such

1 number (or derivative thereof). The requirements of this
2 clause shall also apply to the Medicare card issued by the
3 Department of Health and Human Services.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply with respect to cards or tags issued
6 after 1 year after the date of the enactment of this Act,
7 except that the last sentence of section 205(c)(2)(C)(xii)
8 (as added by this section) shall take effect 2 and one-half
9 years after the date of the enactment of this Act.

10 **SEC. 5. PROHIBITION OF INMATE ACCESS TO SOCIAL SECU-**
11 **RITY ACCOUNT NUMBERS.**

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

16 “(xiii) No governmental entity (as defined in clause
17 (x)(X)) may employ, or enter into a contract for the use
18 or employment of, prisoners in any capacity that would
19 allow such prisoners access to the social security account
20 numbers of other individuals (or any derivatives of such
21 numbers). For purposes of this clause, the term ‘prisoner’
22 means an individual confined in a jail, prison, or other
23 penal institution or correctional facility.”.

24 (b) EFFECTIVE DATE.—

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

7 (2) TREATMENT OF CURRENT ARRANGE-
8 MENTS.—In the case of—

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

13 (B) contracts described in such clause in
14 effect on such date,

15 the amendment made by this section shall take ef-
16 fect 90 days after the date of the enactment of this
17 Act.

18 **SEC. 6. MEASURES TO PRECLUDE UNAUTHORIZED DISCLO-**
19 **SURE BY GOVERNMENTAL ENTITIES OF SO-**
20 **CIAL SECURITY ACCOUNT NUMBERS AND**
21 **PROTECT THE CONFIDENTIALITY OF SUCH**
22 **NUMBERS.**

23 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
24 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the

1 preceding provisions of this Act) is amended further by
2 adding at the end the following new clause:

3 “(xiv) Except as otherwise provided in this para-
4 graph, in the case of any governmental entity (as defined
5 in clause (x)(X)) having access to an individual’s social
6 security account number—

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

11 “(II) such governmental entity shall restrict, to
12 the satisfaction of the Commissioner of Social Secu-
13 rity, access to social security account numbers ob-
14 tained thereby to officers and employees thereof
15 whose duties or responsibilities require access for the
16 administration or enforcement of such provisions,
17 and

18 “(III) such governmental entity shall provide
19 such other safeguards as the Commissioner deter-
20 mines to be necessary or appropriate to preclude un-
21 authorized access to the social security account num-
22 ber and to otherwise protect the confidentiality of
23 such number.

24 For purposes of this clause the term ‘social security ac-
25 count number’ includes any derivative thereof.’”.

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

4 **SEC. 7. UNIFORM STANDARDS FOR TRUNCATION OF THE**
5 **SOCIAL SECURITY ACCOUNT NUMBER.**

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

10 “(xv) The truncation by any governmental entity (as
11 defined in clause (x)(X)) or by any person in the private
12 sector of an individual’s social security account number
13 which is used by such governmental entity or person other-
14 wise in accordance with the requirements of this Act shall
15 be in accordance with a uniform truncation standard
16 which shall be specified in regulations prescribed by the
17 Commissioner of Social Security. Under such standard,
18 the number as truncated shall set forth not more than the
19 last 4 digits of the number. Nothing in this clause shall
20 be construed to authorize any use of the social security
21 account number which is not otherwise authorized by this
22 title or regulations prescribed thereunder.”.

23 (b) EFFECTIVE DATE.—Initial final regulations pre-
24 scribed to carry out the provisions of section
25 205(c)(2)(C)(xv) of the Social Security Act (added by this

1 section) shall be issued not later than the last date of the
2 18th calendar month following the date of the enactment
3 of this Act. Such provisions shall take effect, with respect
4 to matters governed by such regulations issued by the
5 Commissioner or any other agency or instrumentality of
6 the United States, 1 year after the date of the issuance
7 of such regulations by the Commissioner or such other
8 agency or instrumentality, respectively.

9 **SEC. 8. PROHIBITION OF THE SALE, PURCHASE, AND DIS-**
10 **PLAY TO THE GENERAL PUBLIC OF THE SO-**
11 **CIAL SECURITY ACCOUNT NUMBER IN THE**
12 **PRIVATE SECTOR.**

13 (a) IN GENERAL.—Title II of the Social Security Act
14 is amended by inserting after section 208 (42 U.S.C. 408)
15 the following new section:

16 “PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY
17 TO THE GENERAL PUBLIC OF THE SOCIAL SECURITY
18 ACCOUNT NUMBER IN THE PRIVATE SECTOR

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

21 “(1) PERSON.—

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

1 “(B) EXCLUSION OF GOVERNMENTAL EN-
2 TITIES.—Such term does not include a govern-
3 mental entity. Nothing in this subparagraph
4 shall be construed to authorize, in connection
5 with a governmental entity, an act or practice
6 otherwise prohibited under this section or sec-
7 tion 205(c)(2)(C).

8 “(2) SELLING AND PURCHASING.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B)—

11 “(i) SELL.—The term ‘sell’ in connec-
12 tion with a social security account number
13 means to obtain, directly or indirectly, any-
14 thing of value in exchange for such num-
15 ber.

16 “(ii) PURCHASE.—The term ‘pur-
17 chase’ in connection with a social security
18 account number means to provide, directly
19 or indirectly, anything of value in exchange
20 for such number.

21 “(B) EXCEPTIONS.—The terms ‘sell’ and
22 ‘purchase’ in connection with a social security
23 account number do not include the submission
24 of such number as part of—

1 “(i) the process for applying for any
2 type of Government benefits or programs
3 (such as grants or loans or welfare or
4 other public assistance programs),

5 “(ii) the administration of, or provi-
6 sion of benefits under, an employee benefit
7 plan, or

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

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

11 “(A) IN GENERAL.—The term ‘display to
12 the general public’ means, in connection with a
13 social security account number, to intentionally
14 place such number in a viewable manner on an
15 Internet site that is available to the general
16 public or to make such number available in any
17 other manner intended to provide access to such
18 number by the general public.

19 “(B) INTERNET TRANSMISSIONS.—In any
20 case in which a person requires transmittal to
21 such person of an individual’s social security ac-
22 count number by means of the Internet without
23 ensuring that such number is encrypted or oth-
24 erwise well-secured from disclosure, any such
25 transmittal of such number as so required shall

1 be treated as a ‘display to the general public’
2 of such number by such person.

3 “(4) SOCIAL SECURITY ACCOUNT NUMBER.—

4 “(A) IN GENERAL.—The term ‘social secu-
5 rity account number’ has the meaning given
6 such term in section 208(c), except that such
7 term includes any derivative of such number.

8 “(B) 4-DIGIT EXPRESSION.—Notwith-
9 standing the preceding sentence, for purposes of
10 subsection (b)(1)(A), any expression, contained
11 in or on any item sold, purchased, or displayed
12 to the general public, shall not be treated as a
13 social security account number solely because
14 such expression sets forth not more than the
15 last 4 digits of such number, if the remainder
16 of such number cannot be determined based
17 solely on such expression or any other matter
18 presented in or on such item.

19 “(5) GOVERNMENTAL ENTITY.—

20 “(A) IN GENERAL.—The term ‘govern-
21 mental entity’ means an executive, legislative,
22 or judicial agency or instrumentality of the
23 Federal Government, a State or political sub-
24 division thereof, a Federally recognized Indian
25 tribe, or a trustee appointed in a case under

1 title 11, United States Code. Such term in-
2 cludes a person acting as an agent of such an
3 agency or instrumentality, Indian tribe, or
4 trustee.

5 “(B) STATE.—The term ‘State’ includes
6 the District of Columbia, the Commonwealth of
7 Puerto Rico, the Virgin Islands, Guam, the
8 Commonwealth of the Northern Marianas, and
9 the Trust Territory of the Pacific Islands.

10 “(b) PROHIBITION OF SALE, PURCHASE, AND DIS-
11 PLAY TO THE GENERAL PUBLIC.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), it shall be unlawful for any person to—

14 “(A) sell or purchase a social security ac-
15 count number or display to the general public
16 a social security account number, or

17 “(B) obtain or use any individual’s social
18 security account number for the purpose of lo-
19 cating or identifying such individual with the
20 intent to harass, harm, or physically injure such
21 individual or using the identity of such indi-
22 vidual for any illegal purpose.

23 “(2) EXCEPTIONS.—

24 “(A) IN GENERAL.—Notwithstanding para-
25 graph (1), and subject to paragraph (3), a so-

1 cial security account number may be sold or
2 purchased by any person to the extent provided
3 in this subsection (and for no other purpose) as
4 follows:

5 “(i) to the extent necessary for law
6 enforcement, including (but not limited to)
7 the enforcement of a child support obliga-
8 tion, as determined under regulations
9 issued as provided in section 1129C;

10 “(ii) to the extent necessary for na-
11 tional security purposes, as determined
12 under regulations issued as provided in
13 section 1129C;

14 “(iii) to the extent necessary for pub-
15 lic health purposes;

16 “(iv) to the extent necessary in emer-
17 gency situations to protect the health or
18 safety of 1 or more individuals;

19 “(v) to the extent that the sale or pur-
20 chase is required to comply with a tax law
21 of the United States or of any State (or
22 political subdivision thereof);

23 “(vi) to the extent that the sale or
24 purchase is to or by a consumer reporting
25 agency (as defined in section 603(f) of the

1 Fair Credit Reporting Act (15 U.S.C.
2 1681a(f)) for use or disclosure solely for
3 permissible purposes described in section
4 604(a) of such Act (15 U.S.C. 1681b(a));
5 and

6 “(vii) to the extent necessary for re-
7 search (other than market research) con-
8 ducted by an agency or instrumentality of
9 the United States or of a State or political
10 subdivision thereof (or a person acting as
11 an agent of such an agency or instrumen-
12 tality) for the purpose of advancing the
13 public good, on the condition that the re-
14 searcher provides adequate assurances
15 that—

16 “(I) the social security account
17 numbers will not be used to harass,
18 target, or publicly reveal information
19 concerning any identifiable individ-
20 uals;

21 “(II) information about identifi-
22 able individuals obtained from the re-
23 search will not be used to make deci-
24 sions that directly affect the rights,

1 benefits, or privileges of specific indi-
2 viduals; and

3 “(III) the researcher has in place
4 appropriate safeguards to protect the
5 privacy and confidentiality of any in-
6 formation about identifiable individ-
7 uals, including procedures to ensure
8 that the social security account num-
9 bers will be encrypted or otherwise ap-
10 propriately secured from unauthorized
11 disclosure.

12 “(B) MEDICAL RESEARCH.—In the case of
13 research referred to in subparagraph (A)(vii)
14 consisting of medical research, the Commis-
15 sioner of Social Security shall maintain ongoing
16 consultation with the Office for Civil Rights of
17 the Department of Health and Human Services
18 to ensure that the sale or purchase of social se-
19 curity account numbers which constitute per-
20 sonally identifiable medical information is per-
21 mitted only in compliance with existing Federal
22 rules and regulations prescribed by the Sec-
23 retary of Health and Human Services pursuant
24 to section 264(c) of the Health Insurance Port-

1 ability and Accountability Act of 1996 (110
2 Stat. 2033).

3 “(3) CONSENT AND OTHER CIRCUMSTANCES
4 DETERMINED BY REGULATION.—Notwithstanding
5 paragraph (1), a social security account number as-
6 signed to an individual may be sold or purchased by
7 any person—

8 “(A) to the extent consistent with such in-
9 dividual’s voluntary and affirmative written
10 consent to the sale or purchase, but only if—

11 “(i) the terms of the consent and the
12 right to refuse consent are presented to the
13 individual in a clear, conspicuous, and un-
14 derstandable manner,

15 “(ii) the individual is placed under no
16 obligation to provide consent to any such
17 sale or purchase, and

18 “(iii) the terms of the consent author-
19 ize the individual to limit the sale or pur-
20 chase to purposes directly associated with
21 the transaction with respect to which the
22 consent is sought, and

23 “(B) under such circumstances as may be
24 deemed appropriate in regulations issued as
25 provided under section 1129C.

1 “(c) PROHIBITION OF DISPLAY ON CHECKS.—It shall
2 be unlawful for any person to include the social security
3 account number of any other individual on any check
4 issued for any payment by such person or on any docu-
5 ment attached to or accompanying such a check.

6 “(d) PROHIBITION OF UNAUTHORIZED DISCLOSURE
7 TO GOVERNMENT AGENCIES OR INSTRUMENTALITIES.—

8 “(1) IN GENERAL.—It shall be unlawful for any
9 person to communicate by any means to any agency
10 or instrumentality of the United States or of any
11 State or political subdivision thereof the social secu-
12 rity account number of any individual other than
13 such person without the written permission of such
14 individual, unless the number was requested by the
15 agency or instrumentality. In the case of an indi-
16 vidual who is legally incompetent, permission pro-
17 vided by the individual’s legal representatives shall
18 be deemed to be permission provided by such indi-
19 vidual.

20 “(2) EXCEPTIONS.—Paragraph (1) shall not
21 apply to the extent necessary—

22 “(A) for law enforcement, including (but
23 not limited to) the enforcement of a child sup-
24 port obligation, or

25 “(B) for national security purposes,

1 as determined under regulations issued as provided
2 under section 1129C.

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

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

22 “(g) MEASURES TO PRECLUDE UNAUTHORIZED DIS-
23 CLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND
24 PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.—
25 Subject to the preceding provisions of this section, any

1 person having access to the social security account number
2 of any individual other than such person shall, to the ex-
3 tent that such access is maintained for the conduct of such
4 person's trade or business—

5 “(1) ensure that no officer or employee thereof
6 has access to such number for any purpose other
7 than as necessary for the conduct of such person's
8 trade or business,

9 “(2) restrict, in accordance with regulations of
10 the Commissioner of Social Security, access to social
11 security account numbers obtained thereby to offi-
12 cers and employees thereof whose duties or respon-
13 sibilities require access for the conduct of such per-
14 son's trade or business, and

15 “(3) provide such safeguards as may be speci-
16 fied, in regulations of the Commissioner of Social
17 Security, to be necessary or appropriate to preclude
18 unauthorized access to the social security account
19 number and to otherwise protect the confidentiality
20 of such number.

21 “(h) DECEASED INDIVIDUALS.—This section does
22 not apply with respect to the social security account num-
23 ber of a deceased individual.

24 “(i) APPLICABILITY OF OTHER PROTECTIONS.—
25 Nothing in the preceding subsections of this section shall

1 be construed as superseding, altering, or affecting any
2 statutory provision, regulation, order, or interpretation in
3 effect under any other Federal or State law, except to the
4 extent that such statutory provision, regulation, order, or
5 interpretation is inconsistent with such subsections, and
6 then only to the extent of the inconsistency. For purposes
7 of this subclause, a statutory provision, regulation, order,
8 or interpretation is not inconsistent with the preceding
9 subsections of this section if the protection such statutory
10 provision, regulation, order, or interpretation affords any
11 person is greater than the protection provided under such
12 subsections.”.

13 (b) EFFECTIVE DATE AND RELATED RULES.—

14 (1) IN GENERAL.—Initial final regulations pre-
15 scribed to carry out the provisions of section 208A
16 of the Social Security Act (added by this section)
17 shall be issued not later than the last date of the
18 18th calendar month following the date of the enact-
19 ment of this Act. Such provisions shall take effect,
20 with respect to matters governed by such regulations
21 issued by the Commissioner of Social Security or
22 any other agency or instrumentality of the United
23 States, 1 year after the date of the issuance of such
24 regulations by the Commissioner of Social Security
25 or such other agency or instrumentality, respectively.

1 Section 208A(b) of such Act shall apply in the case
2 of displays to the general public (as defined in sec-
3 tion 208A(a)(3) of such Act) to such displays to the
4 general public originally occurring after such 1-year
5 period. Such provisions shall not apply with respect
6 to any such display to the general public of a record
7 (containing a social security account number (or any
8 derivative thereof)) generated prior to the close of
9 such 1-year period.

10 (2) SUNSET OF EXCEPTION.—Section
11 208A(a)(4)(B) of the Social Security Act (added by
12 this section) shall cease to be effective with respect
13 to sales, purchases, or displays to the general public
14 occurring after 2 years after the effective date of the
15 initial final regulations prescribed to carry out the
16 provisions of section 208A of such Act.

17 **SEC. 9. NEW CRIMINAL PENALTIES FOR MISUSE OF SOCIAL**
18 **SECURITY ACCOUNT NUMBERS.**

19 (a) IN GENERAL.—Section 208 of the Social Security
20 Act (42 U.S.C. 408) is amended—

21 (1) in subsection (a), by inserting “or” at the
22 end of paragraph (8) and by inserting after para-
23 graph (8) the following new paragraph:

24 “(9) willfully acts or fails to act so as to cause
25 a violation of section 208A(b)(1)(B);”.

1 (2) by redesignating subsections (b) through (e)
2 as subsections (c) through (f), respectively;

3 (3) in subsection (c)(1) (as so redesignated), by
4 inserting “or (b)” after “subsection (a)”; and

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

7 “(b)(1) Whoever—

8 “(A) knowingly, and with intent to commit, or
9 to aid or abet, any activity that constitutes a viola-
10 tion of Federal law, or a violation of any applicable
11 law of a State or political subdivision thereof if the
12 maximum penalty of such applicable law includes
13 imprisonment for 5 years or more—

14 “(i) possesses the social security account
15 number of another person without lawful au-
16 thority, or

17 “(ii) possesses a social security card, know-
18 ing that the social security account number or
19 other identifying information displayed on the
20 card has been altered, counterfeited, or forged
21 or that the card was falsely made, stolen, or ob-
22 tained from the Social Security Administration
23 by use of false information;

24 if such activity is committed, or aided or abetted,
25 with intent to use such social security account num-

1 ber, social security card, or other identifying infor-
2 mation displayed on such card in furtherance of
3 such violation;

4 “(B) being—

5 “(i) an officer or employee of any govern-
6 mental entity (as defined in section
7 205(c)(2)(C)(x)(X)), or

8 “(ii) a person acting as an agent of a gov-
9 ernmental entity (as so defined),

10 willfully acts or fails to act so as to cause a violation
11 of clause (vi)(II), (xi), (xii), or (xv) of section
12 205(c)(2)(C);

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

19 “(D) willfully acts or fails to act so as to cause
20 a violation of subsection (c), (d), (e), or (f) of sec-
21 tion 208A or, as a person in the private sector, will-
22 fully acts or fails to act so as to cause a violation
23 of section 205(c)(2)(C)(xv);

1 shall be guilty of a misdemeanor and upon conviction
2 thereof shall be fined under title 18, United States Code,
3 or imprisoned for not more than 1 year, or both.

4 “(2)(A) Whoever—

5 “(i) with intent to deceive, discloses, sells, or
6 transfers his own social security account number, as-
7 signed to him by the Commissioner of Social Secu-
8 rity (in the exercise of the Commissioner’s authority
9 under section 205(c)(2) to establish and maintain
10 records), to any person;

11 “(ii) without lawful authority, offers, for a fee,
12 to acquire for any individual, or to assist in acquir-
13 ing for any individual, an additional social security
14 account number or a number that is purported to be
15 a social security account number;

16 “(iii) being—

17 “(I) an officer or employee of any govern-
18 mental entity (as defined in section
19 205(c)(2)(C)(x)(X)), or

20 “(II) a person acting as an agent of a gov-
21 ernmental entity (as so defined),

22 willfully acts or fails to act so as to cause a violation
23 of clause (x), (xiii), or (xiv) of section 205(c)(2)(C);

24 “(iv) being a trustee appointed in a case under
25 title 11, United States Code (or an officer or em-

1 ployee thereof or a person acting as an agent there-
2 of), willfully acts or fails to act so as to cause a vio-
3 lation of clause (x) or (xiv) of section 205(c)(2)(C);
4 or

5 “(v) willfully acts or fails to act so as to cause
6 a violation of subsection (b)(1)(A) or (g) of section
7 208A;

8 shall be fined, imprisoned, or both, as provided in subpara-
9 graph (B).

10 “(B) A person convicted of a violation described in
11 subparagraph (A) shall—

12 “(i) be fined under title 18, United States
13 Code, imprisoned not more than 1 year, or both; and

14 “(ii) if the offense is committed under false pre-
15 tenses or for commercial advantage, personal gain,
16 or malicious harm, be fined under title 18, United
17 States Code, imprisoned not more than 5 years, or
18 both.”.

19 (b) EFFECTIVE DATES.—The amendments made by
20 this section shall apply with respect to each violation oc-
21 ccurring after the date of the enactment of this Act, except
22 that subparagraphs (B), (C), and (D) of section 208(b)(1)
23 of such Act and clauses (iii), (iv), and (v) of section
24 208(b)(2)(A) of such Act (added by subsection (a)(3))
25 shall apply, in connection with violations of clause (x), (xi),

1 (xii), (xiii), (xiv), or (xv) of section 205(c)(2)(C) or section
2 208A, with respect to each violation occurring on or after
3 the effective date applicable with respect to such violation
4 under section 2, 3, 4, 5, 6, 7, or 8.

5 **SEC. 10. EXTENSION OF CIVIL MONETARY PENALTY AU-**
6 **THORITY.**

7 (a) APPLICATION OF CIVIL MONEY PENALTIES TO
8 ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a)
9 of the Social Security Act (42 U.S.C. 1320a–8(a)) is
10 amended—

11 (1) by redesignating paragraphs (2) and (3) as
12 paragraphs (4) and (5), respectively;

13 (2) by designating the last sentence of para-
14 graph (1) as a new paragraph (2), appearing after
15 and below paragraph (1); and

16 (3) by inserting after paragraph (2) (as des-
17 igned under paragraph (2) of this subsection) the
18 following:

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

21 “(A) uses a social security account number that
22 such person knows or should know has been as-
23 signed by the Commissioner of Social Security (in an
24 exercise of authority under section 205(c)(2) to es-
25 tablish and maintain records) on the basis of false

1 information furnished to the Commissioner by any
2 person;

3 “(B) falsely represents a number to be the so-
4 cial security account number assigned by the Com-
5 missioner of Social Security to any individual, when
6 such person knows or should know that such number
7 is not the social security account number assigned
8 by the Commissioner to such individual;

9 “(C) with intent to deceive, alters a social secu-
10 rity card that the person knows or should know was
11 issued by the Commissioner of Social Security, or
12 possesses such a card with intent to alter it;

13 “(D) buys or sells a card that such person
14 knows or should know is, or is purported to be, a
15 card issued by the Commissioner of Social Security,
16 or possesses such a card with intent to buy or sell
17 it;

18 “(E) counterfeits a social security card, or pos-
19 sesses a counterfeit social security card with intent
20 to buy or sell it;

21 “(F) discloses, uses, compels the disclosure of,
22 or knowingly sells or purchases the social security
23 account number of any person in violation of the
24 laws of the United States;

1 “(G) with intent to deceive the Commissioner of
2 Social Security as to such person’s true identity (or
3 the true identity of any other person), furnishes or
4 causes to be furnished false information to the Com-
5 missioner with respect to any information required
6 by the Commissioner in connection with the estab-
7 lishment and maintenance of the records provided
8 for in section 205(c)(2);

9 “(H) without lawful authority, offers, for a fee,
10 to acquire for any individual, or to assist in acquir-
11 ing for any individual, an additional social security
12 account number or a number which is purported to
13 be a social security account number;

14 “(I) with intent to deceive, discloses, sells, or
15 transfers his own social security account number, as-
16 signed to him by the Commissioner of Social Secu-
17 rity under section 205(c)(2)(B), to any person;

18 “(J) knowingly, and with intent to commit, or
19 to aid or abet, any activity that constitutes a viola-
20 tion of Federal law, or a violation of any applicable
21 law of a State or political subdivision thereof if the
22 maximum penalty of such applicable law includes
23 imprisonment for 5 years or more—

1 “(i) possesses a social security account
2 number of another individual without lawful au-
3 thority, or

4 “(ii) possesses a social security card, know-
5 ing that the social security account number or
6 other identifying information displayed on the
7 card has been altered, counterfeited, or forged
8 or that the card was falsely made, stolen, or ob-
9 tained from the Social Security Administration
10 by use of false information,

11 if such activity is committed, or aided or abetted,
12 with intent to use such social security account num-
13 ber, social security card, or other identifying infor-
14 mation displayed on such card in furtherance of
15 such violation;

16 “(K) being—

17 “(i) an officer or employee of a govern-
18 mental entity (as defined in section
19 205(c)(2)(C)(x)(X)), or

20 “(ii) a person acting as an agent of a gov-
21 ernmental entity (as so defined),

22 willfully acts or fails to act so as to cause a violation
23 of clause (vi)(II), (x), (xi), (xii), (xiii), (xiv), or (xv)
24 of section 205(c)(2)(C);

1 “(L) being a trustee appointed in a case under
2 title 11, United States Code (or an officer or em-
3 ployee thereof or a person acting as an agent there-
4 of), willfully acts or fails to act so as to cause a vio-
5 lation of clause (x), (xi), (xiv), or (xv) of section
6 205(c)(2)(C);

7 “(M) violates section 208A (relating to prohibi-
8 tion of the sale, purchase, or display of the social se-
9 curity account number in the private sector) or, as
10 a person in the private sector, violates section
11 205(c)(2)(C)(xv); or

12 “(N) violates section 208(g) (relating to fraud
13 by social security administration employees);
14 shall be subject to, in addition to any other penalties that
15 may be prescribed by law, a civil money penalty of not
16 more than \$5,000 for each violation. Such person shall
17 also be subject to an assessment, in lieu of damages sus-
18 tained by the United States resulting from such violation,
19 of not more than twice the amount of any benefits or pay-
20 ments paid as a result of such violation.”.

21 (b) EFFECTIVE DATES.—The amendments made by
22 this section shall apply with respect to violations com-
23 mitted after the date of the enactment of this Act, except
24 that subparagraphs (J), (K), (L), and (M) of section
25 1129(a)(3) of the Social Security Act (added by subsection

1 (a) shall apply with respect to violations of the provisions
2 of clause (x), (xi), (xii), (xiii), (xiv), or (xv) of section
3 205(c)(2)(C) or section 208A occurring on or after the
4 applicable effective date provided in connection with such
5 provisions under section 2, 3, 4, 5, 6, 7, or 8 of this Act.

6 **SEC. 11. CRIMINAL PENALTIES FOR EMPLOYEES OF THE**
7 **SOCIAL SECURITY ADMINISTRATION WHO**
8 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**
9 **CIAL SECURITY CARDS OR SOCIAL SECURITY**
10 **ACCOUNT NUMBERS.**

11 (a) IN GENERAL.—Section 208 of the Social Security
12 Act (as amended by section 9) is amended further by add-
13 ing at the end the following new subsection:

14 “(g)(1) Whoever is an employee of the Social Security
15 Administration and knowingly and fraudulently sells or
16 transfers one or more social security account numbers or
17 social security cards shall, upon conviction, be guilty of
18 a felony and fined under title 18, United States Code, im-
19 prisoned as provided in paragraph (2), or both.

20 “(2) Imprisonment for a violation described in para-
21 graph (1) shall be for—

22 “(A) not more than 5 years, in the case of an
23 employee of the Social Security Administration who
24 has fraudulently sold or transferred not more than

1 50 social security account numbers or social security
2 cards,

3 “(B) not more than 10 years, in the case of an
4 employee of the Social Security Administration who
5 has fraudulently sold or transferred more than 50,
6 but not more than 100, social security account num-
7 bers or social security cards, or

8 “(C) not more than 20 years, in the case of an
9 employee of the Social Security Administration who
10 has fraudulently sold or transferred more than 100
11 social security account numbers or social security
12 cards.

13 “(3) For purposes of this subsection—

14 “(A) The term ‘social security employee’ means
15 any State employee of a State disability determina-
16 tion service, any officer, employee, or contractor of
17 the Social Security Administration, any employee of
18 such a contractor, or any volunteer providing serv-
19 ices or assistance in any facility of the Social Secu-
20 rity Administration.

21 “(B) The term ‘social security account number’
22 means a social security account number assigned by
23 the Commissioner of Social Security under section
24 205(c)(2)(B) or another number that has not been

1 so assigned but is purported to have been so as-
2 signed.

3 “(C) The term ‘social security card’ means a
4 card issued by the Commissioner of Social Security
5 under section 205(c)(2)(G), another card which has
6 not been so issued but is purported to have been so
7 issued, and banknote paper of the type described in
8 section 205(c)(2)(G) prepared for the entry of social
9 security account numbers, whether fully completed
10 or not.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply with respect to violations occurring
13 on or after the date of the enactment of this Act.

14 **SEC. 12. ENHANCED PENALTIES IN CASES OF TERRORISM,**
15 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**
16 **OR PRIOR OFFENSES.**

17 (a) AMENDMENTS TO TITLE II.—Section 208 of the
18 Social Security Act (as amended by the preceding provi-
19 sions of this Act) is amended further—

20 (1) in subsection (a), by striking “shall be
21 fined” and all that follows and inserting the fol-
22 lowing: “shall be fined, imprisoned, or both, as pro-
23 vided in subsection (c).”;

24 (2) in subsection (b)(2)(B)(ii) (as added by sec-
25 tion 9), by striking “shall be fined” and all that fol-

1 lows and inserting the following: “shall be fined, im-
2 prisoned, or both, as provided in subsection (c).”;

3 (3) by striking subsection (d);

4 (4) by redesignating subsection (c) as sub-
5 section (d); and

6 (5) by inserting after subsection (b) the fol-
7 lowing new subsection:

8 “(c) A person convicted of a violation described in
9 subsection (a) or a violation described in subsection
10 (b)(2)(A) which is subject to subsection (b)(2)(B)(ii) shall
11 be—

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

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

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

1 nection with a crime of violence (as defined in sec-
2 tion 924(c)(3) of title 18, United States Code) in-
3 volving force against the person of another, subject
4 to paragraph (4), and

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

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

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

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

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

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

23 “(1) fined under title 18, United States Code,
24 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) in-
15 volving force against the person of another, subject
16 to paragraph (4), and

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

23 (c) AMENDMENTS TO TITLE XVI.—Section 1632 of
24 such Act (42 U.S.C. 1383a) 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 subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

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

9 “(b) A person convicted of a violation described in
10 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) in-
2 volving force against the person of another, subject
3 to paragraph (4), and

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

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

13 **SEC. 13. REGULATORY AND ENFORCEMENT AUTHORITY**
14 **WITH RESPECT TO MISUSE OF THE SOCIAL**
15 **SECURITY ACCOUNT NUMBER.**

16 Title XI of the Social Security Act is amended by
17 inserting after section 1129B (42 U.S.C. 1320a–7b) the
18 following new section:

19 “REGULATORY AND ENFORCEMENT AUTHORITY WITH RE-
20 SPECT TO MISUSE OF THE SOCIAL SECURITY AC-
21 COUNT NUMBER

22 “SEC. 1129C. (a) REGULATORY AUTHORITY.—

23 “(1) IN GENERAL.—The Commissioner of So-
24 cial Security shall prescribe regulations to carry out
25 the provisions of clauses (vi)(II), (x), (xi), (xii),
26 (xiii), (xiv), and (xv) of section 205(c)(2)(C) and

1 section 208A. Such regulations shall be issued in
2 consultation with the Federal Trade Commission,
3 the Attorney General of the United States, the Sec-
4 retary of Homeland Security, the Secretary of
5 Health and Human Services, the Secretary of the
6 Treasury, the Federal banking agencies (as defined
7 in section 3 of the Federal Deposit Insurance Act),
8 the National Credit Union Administration, the Secu-
9 rities and Exchange Commission, State attorneys
10 general, and such representatives of the State insur-
11 ance commissioners as may be designated by the
12 National Association of Insurance Commissioners.

13 “(2) TREATMENT OF MATTERS RELATING TO
14 LAW ENFORCEMENT AND NATIONAL SECURITY.—In
15 issuing the regulations described in paragraph (1)
16 with respect to the provisions of
17 205(c)(2)(C)(x)(III), paragraph (A) or (B) of sec-
18 tion 208A(b)(2), or section 208A(c)(2) (relating to
19 law enforcement and national security), the sale or
20 purchase of Social Security account numbers may be
21 authorized only if the Commissioner (or the agency
22 or instrumentality delegated authority to issue such
23 regulations under paragraph (5)) determines that—

24 “(A) such sale or purchase would serve a
25 compelling public interest that cannot reason-

1 ably be served through alternative measures,
2 and

3 “(B) such sale or purchase will not pose an
4 unreasonable risk of identity theft, or bodily,
5 emotional, or financial harm to an individual
6 (taking into account any restrictions and condi-
7 tions that the agency or instrumentality issuing
8 the regulations imposes on the sale, purchase,
9 or disclosure).

10 “(3) TREATMENT OF OTHER MATTERS IN GEN-
11 ERAL DISCRETION OF THE COMMISSIONER.—

12 “(A) IN GENERAL.—In issuing the regula-
13 tions described in paragraph (1) with respect to
14 the provisions of section 205(c)(2)(C)(x)(VIII)
15 or section 208A(b)(3)(B), the sale, purchase, or
16 display to the general public of social security
17 account numbers may be authorized only after
18 considering, among other relevant factors—

19 “(i) the extent to which the authoriza-
20 tion of the sale, purchase, or display of the
21 social security account number would serve
22 a compelling public interest that cannot
23 reasonably be served through alternative
24 measures,

1 “(ii) the associated cost or burden of
2 the authorization to the general public,
3 businesses, commercial enterprises, non-
4 profit organizations, and Federal, State,
5 and local governments; and

6 “(iii) the associated benefit of the au-
7 thorization to the general public, busi-
8 nesses, commercial enterprises, non-profit
9 associations, and Federal, State, and local
10 governments.

11 “(B) RESTRICTIONS AND CONDITIONS.—If,
12 after considering the factors in subparagraph
13 (A), the sale, purchase, or display to the gen-
14 eral public of social security account numbers is
15 authorized under regulations referred to in sub-
16 paragraph (A), the Commissioner (or the agen-
17 cy or instrumentality delegated authority to
18 issue such regulations under paragraph (5))
19 shall impose restrictions and conditions on the
20 sale, purchase, or display to the general public
21 to the extent necessary—

22 “(i) to provide reasonable assurances
23 that social security account numbers will
24 not be used to commit or facilitate fraud,
25 deceptions, or crime, and

1 “(ii) to prevent an unreasonable risk
2 of identity theft or bodily, emotional, or fi-
3 nancial harm to any individual, considering
4 the nature, likelihood, and severity of the
5 anticipated harm that could result from
6 the sale, purchase, or display to the gen-
7 eral public of social security account num-
8 bers, together with the nature, likelihood,
9 and extent of any benefits that could be re-
10 alized.

11 “(C) 5-YEAR EXPIRATION DATE FOR REGU-
12 LATIONS.—At the end of the 5-year period be-
13 ginning on the effective date of any final regu-
14 lations issued pursuant to this paragraph—

15 “(i) such regulations shall expire, and

16 “(ii) new regulations may be issued
17 pursuant to this paragraph.

18 “(4) ADMINISTRATIVE PROCEDURE.—In the
19 issuance of regulations pursuant to this subsection,
20 notice shall be provided as described in paragraphs
21 (1), (2), and (3) of section 553(b) of title 5, United
22 States Code, and opportunity to participate in the
23 rule making shall be provided in accordance with
24 section 553(c) of such title.

1 “(5) DELEGATION TO OTHER AGENCIES.—Any
2 agency or instrumentality of the United States may
3 exercise the authority of the Commissioner under
4 this subsection, with respect to matters otherwise
5 subject to regulation by such agency or instrumen-
6 tality, to the extent determined appropriate in regu-
7 lations of the Commissioner.

8 “(6) CONSULTATION AND COORDINATION.—
9 Each agency and instrumentality exercising author-
10 ity to issue regulations under this subsection shall
11 consult and coordinate with the other such agencies
12 and instrumentalities for the purposes of assuring,
13 to the extent possible, that the regulations pre-
14 scribed by each such agency or instrumentality are
15 consistent and comparable, as appropriate, with the
16 regulations prescribed by the other such agencies
17 and instrumentalities. The Commissioner shall un-
18 dertake to facilitate such consultation and coordina-
19 tion.

20 “(7) DEFINITIONS AND SPECIAL RULES.—

21 “(A) For purposes of this subsection, the
22 terms ‘sell’, ‘purchase’, and ‘display to the gen-
23 eral public’ shall have the meanings provided
24 such terms under section 205(c)(2)(C)(x) or
25 section 208A(a), as applicable.

1 “(B) For purposes of this subsection, sec-
2 tion 205(c)(2)(C)(x)(XI) shall apply.

3 “(b) COORDINATION OF ENFORCEMENT WITH
4 OTHER AGENCIES.—The Commissioner may provide, by
5 regulation, for enforcement by any other agency or instru-
6 mentality of the United States of the provisions of section
7 208A and regulations prescribed pursuant to subsection
8 (a)(1) with respect to section 208A.

9 “(c) ACTIONS BY STATES WITH RESPECT TO MISUSE
10 IN PRIVATE SECTOR OR BY STATE AND LOCAL GOVERN-
11 MENTS.—

12 “(1) CIVIL ACTIONS.—In any case in which the
13 attorney general of a State (as defined in section
14 205(c)(2)(C)(x)(X)) has reason to believe that an in-
15 terest of the residents of that State has been or is
16 threatened or adversely affected by an act or prac-
17 tice described in paragraph (2), the State, as *parens*
18 *patriae*, may bring a civil action on behalf of the
19 residents of the State in a district court of the
20 United States of appropriate jurisdiction, to—

21 “(A) enjoin that act or practice;

22 “(B) enforce compliance with the regula-
23 tion;

1 “(C) obtain civil penalties in an amount of
2 \$11,000 per violation not to exceed a total of
3 \$5,000,000; or

4 “(D) obtain such other legal and equitable
5 relief as the district court may consider to be
6 appropriate.

7 Before filing an action under this subsection, the at-
8 torney general of the State involved shall provide to
9 the Commissioner of Social Security and the Attor-
10 ney General of the United States a written notice of
11 that action and a copy of the complaint for that ac-
12 tion. If the State attorney general determines that
13 it is not feasible to provide the notice described in
14 this subparagraph before the filing of the action, the
15 State attorney general shall provide the written no-
16 tice and the copy of the complaint as soon after the
17 filing of the complaint as practicable. Any reference
18 in this subsection to the attorney general of a State
19 shall be deemed also to be a reference to any equiva-
20 lent official of such State.

21 “(2) ACTS OR PRACTICES SUBJECT TO EN-
22 FORCEMENT.—An act or practice described in this
23 paragraph is—

24 “(A) an act or practice by an executive,
25 legislative, or judicial agency or instrumentality

1 of the State involved or a political subdivision
2 thereof, a person acting as an agent thereof, or
3 any officer or employee of the foregoing or per-
4 son acting as an agent of the foregoing that
5 violates clause (vi)(II), (x), (xi), (xii), (xiii),
6 (xiv), or (xv) of section 205(c)(2)(C) or any
7 regulation promulgated thereunder, or

8 “(B) an act or practice by any person that
9 violates section 208A or any regulation promul-
10 gated thereunder.

11 “(3) ATTORNEY GENERAL AUTHORITY.—On re-
12 ceiving notice under paragraph (1), the Attorney
13 General of the United States shall have the right—

14 “(A) to move to stay the action, pending
15 the final disposition of a pending Federal mat-
16 ter as described in subparagraph (C);

17 “(B) to intervene in an action under sub-
18 paragraph (A);

19 “(C) upon so intervening, to be heard on
20 all matters arising therein; and

21 “(D) to file petitions for appeal.

22 “(4) PENDING CRIMINAL PROCEEDINGS.—If the
23 Attorney General of the United States has instituted
24 a criminal proceeding under section 208 alleging an
25 act or practice described in paragraph (2) in connec-

1 tion with any State, such State may not, during the
2 pendency of such proceeding or action, bring an ac-
3 tion under this subsection against any defendant
4 named in the criminal proceeding or civil action al-
5 leging such act or practice.

6 “(5) RULE OF CONSTRUCTION.—For purposes
7 of bringing any civil action under paragraph (1),
8 nothing in this subsection shall be construed to pre-
9 vent an attorney general of a State from exercising
10 the powers conferred on the attorney general by the
11 laws of that State to conduct investigations, admin-
12 ister oaths and affirmations, or compel the attend-
13 ance of witnesses or the production of documentary
14 and other evidence.

15 “(6) VENUE; SERVICE OF PROCESS.—Any ac-
16 tion brought under paragraph (1) may be brought in
17 any district court of the United States that meets
18 applicable requirements relating to venue under sec-
19 tion 1391 of title 28, United States Code. In an ac-
20 tion brought under paragraph (1), process may be
21 served in any district in which the defendant is an
22 inhabitant or may be found.

23 “(d) REMEDIES TO INDIVIDUALS FOR VIOLATIONS
24 BY THE FEDERAL GOVERNMENT OF REQUIREMENTS RE-
25 LATING TO SOCIAL SECURITY ACCOUNT NUMBERS.—

1 “(1) CIVIL ACTIONS.—Any individual who is ag-
2 grieved by an act or practice by any person acting
3 as an officer, employee, or agent of an agency or in-
4 strumentality of the Federal Government in violation
5 of the requirements of clause (vi)(II), (x), (xi), (xii),
6 (xiii), (xiv), or (xv) of subsection (c)(2)(C) with re-
7 spect to the social security account number assigned
8 to such individual under subsection (c)(2)(B) may
9 commence a civil action for appropriate equitable re-
10 lief or actual damages.

11 “(2) VENUE; SERVICE OF PROCESS.—An action
12 under this subsection action may be brought in the
13 district court of the United States for the judicial
14 district in which the plaintiff resides, or has his
15 principal place of business, in which the violation
16 took place, or in which the defendant resides or may
17 be found, and process may be served in any other
18 district in which a defendant resides or may be
19 found.

20 “(3) JURISDICTION.—The district courts of the
21 United States shall have jurisdiction, without respect
22 to the amount in controversy or the citizenship of
23 the parties, to grant the relief provided for in para-
24 graph (1).

1 “(4) ATTORNEY’S FEES.—In any action under
2 this subsection, the court in its discretion may allow
3 a reasonable attorney’s fee and costs of action to ei-
4 ther party.

5 “(e) ONGOING GAO REVIEW ON EFFICACY OF REGU-
6 LATIONS.—

7 “(1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct an ongoing review of
9 the efficacy of the regulations prescribed by any
10 agency or instrumentality of the United States pur-
11 suant to this section. Such review shall consider the
12 extent to which such regulations are consistent with,
13 and in furtherance of the purposes of, the amend-
14 ments made by the Social Security Number Privacy
15 and Identity Theft Prevention Act of 2007.

16 “(2) REPORT.—Not later than 4 years after the
17 effective date of any final regulations issued by any
18 agency or instrumentality of the United States pur-
19 suant to this section, the Comptroller General shall
20 report to each House of the Congress regarding the
21 results of the review of such regulations conducted
22 under this paragraph. Such report shall include the
23 Comptroller General’s recommendations for such
24 statutory or regulatory changes as the Comptroller
25 General considers appropriate.”.

1 **SEC. 14. STUDY ON FEASIBILITY OF BANNING SOCIAL SE-**
2 **CURITY ACCOUNT NUMBER AS AN AUTHEN-**
3 **TICATOR.**

4 (a) STUDY.—As soon as practicable after the date of
5 the enactment of this Act, the Commissioner of Social Se-
6 curity shall enter into an arrangement with the National
7 Research Council under which the Council shall carry out
8 a study to determine—

9 (1) the extent of the use of social security ac-
10 count numbers as a primary means of authenticating
11 identity;

12 (2) the extent of the use of social security ac-
13 count numbers for verification in commercial trans-
14 actions; and

15 (3) the feasibility of a prohibition on such use.
16 The study shall also examine possible alternatives to social
17 security account numbers for verification purposes and
18 uses in authenticating identity.

19 (b) REPORT.—The arrangement entered into with the
20 Council under this section shall provide for submission by
21 the Council to the Commissioner and to each House of
22 the Congress of a report setting forth the results of the
23 Council's study under this section, together with the Coun-
24 cil's findings and recommendations, no later than 1 year
25 after the effective date of the initial final regulations

- 1 issued by the Commissioner pursuant to the amendments
- 2 made by section 2 of this Act.