

[COMMITTEE PRINT]

JULY 19, 2004

108TH CONGRESS
2^D SESSION

H. R. 2971

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

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUTER, Mrs. CAPPS, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 19, 2004

Reported from the Subcommittee on Social Security with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 25, 2003]

A BILL

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

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “So-*
5 *cial Security Number Privacy and Identity Theft Preven-*
6 *tion Act of 2004”.*

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

Sec. 1. Short title and table of contents.

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

Sec. 101. Restrictions on the sale or display to the general public of social security account numbers by governmental agencies.

Sec. 102. Regulatory authority.

Sec. 103. Prohibition of display of social security account numbers on checks issued for payment by governmental agencies.

Sec. 104. Prohibition of the display of social security account numbers on driver’s licenses or motor vehicle registrations.

Sec. 105. Prohibition of the display of personal identification numbers on employee identification cards or tags.

Sec. 106. Prohibition of inmate access to social security account numbers.

Sec. 107. Measures to preclude unauthorized disclosure of social security account numbers and protect the confidentiality of such numbers.

Sec. 108. Prohibition of sale, purchase, and display to the general public of the social security account number in the private sector.

Sec. 109. Confidential treatment of credit header information.

Sec. 110. Refusal to do business without receipt of social security account number considered unfair or deceptive Act or practice.

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

Sec. 201. Independent verification of birth records provided in support of applications for social security account numbers.

Sec. 202. Enumeration at birth.

Sec. 203. Study relating to use of photographic identification in connection with applications for benefits, social security account numbers, and social security cards.

Sec. 204. Restrictions on issuance of multiple replacement social security cards.

Sec. 205. Study relating to modification of the social security account numbering system to show work authorization status.

TITLE III—ENFORCEMENT

Sec. 301. New criminal penalties for misuse of social security account numbers.

Sec. 302. Extension of civil monetary penalty authority.

Sec. 303. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.

Sec. 304. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

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

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

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

12 *“(x)(I) An executive, legislative, or judicial agency or*
 13 *instrumentality of the Federal Government or of a State*

1 *or a political subdivision thereof or a trustee appointed in*
2 *a case under title 11, United States Code (or person acting*
3 *as an agent of such an agency or instrumentality or trustee)*
4 *may not sell or display to the general public any social*
5 *security account number if such number has been disclosed*
6 *to such agency, instrumentality, trustee, or agent pursuant*
7 *to the assertion by such an agency, instrumentality, trustee,*
8 *or agent to any person that disclosure of such number is*
9 *mandatory. Notwithstanding the preceding sentence, such*
10 *number may be sold or displayed to the general public in*
11 *accordance with the exceptions specified in subclauses (II),*
12 *(III), (IV), (V), (VI), and (VII) (and for no other purpose).*

13 *“(II) Notwithstanding subclause (I), a social security*
14 *account number may be sold by an agency, instrumentality,*
15 *trustee, or agent referred to in subclause (I) to the extent*
16 *that such sale is specifically authorized by this Act.*

17 *“(III) Notwithstanding subclause (I), a social security*
18 *account number may be sold or displayed to the general*
19 *public by an agency, instrumentality, trustee, or agent re-*
20 *ferred to in subclause (I) to the extent that is necessary or*
21 *appropriate for law enforcement or national security pur-*
22 *poses, as determined under regulations which shall be issued*
23 *as provided in subparagraph (I) of this paragraph.*

24 *“(IV) Notwithstanding subclause (I), a social security*
25 *account number may be sold or displayed to the general*

1 *public by an agency, instrumentality, trustee, or agent re-*
2 *ferred to in subclause (I) to the extent that such sale or*
3 *display is required to comply with a tax law of the United*
4 *States or of any State (or political subdivision thereof).*

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

11 “(VI) *Notwithstanding subclause (I), a social security*
12 *account number may be sold or otherwise made available*
13 *by an agency, instrumentality, trustee, or agent referred to*
14 *in subclause (I) to a consumer reporting agency (as defined*
15 *in section 603(f) of the Fair Credit Reporting Act (15*
16 *U.S.C. 1681a(f))) for use or disclosure solely for permissible*
17 *purposes described in section 604(a) of such Act (15 U.S.C.*
18 *1681b(a)).*

19 “(VII) *Notwithstanding subclause (I), a social security*
20 *account number may be sold or displayed to the general*
21 *public by an agency, instrumentality, trustee, or agent re-*
22 *ferred to in subclause (I) under such other circumstances*
23 *as may be specified in regulations issued as provided in*
24 *subparagraph (I) of this paragraph.*

1 “(VIII) *This clause does not apply with respect to a*
2 *social security account number of a deceased individual.*

3 “(IX) *For purposes of this clause, the term ‘sell’ means,*
4 *in connection with a social security account number, to ac-*
5 *cept an item of material value in exchange for such number.*

6 “(X) *For purposes of this clause, the term ‘display to*
7 *the general public’ shall have the meaning provided such*
8 *term in section 208A(a)(3)(A). In any case in which an*
9 *agency, instrumentality, trustee, or agent referred to in sub-*
10 *clause (I) requires transmittal to such agency, instrumen-*
11 *tality, trustee, or agent of an individual’s social security*
12 *account number by means of the Internet without reason-*
13 *able provisions to ensure that such number is encrypted or*
14 *otherwise appropriately secured from disclosure, any such*
15 *transmittal of such number as so required shall be treated,*
16 *for purposes of this clause, as a ‘display to the general pub-*
17 *lic’ of such number by such agency, instrumentality, trustee,*
18 *or agent for purposes of this clause.*

19 “(XI) *For purposes of this clause, the term social secu-*
20 *rity account number includes any derivative of such num-*
21 *ber. Notwithstanding the preceding sentence, any expres-*
22 *sion, contained in or on any item sold or displayed to the*
23 *general public, shall not be treated as a social security ac-*
24 *count number solely because such expression sets forth not*
25 *more than the last 4 digits of such number if the remainder*

1 of such number cannot be determined based solely on such
2 expression or any other matter presented in such material.

3 “(XII) Nothing in this clause shall be construed to su-
4 percede, alter, or affect any restriction or limitation on the
5 sale or display to the general public of social security ac-
6 count numbers, provided in any Federal statute, regulation,
7 order, or interpretation, if the restriction or limitation is
8 greater than that provided under this clause, as determined
9 under applicable regulations issued by the Commissioner of
10 Social Security or by the Attorney General of the United
11 States or another agency or instrumentality of the United
12 States as provided in subparagraph (I) of this paragraph.”.

13 (b) *EFFECTIVE DATE AND RELATED RULES.*—

14 (1) *IN GENERAL.*—Initial final regulations pre-
15 scribed to carry out the provisions of section
16 205(c)(2)(C)(x) of the Social Security Act (added by
17 this section) shall be issued not later than the last
18 date of the 18th calendar month following the date of
19 the enactment of this Act. Such provisions shall take
20 effect, with respect to matters governed by such regu-
21 lations issued by the Commissioner of Social Secu-
22 rity, or (pursuant to section 205(c)(2)(I) of such Act
23 (added by section 102)) by the Attorney General of
24 the United States or any other agency or instrumen-
25 tality of the United States, 1 year after the date of

1 *the issuance of such regulations by the Commissioner,*
2 *the Attorney General, or such other agency or instru-*
3 *mentality, respectively. Such amendment shall apply*
4 *in the case of displays to the general public, as de-*
5 *finied in section 208A(a)(3) of such Act (added by sec-*
6 *tion 108), to such displays originally occurring after*
7 *such 1-year period. Such provisions shall not apply*
8 *with respect to any display of a record (containing*
9 *a social security account number (or any derivative*
10 *thereof)) generated prior to the close of such 1-year*
11 *period.*

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

18 **SEC. 102. REGULATORY AUTHORITY.**

19 *Section 205(c)(2) of the Social Security Act (42 U.S.C.*
20 *405(c)(2)) is amended by adding at the end the following*
21 *new subparagraph:*

22 *“(I)(i) The Attorney General of the United States shall*
23 *prescribe regulations to carry out the provisions of sub-*
24 *clauses (III) and (VII) of subparagraph (C)(x) of this para-*
25 *graph and the provisions of subparagraphs (A), (B), and*

1 *(I) of section 208A(b)(2). In issuing such regulations, the*
2 *Attorney General shall consult with the Commissioner of*
3 *Social Security, the Secretary of Homeland Security, the*
4 *Secretary of the Treasury, the Federal Trade Commission,*
5 *the Federal banking agencies (as defined in section 3 of the*
6 *Federal Deposit Insurance Act), the National Credit Union*
7 *Administration, the Securities and Exchange Commission,*
8 *the State attorneys general, and such representatives of the*
9 *State insurance commissioners as may be designated by the*
10 *National Association of Insurance Commissioners. Any*
11 *agency or instrumentality of the United States may exercise*
12 *the authority of the Attorney General under this subpara-*
13 *graph, with respect to matters otherwise subject to regula-*
14 *tion by such agency or instrumentality, to the extent deter-*
15 *mined appropriate in regulations of the Attorney General.*

16 *“(ii) In issuing the regulations described in clause (i)*
17 *pursuant to the provisions of subparagraph (C)(x)(III) or*
18 *paragraph (A) or (B) of section 208A(b)(2) (relating to law*
19 *enforcement and national security), the Attorney General*
20 *may authorize the sale, purchase, or display to the general*
21 *public of Social Security account numbers only if the Attor-*
22 *ney General determines that—*

23 *“(I) such sale, purchase, or display would serve*
24 *a compelling public interest that cannot reasonably be*
25 *served through alternative measures, and*

1 “(II) such sale, purchase, or display will not
2 pose an unreasonable risk of identity theft, or bodily,
3 emotional, or financial harm to an individual (taking
4 into account any restrictions and conditions that the
5 Attorney General imposes on the sale, purchase, or
6 disclosure).

7 “(iii) In issuing the regulations described in clause (i)
8 pursuant to the provisions of subparagraph (C)(x)(VII) of
9 this paragraph or section 208A(b)(2)(I) (relating to matters
10 other than law enforcement and national security), the At-
11 torney General may authorize the sale, purchase, or display
12 to the general public of social security account numbers
13 only after considering, among other relevant factors—

14 “(I) the associated cost or burden to the general
15 public, businesses, commercial enterprises, non-profit
16 organizations, and Federal, State, and local govern-
17 ments; and

18 “(II) the associated benefit to the general public,
19 businesses, commercial enterprises, non-profit associa-
20 tions, and Federal, State, and local governments.

21 “(iv) If, after considering the factors in clause (iii),
22 the Attorney General authorizes, in regulations referred to
23 in clause (iii), the sale, purchase, or display to the general
24 public of social security account numbers, the Attorney
25 General shall impose restrictions and conditions on the sale,

1 *purchase, or display to the general public to the extent*
2 *necessary—*

3 “(I) *to provide reasonable assurances that social*
4 *security account numbers will not be used to commit*
5 *or facilitate fraud, deceptions, or crime, and*

6 “(II) *to prevent an unreasonable risk of identity*
7 *theft or bodily, emotional, or financial harm to any*
8 *individual, considering the nature, likelihood, and se-*
9 *verity of the anticipated harm that could result from*
10 *the sale, purchase, or display to the general public of*
11 *social security account numbers, together with the na-*
12 *ture, likelihood, and extent of any benefits that could*
13 *be realized.*

14 “(v) *In the issuance of regulations pursuant to this*
15 *subparagraph, notice shall be provided as described in*
16 *paragraphs (1), (2), and (3) of section 553(b) of title 5,*
17 *United States Code, and opportunity to participate in the*
18 *rule making shall be provided in accordance with section*
19 *553(c) of such title.*

20 “(vi) *Each agency and instrumentality exercising au-*
21 *thority to issue regulations under this subparagraph shall*
22 *consult and coordinate with the other such agencies and in-*
23 *strumentalities for the purposes of assuring, to the extent*
24 *possible, that the regulations prescribed by each such agency*
25 *or instrumentality are consistent and comparable, as ap-*

1 *appropriate, with the regulations prescribed by the other such*
2 *agencies and instrumentalities. The Attorney General shall*
3 *undertake to facilitate such consultation and coordination.*

4 “(vii) *For purposes of this subparagraph, the terms*
5 *‘sell’, ‘purchase’, and ‘display to the general public’ shall*
6 *have the meanings provided such terms under subparagraph*
7 *(C)(x) of this paragraph or under section 208A(a), as appli-*
8 *cable.*

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

11 **SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY**
12 **ACCOUNT NUMBERS ON CHECKS ISSUED FOR**
13 **PAYMENT BY GOVERNMENTAL AGENCIES.**

14 (a) *IN GENERAL.—Section 205(c)(2)(C) of the Social*
15 *Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by sec-*
16 *tion 101) is amended further by adding at the end the fol-*
17 *lowing new clause:*

18 “(xi) *No executive, legislative, or judicial agency or in-*
19 *strumentality of the Federal Government or of a State or*
20 *a political subdivision thereof or trustee appointed in a case*
21 *under title 11, United States Code (or person acting as an*
22 *agent of such an agency or instrumentality or trustee) may*
23 *include the social security account number of any indi-*
24 *vidual (or any derivative of such number) on any check*
25 *issued for any payment by the Federal Government, any*

1 *State or political subdivision thereof, or any agency or in-*
2 *strumentality thereof, or such trustee or on any document*
3 *attached to or accompanying such a check.”.*

4 (b) *EFFECTIVE DATE.*—*The amendment made by this*
5 *section shall apply with respect to checks (and documents*
6 *attached to or accompanying such checks) issued after 1*
7 *year after the date of the enactment of this Act.*

8 **SEC. 104. PROHIBITION OF THE DISPLAY OF SOCIAL SECU-**
9 **RITY ACCOUNT NUMBERS ON DRIVER’S LI-**
10 **CENSES OR MOTOR VEHICLE REGISTRA-**
11 **TIONS.**

12 (a) *IN GENERAL.*—*Section 205(c)(2)(C)(vi) of the So-*
13 *cial Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is*
14 *amended—*

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

16 (2) *by adding at the end the following new sub-*
17 *clause:*

18 “(II) *Any State or political subdivision thereof (and*
19 *any person acting as an agent of such an agency or instru-*
20 *mentality), in the administration of any driver’s license or*
21 *motor vehicle registration law within its jurisdiction, may*
22 *not display a social security account number issued by the*
23 *Commissioner of Social Security (or any derivative of such*
24 *number) on any driver’s license or motor vehicle registra-*
25 *tion or any other document issued by such State or political*

1 *subdivision to an individual for purposes of identification*
2 *of such individual or include on any such licence, registra-*
3 *tion, or other document a magnetic strip, bar code, or other*
4 *means of communication which conveys such number (or*
5 *derivative thereof).”.*

6 (b) *EFFECTIVE DATE.*—*The amendments made by this*
7 *section shall apply with respect to licenses, registrations,*
8 *and other documents issued or reissued after 1 year after*
9 *the date of the enactment of this Act.*

10 **SEC. 105. PROHIBITION OF THE DISPLAY OF PERSONAL**
11 **IDENTIFICATION NUMBERS ON GOVERNMENT**
12 **EMPLOYEE IDENTIFICATION CARDS OR TAGS.**

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

17 “(xii) *No executive, legislative, or judicial agency or*
18 *instrumentality of the Federal Government or of a State*
19 *or political subdivision thereof, and no other person offering*
20 *benefits in connection with an employee benefit plan main-*
21 *tained by such agency or instrumentality or acting as an*
22 *agent of such agency or instrumentality, may display a so-*
23 *cial security account number (or any derivative thereof) on*
24 *any card or tag that is commonly provided to employees*
25 *of such agency or instrumentality (or to their family mem-*

1 bers) for purposes of identification or include on such card
2 or tag a magnetic strip, bar code, or other means of commu-
3 nication which conveys such number.”.

4 (b) *EFFECTIVE DATE.*—The amendment made by this
5 section shall apply with respect to cards or tags issued after
6 1 year after the date of the enactment of this Act.

7 **SEC. 106. PROHIBITION OF INMATE ACCESS TO SOCIAL SE-**
8 **CURITY ACCOUNT NUMBERS.**

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

13 “(xiii) No executive, legislative, or judicial agency or
14 instrumentality of the Federal Government or of a State
15 or political subdivision thereof (or person acting as an
16 agent of such an agency or instrumentality) may employ,
17 or enter into a contract for the use or employment of, pris-
18 oners in any capacity that would allow such prisoners ac-
19 cess to the social security account numbers of other individ-
20 uals. For purposes of this clause, the term ‘prisoner’ means
21 an individual confined in a jail, prison, or other penal in-
22 stitution or correctional facility.”.

23 (b) *EFFECTIVE DATE.*—

24 (1) *IN GENERAL.*—Except as provided in para-
25 graph (2), the amendment made by this section shall

1 *apply with respect to employment of prisoners, or*
2 *entry into contract for the use or employment of pris-*
3 *oners, on or after the date of the enactment of this*
4 *Act.*

5 (2) *TREATMENT OF CURRENT ARRANGEMENTS.—*
6 *In the case of—*

7 (A) *prisoners employed as described in*
8 *clause (xiii) of section 205(c)(2)(C) of the Social*
9 *Security Act (as added by this section) on the*
10 *date of the enactment of this Act, and*

11 (B) *contracts described in such clause in ef-*
12 *fect on such date,*

13 *the amendment made by this section shall take effect*
14 *90 days after the date of the enactment of this Act.*

15 **SEC. 107. MEASURES TO PRECLUDE UNAUTHORIZED DIS-**
16 **CLOSURE OF SOCIAL SECURITY ACCOUNT**
17 **NUMBERS AND PROTECT THE CONFIDEN-**
18 **TIALITY OF SUCH NUMBERS.**

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

23 “(xiv) *Except as otherwise provided in this paragraph,*
24 *in the case of any executive, legislative, or judicial agency*
25 *or instrumentality of the Federal Government or of a State*

1 *or political subdivision thereof and any trustee appointed*
2 *in a case under title 11, United States Code (and any agent*
3 *of such agency, instrumentality, or trustee) having in its*
4 *possession an individual's social security account*
5 *number—*

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

10 “(II) such agency, instrumentality, trustee, or
11 agent shall restrict, to the satisfaction of the Commis-
12 sioner of Social Security, access to social security ac-
13 count numbers obtained thereby to officers and em-
14 ployees thereof whose duties or responsibilities require
15 access for the administration or enforcement of such
16 provisions, and

17 “(III) such agency, instrumentality, trustee, or
18 agent shall provide such other safeguards as the Com-
19 missioner of Social Security determines to be nec-
20 essary or appropriate to preclude unauthorized access
21 to the social security account number and to other-
22 wise protect the confidentiality of such number.

23 *For purposes of this clause the term social security account*
24 *number includes any derivative thereof. ”.*

1 “(2) *SELLING AND PURCHASING.*—

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

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

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

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

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

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

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

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

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

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

21 “(4) *SOCIAL SECURITY ACCOUNT NUMBER.*—*The*
22 *term ‘social security account number’ has the mean-*
23 *ing given such term in section 208(c), except that*
24 *such term includes any derivative of such number.*
25 *Notwithstanding the preceding sentence, any expres-*

1 *child support obligation, as determined under regula-*
2 *tions issued as provided in section 205(c)(2)(I);*

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

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

8 *“(D) to the extent necessary in emergency situa-*
9 *tions to protect the health or safety of 1 or more indi-*
10 *viduals;*

11 *“(E) to the extent that the sale, purchase, or dis-*
12 *play is required to comply with a tax law of the*
13 *United States or of any State (or political subdivi-*
14 *sion thereof);*

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

21 *“(G) to the extent necessary for research con-*
22 *ducted for the purpose of advancing the public good,*
23 *on the condition that the researcher provides adequate*
24 *assurances that—*

1 “(i) the social security account numbers
2 will not be used to harass, target, or publicly re-
3 veal information concerning any identifiable in-
4 dividuals;

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

9 “(iii) the researcher has in place appro-
10 priate safeguards to protect the privacy and con-
11 fidentiality of any information about identifiable
12 individuals, including procedures to ensure that
13 the social security account numbers will be
14 encrypted or otherwise appropriately secured
15 from unauthorized disclosure;

16 “(H) to the extent consistent with an individ-
17 ual’s voluntary and affirmative written consent to the
18 sale, purchase, or display to the general public of a
19 social security account number that has been assigned
20 to that individual; and

21 “(I) under such other circumstances as may be
22 deemed appropriate in regulations issued as provided
23 under section 205(c)(2)(I).

1 *“Prohibition of Unauthorized Disclosure to Government*
2 *Agencies or Instrumentalities*

3 *“(c) It shall be unlawful for any person to commu-*
4 *nicate by any means to any agency or instrumentality of*
5 *the United States or of any State or political subdivision*
6 *thereof the social security account number of any individual*
7 *other than such person without the written permission of*
8 *such individual, unless the number was so communicated*
9 *pursuant to the assertion by the agency or instrumentality*
10 *to such person indicating that the disclosure of such number*
11 *is mandatory. In the case of an individual who is legally*
12 *incompetent, permission provided by the individual’s legal*
13 *representatives shall be deemed to be permission provided*
14 *by such individual.*

15 *“Prohibition of the Displays on Cards or Tags Required*
16 *for Access to Goods, Services, or Benefits*

17 *“(d) No person may display a social security account*
18 *number on any card or tag issued to any other person for*
19 *the purpose of providing such other person access to any*
20 *goods, services, or benefits or include on such card or tag*
21 *a magnetic strip, bar code, or other means of communica-*
22 *tion which conveys such number.*

1 *“Prohibition of the Displays on Employee Identification*
2 *Cards or Tags*

3 “(e) No person that is an employer, and no other per-
4 son offering benefits in connection with an employee benefit
5 plan maintained by such employer or acting as an agent
6 of such employer, may display a social security account
7 number on any card or tag that is commonly provided to
8 employees of such employer (or to their family members)
9 for purposes of identification or include on such card or
10 tag a magnetic strip, bar code, or other means of commu-
11 nication which conveys such number.

12 *“Measures to Preclude Unauthorized Disclosure of Social*
13 *Security Account Numbers and Protect the Confiden-*
14 *tiality of Such Numbers*

15 “(f) Subject to the preceding provisions of this section,
16 any person having in such person’s records the social secu-
17 rity account number of any individual other than such per-
18 son shall, to the extent that such records are maintained
19 for the conduct of such person’s trade or business—

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

24 “(2) restrict, in accordance with regulations of
25 the Commissioner, access to social security account

1 *numbers obtained thereby to officers and employees*
2 *thereof whose duties or responsibilities require access*
3 *for the conduct of such person's trade or business, and*
4 *“(3) provide such safeguards as may be specified,*
5 *in regulations of the Commissioner, to be necessary or*
6 *appropriate to preclude unauthorized access to the so-*
7 *cial security account number and to otherwise protect*
8 *the confidentiality of such number.*

9 *“Deceased Individuals*

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

12 *“Criminal Penalty*

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

17 *“Applicability of Other Protections*

18 *“(i) Nothing in this section shall be construed to super-*
19 *sede, alter, or affect any restriction or limitation on the*
20 *sale, purchase, display to the general public, or other disclo-*
21 *sure of social security account numbers, provided in any*
22 *Federal statute, regulation, order, or interpretation, if the*
23 *restriction or limitation is greater than that provided under*
24 *this section, as determined under applicable regulations*
25 *issued by the Commissioner of Social Security or by the*

1 *Attorney General of the United States or another agency*
2 *or instrumentality of the United States as provided in sec-*
3 *tion 205(c)(2)(I).”.*

4 *(b) EFFECTIVE DATE AND RELATED RULES.—*

5 *(1) IN GENERAL.—Initial final regulations pre-*
6 *scribed to carry out the provisions of section 208A of*
7 *the Social Security Act (added by this section) shall*
8 *be issued not later than the last date of the 18th cal-*
9 *endar month following the date of the enactment of*
10 *this Act. Such provisions shall take effect, with respect*
11 *to matters governed by such regulations issued by the*
12 *Commissioner of Social Security, or (pursuant to sec-*
13 *tion 205(c)(2)(I) of such Act (added by section 102))*
14 *by the Attorney General of the United States or any*
15 *other agency or instrumentality of the United States,*
16 *1 year after the date of the issuance of such regula-*
17 *tions by the Commissioner, the Attorney General, or*
18 *such other agency or instrumentality, respectively.*
19 *Section 208A(b) of such Act shall apply in the case*
20 *of displays to the general public (as defined in section*
21 *208A(a)(3) of such Act) to such displays to the gen-*
22 *eral public originally occurring after such 1-year pe-*
23 *riod. Such provisions shall not apply with respect to*
24 *any such display to the general public of a record*
25 *(containing a social security account number (or any*

1 *derivative thereof)) generated prior to the close of such*
2 *1-year period.*

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

9 **SEC. 109. CONFIDENTIAL TREATMENT OF CREDIT HEADER**
10 **INFORMATION.**

11 (a) *IN GENERAL.—Section 603 of the Fair Credit Re-*
12 *porting Act (15 U.S.C. 1681a) is amended by adding at*
13 *the end the following new subsection:*

14 “(q) *CONFIDENTIAL TREATMENT OF CREDIT HEADER*
15 *INFORMATION.—Information regarding the social security*
16 *account number of the consumer, or any derivative thereof,*
17 *may not be furnished to any person by a consumer report-*
18 *ing agency other than in a full consumer report furnished*
19 *in accordance with section 604 and other requirements of*
20 *this title.”.*

21 (b) *EFFECTIVE DATE.—The amendment made by this*
22 *section shall take effect 90 days after the date of the enact-*
23 *ment of this Act.*

1 **SEC. 110. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF**
2 **SOCIAL SECURITY ACCOUNT NUMBER CON-**
3 **SIDERED UNFAIR OR DECEPTIVE ACT OR**
4 **PRACTICE.**

5 (a) *IN GENERAL.*—Any person who refuses to do busi-
6 ness with an individual because the individual will not con-
7 sent to the receipt by such person of the social security ac-
8 count number of such individual shall be considered to have
9 committed an unfair or deceptive act or practice in viola-
10 tion of section 5 of the Federal Trade Commission Act (15
11 U.S.C. 45). Action may be taken under such section 5
12 against such a person.

13 (b) *EXCEPTION.*—Subsection (a) shall not apply to
14 any person in any case in which such person is expressly
15 required under Federal law, in connection with doing busi-
16 ness with an individual, to submit to the Federal Govern-
17 ment such individual's social security account number.

18 (c) *EFFECTIVE DATE.*—The preceding provisions of
19 this section shall apply with respect to acts or practices
20 committed after 180 days after the date of the enactment
21 of this Act.

1 **TITLE II—MEASURES TO ENSURE**
2 **THE INTEGRITY OF APPLICA-**
3 **TIONS FOR SOCIAL SECURITY**
4 **ACCOUNT NUMBERS AND RE-**
5 **PLACEMENT SOCIAL SECU-**
6 **RITY CARDS**

7 **SEC. 201. INDEPENDENT VERIFICATION OF BIRTH RECORDS**
8 **PROVIDED IN SUPPORT OF APPLICATIONS**
9 **FOR SOCIAL SECURITY ACCOUNT NUMBERS.**

10 (a) *APPLICATIONS FOR SOCIAL SECURITY ACCOUNT*
11 *NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Security*
12 *Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—*

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

14 (2) *by adding at the end the following new sub-*
15 *clause:*

16 *“(II) With respect to an application for a social secu-*
17 *rity account number for an individual, other than for pur-*
18 *poses of enumeration at birth, the Commissioner shall re-*
19 *quire independent verification of any birth record provided*
20 *by the applicant in support of the application. The Com-*
21 *missioner may provide by regulation for reasonable excep-*
22 *tions from the requirement for independent verification*
23 *under this subclause in any case in which the Commissioner*
24 *determines there is minimal opportunity for fraud.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall apply with respect to applications filed*
3 *after 180 days after the date of the enactment of this Act.*

4 (c) *STUDY REGARDING APPLICATIONS FOR REPLACE-*
5 *MENT SOCIAL SECURITY CARDS.*—

6 (1) *IN GENERAL.*—*As soon as practicable after*
7 *the date of the enactment of this Act, the Commis-*
8 *sioner of Social Security shall undertake a study to*
9 *test the feasibility and cost effectiveness of verifying*
10 *all identification documents submitted by an appli-*
11 *cant for a replacement social security card. As part*
12 *of such study, the Commissioner shall determine the*
13 *feasibility of, and the costs associated with, the devel-*
14 *opment of appropriate electronic processes for third*
15 *party verification of any such identification docu-*
16 *ments which are issued by agencies and instrumental-*
17 *ities of the Federal Government and of the States*
18 *(and political subdivisions thereof).*

19 (2) *REPORT.*—*Not later than 1 year after the*
20 *date of the enactment of this Act, the Commissioner*
21 *shall report to the Committee on Ways and Means of*
22 *the House of Representatives and the Committee on*
23 *Finance of the Senate regarding the results of the*
24 *study undertaken under paragraph (1). Such report*
25 *shall contain such recommendations for legislative*

1 *changes as the Commissioner considers necessary to*
2 *implement needed improvements in the process for*
3 *verifying identification documents submitted by ap-*
4 *plicants for replacement social security cards.*

5 **SEC. 202. ENUMERATION AT BIRTH.**

6 *(a) IMPROVEMENT OF APPLICATION PROCESS.—*

7 *(1) IN GENERAL.—As soon as practicable after*
8 *the date of the enactment of this Act, the Commis-*
9 *sioner of Social Security shall undertake to make im-*
10 *provements to the enumeration at birth program for*
11 *the issuance of social security account numbers to*
12 *newborns. Such improvements shall be designed to*
13 *prevent—*

14 *(A) the assignment of social security ac-*
15 *count numbers to unnamed children;*

16 *(B) the issuance of more than 1 social secu-*
17 *rity account number to the same child; and*

18 *(C) other opportunities for fraudulently ob-*
19 *taining a social security account number.*

20 *(2) REPORT TO THE CONGRESS.—Not later than*
21 *180 days after the date of the enactment of this Act,*
22 *the Commissioner shall transmit to each House of the*
23 *Congress a report specifying in detail the extent to*
24 *which the improvements required under paragraph*
25 *(1) have been made.*

1 **(b) STUDY REGARDING PROCESS FOR ENUMERATION**
2 *AT BIRTH.—*

3 **(1) IN GENERAL.—***As soon as practicable after*
4 *the date of the enactment of this Act, the Commis-*
5 *sioner of Social Security shall undertake a study to*
6 *determine the most efficient options for ensuring the*
7 *integrity of the process for enumeration at birth. Such*
8 *study shall include an examination of available meth-*
9 *ods for reconciling hospital birth records with birth*
10 *registrations submitted to agencies of States and po-*
11 *litical subdivisions thereof and with information pro-*
12 *vided to the Commissioner as part of the process for*
13 *enumeration at birth.*

14 **(2) REPORT.—***Not later than 18 months after the*
15 *date of the enactment of this Act, the Commissioner*
16 *shall report to the Committee on Ways and Means of*
17 *the House of Representatives and the Committee on*
18 *Finance of the Senate regarding the results of the*
19 *study undertaken under paragraph (1). Such report*
20 *shall contain such recommendations for legislative*
21 *changes as the Commissioner considers necessary to*
22 *implement needed improvements in the process for*
23 *enumeration at birth.*

1 **SEC. 203. STUDY RELATING TO USE OF PHOTOGRAPHIC**
2 **IDENTIFICATION IN CONNECTION WITH AP-**
3 **PLICATIONS FOR BENEFITS, SOCIAL SECUR-**
4 **RITY ACCOUNT NUMBERS, AND SOCIAL SECUR-**
5 **RITY CARDS.**

6 (a) *IN GENERAL.*—As soon as practicable after the
7 date of the enactment of this Act, the Commissioner of So-
8 cial Security shall undertake a study to—

9 (1) *determine the best method of requiring and*
10 *obtaining photographic identification of applicants*
11 *for old-age, survivors, and disability insurance bene-*
12 *fits under title II of the Social Security Act, for a so-*
13 *cial security account number, or for a replacement so-*
14 *cial security card, and of providing for reasonable ex-*
15 *ceptions to any requirement for photographic identi-*
16 *fication of such applicants that may be necessary to*
17 *promote efficient and effective administration of this*
18 *title, and*

19 (2) *evaluate the benefits and costs of instituting*
20 *such a requirement for photographic identification,*
21 *including the degree to which the security and integ-*
22 *egrity of the old-age, survivors, and disability insurance*
23 *program would be enhanced.*

24 (b) *REPORT.*—Not later than 270 days after the date
25 of the enactment of this Act, the Commissioner shall report
26 to the Committee on Ways and Means of the House of Rep-

1 *representatives and the Committee on Finance of the Senate*
2 *regarding the results of the study undertaken under para-*
3 *graph (1). Such report shall contain such recommendations*
4 *for legislative changes as the Commissioner considers nec-*
5 *essary relating to requirements for photographic identifica-*
6 *tion of applicants described in subsection (a).*

7 **SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE RE-**
8 **PLACEMENT SOCIAL SECURITY CARDS.**

9 *(a) IN GENERAL.—Section 205(c)(2)(G) of the Social*
10 *Security Act (42 U.S.C. 405(c)(2)(G)) is amended by add-*
11 *ing at the end the following new sentence: “The Commis-*
12 *sioner shall by regulation restrict the issuance of multiple*
13 *replacement social security cards to any individual to min-*
14 *imize fraud.”.*

15 *(b) REGULATIONS AND EFFECTIVE DATE.—The Com-*
16 *missioner of Social Security shall issue regulations required*
17 *under the amendment made by subsection (a) not later than*
18 *180 days after the date of the enactment of this Act. Systems*
19 *controls developed by the Commissioner pursuant to such*
20 *amendment shall take effect upon the issuance of such regu-*
21 *lations.*

1 **SEC. 205. STUDY RELATING TO MODIFICATION OF THE SO-**
2 **CIAL SECURITY ACCOUNT NUMBERING SYS-**
3 **TEM TO SHOW WORK AUTHORIZATION STA-**
4 **TUS.**

5 (a) *IN GENERAL.*—As soon as practicable after the
6 date of the enactment of this Act, the Commissioner of So-
7 cial Security, in consultation with the Secretary of Home-
8 land Security, shall undertake a study to examine the best
9 method of modifying the social security account number as-
10 signed to individuals who—

11 (1) *are not citizens of the United States,*
12 (2) *have not been admitted for permanent resi-*
13 *dence, and*
14 (3) *are not authorized by the Secretary of Home-*
15 *land Security to work in the United States, or are so*
16 *authorized subject to one or more restrictions,*
17 *so as to include an indication of such lack of authorization*
18 *to work or such restrictions on such an authorization.*

19 (b) *REPORT.*—Not later than 270 days after the date
20 of the enactment of this Act, the Commissioner shall report
21 to the Committee on Ways and Means of the House of Rep-
22 resentatives and the Committee on Finance of the Senate
23 regarding the results of the study undertaken under this sec-
24 tion. Such report shall include the Commissioner's rec-
25 ommendations of feasible options for modifying the social

1 *security account number in the manner described in sub-*
2 *section (a).*

3 ***TITLE III—ENFORCEMENT***

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

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

8 *(1) in paragraph (7), by adding after subpara-*
9 *graph (C) the following new subparagraph:*

10 *“(D) with intent to deceive, discloses, sells,*
11 *or transfers his own social security account*
12 *number, assigned to him by the Commissioner of*
13 *Social Security (in the exercise of the Commis-*
14 *sioner’s authority under section 205(c)(2) to es-*
15 *tablish and maintain records), to any person;*
16 *or”;*

17 *(2) in paragraph (8), by adding “or” at the end;*
18 *and*

19 *(3) by inserting after paragraph (8) the fol-*
20 *lowing new paragraphs:*

21 *“(9) without lawful authority, offers, for a fee, to*
22 *acquire for any individual, or to assist in acquiring*
23 *for any individual, an additional social security ac-*
24 *count number or a number that purports to be a so-*
25 *cial security account number; or*

1 “(10) being an officer or employee of any execu-
2 tive, legislative, or judicial agency or instrumentality
3 of the Federal Government or of a State or political
4 subdivision thereof (or a person acting as an agent of
5 such an agency or instrumentality), willfully acts or
6 fails to act so as to cause a violation of section
7 205(c)(2)(C)(xi); or

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

18 “(12) being a trustee appointed in a case under
19 title 11, United States Code (or an officer or employee
20 thereof or a person acting as an agent thereof), will-
21 fully acts or fails to act so as to cause a violation of
22 clause (x), (xi), or (xiv) of section 205(c)(2)(C);”.

23 (b) *EFFECTIVE DATES.*—Paragraphs (7)(D) and (9)
24 of section 208(a) of the Social Security Act (added by sub-
25 section (a)(2)) shall apply with respect to each violation

1 *occurring after the date of the enactment of this Act. Para-*
2 *graphs (10), (11), and (12) of section 208(a) of such Act*
3 *(added by subsection (a)(2)) shall apply with respect to each*
4 *violation occurring on or after the effective date applicable*
5 *with respect to such violation under title I.*

6 **SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AU-**
7 **THORITY.**

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

12 *(1) by redesignating paragraph (2) as para-*
13 *graph (4);*

14 *(2) by designating the last sentence of paragraph*
15 *(1) as a new paragraph (2), appearing after and*
16 *below paragraph (1); and*

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

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

22 *“(A) uses a social security account number that*
23 *such person knows or should know has been assigned*
24 *by the Commissioner of Social Security (in an exer-*
25 *cise of authority under section 205(c)(2) to establish*

1 *and maintain records) on the basis of false informa-*
2 *tion furnished to the Commissioner by any person;*

3 *“(B) falsely represents a number to be the social*
4 *security account number assigned by the Commis-*
5 *sioner 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 by*
8 *the Commissioner to such individual;*

9 *“(C) knowingly alters a social security card*
10 *issued by the Commissioner of Social Security, or*
11 *possesses such a card with intent to alter it;*

12 *“(D) knowingly buys or sells a card that is, or*
13 *purports to be, a card issued by the Commissioner of*
14 *Social Security, or possesses such a card with intent*
15 *to buy or sell it;*

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

19 *“(F) discloses, uses, compels the disclosure of, or*
20 *knowingly sells or purchases the social security ac-*
21 *count number of any person in violation of the laws*
22 *of the United States;*

23 *“(G) with intent to deceive the Commissioner of*
24 *Social Security as to such person’s true identity (or*
25 *the true identity of any other person), furnishes or*

1 *causes to be furnished false information to the Com-*
2 *missioner with respect to any information required*
3 *by the Commissioner in connection with the establish-*
4 *ment and maintenance of the records provided for in*
5 *section 205(c)(2);*

6 *“(H) without lawful authority, offers, for a fee,*
7 *to acquire for any individual, or to assist in acquir-*
8 *ing for any individual, an additional social security*
9 *account number or a number which purports to be a*
10 *social security account number;*

11 *“(I) with intent to deceive, discloses, sells, or*
12 *transfers his own social security account number, as-*
13 *signed to him by the Commissioner of Social Security*
14 *under section 205(c)(2)(B), to any person;*

15 *“(J) being an officer or employee of any execu-*
16 *tive, legislative, or judicial agency or instrumentality*
17 *of the Federal Government or of a State or political*
18 *subdivision thereof (or a person acting as an agent of*
19 *such an agency or instrumentality), in possession of*
20 *any individual’s social security account number, will-*
21 *fully acts or fails to act so as to cause a violation of*
22 *clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of sec-*
23 *tion 205(e)(2)(C);*

24 *“(K) being a trustee appointed in a case under*
25 *title 11, United States Code (or an officer or employee*

1 *thereof or a person acting as an agent thereof), will-*
2 *fully acts or fails to act so as to cause a violation of*
3 *clause (x), (xi), or (xiv) of section 205(c)(2)(C);*

4 *“(L) violates section 208A (relating to prohibi-*
5 *tion of the sale, purchase, or display of the social se-*
6 *curity account number in the private sector); or*

7 *“(M) violates section 208B (relating to fraud by*
8 *social security administration employees);*

9 *shall be subject to, in addition to any other penalties that*
10 *may be prescribed by law, a civil money penalty of not*
11 *more than \$5,000 for each violation. Such person shall also*
12 *be subject to an assessment, in lieu of damages sustained*
13 *by the United States resulting from such violation, of not*
14 *more than twice the amount of any benefits or payments*
15 *paid as a result of such violation.”.*

16 *(b) EFFECTIVE DATES.—The amendments made by*
17 *this section shall apply with respect to violations committed*
18 *after the date of the enactment of this Act, except that sub-*
19 *paragraphs (J), (K), (L), and (M) of section 1129(a)(3) of*
20 *the Social Security Act (added by subsection (a)) shall*
21 *apply with respect to violations occurring on or after the*
22 *effective date provided in connection with such violations*
23 *under title I.*

1 **SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE**
2 **SOCIAL SECURITY ADMINISTRATION WHO**
3 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**
4 **CIAL SECURITY CARDS OR SOCIAL SECURITY**
5 **ACCOUNT NUMBERS.**

6 (a) *IN GENERAL.*—*Title II of the Social Security Act*
7 *(as amended by the preceding provisions of this Act) is*
8 *amended further by inserting after section 208A the fol-*
9 *lowing new section:*

10 “*FRAUD BY SOCIAL SECURITY ADMINISTRATION*
11 *EMPLOYEES*

12 “*SEC. 208B. (a) Whoever is an employee of the Social*
13 *Security Administration and knowingly and fraudulently*
14 *sells or transfers one or more social security account num-*
15 *bers or social security cards shall be guilty of a felony and*
16 *upon conviction thereof shall be fined under title 18, United*
17 *States Code, imprisoned as provided in subsection (b), or*
18 *both.*

19 “*(b) Imprisonment for a violation described in sub-*
20 *section (a) shall be for—*

21 “*(1) not less than 1 year and up to 5 years, in the*
22 *case of an employee of the Social Security Administration*
23 *who has fraudulently sold or transferred not more than 50*
24 *social security account numbers or social security cards,*

25 “*(2) not less than 5 years and up to 10 years, in the*
26 *case of an employee of the Social Security Administration*

1 *who has fraudulently sold or transferred more than 50, but*
2 *not more than 100, social security account numbers or so-*
3 *cial security cards, or*

4 *“(3) not less than 10 years and up to 20 years, in*
5 *the case of an employee of the Social Security Administra-*
6 *tion who has fraudulently sold or transferred more than 100*
7 *social security account numbers or social security cards.*

8 *“(c) For purposes of this section—*

9 *“(1) The term ‘social security employee’ means*
10 *any officer, employee, or contractor of the Social Se-*
11 *curity Administration, any employee of such a con-*
12 *tractor (including any State employee of a disability*
13 *determination service), or any volunteer providing*
14 *services or assistance in any facility of the Social Se-*
15 *curity Administration.*

16 *“(2) The term ‘social security account number’*
17 *means a social security account number assigned by*
18 *the Commissioner of Social Security under section*
19 *205(c)(2)(B) or another number that has not been so*
20 *assigned but is purported to have been so assigned.*

21 *“(3) The term ‘social security card’ means a*
22 *card issued by the Commissioner of Social Security*
23 *under section 205(c)(2)(G), another card which has*
24 *not been so issued but is purported to have been so*
25 *issued, and banknote paper of the type described in*

1 *section 205(c)(2)(G) prepared for the entry of social*
2 *security account numbers, whether fully completed or*
3 *not.*

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

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

12 **SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM,**
13 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**
14 **OR PRIOR OFFENSES.**

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

17 *(1) in subsection (a), by striking “shall be fined”*
18 *and all that follows and inserting the following:*
19 *“shall be fined, imprisoned, or both, as provided in*
20 *subsection (b).”;*

21 *(2) by redesignating subsections (b), (c), and (d)*
22 *as subsections (c), (d), and (e), respectively;*

23 *(3) by inserting after subsection (a) the following*
24 *new subsection:*

1 “(b) A person convicted of a violation described in sub-
2 section (a) shall be—

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

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

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

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

1 (4) *in subsection (c) (as redesignated by para-*
2 *graph (2))—*

3 (A) *by striking the first sentence; and*

4 (B) *in the second sentence, by striking “any*
5 *violation described in the preceding sentence, in-*
6 *cluding a first such violation” and inserting “a*
7 *violation of any of the provisions of this section*
8 *committed by any person or other entity in the*
9 *role of such person or entity as, or in applying*
10 *to become, a certified payee under section 205(j)*
11 *on behalf of another individual (other than such*
12 *person’s spouse)”.*

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

15 (1) *in subsection (a), by striking “shall be fined”*
16 *and all that follows and inserting “shall be fined, im-*
17 *prisoned, or both, as provided in subsection (b).”;*

18 (2) *by redesignating subsection (b) as subsection*
19 *(c); and*

20 (3) *by inserting after subsection (a) the following*
21 *new subsection:*

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

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

1 *case of an initial violation, subject to paragraphs (3)*
2 *and (4),*

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

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

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

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

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

4 (2) *by redesignating subsection (b) as subsection*
5 *(c); and*

6 (3) *by inserting after subsection (a) the following*
7 *new subsection:*

8 “(b) *A person convicted of a violation described in sub-*
9 *section (a) shall be—*

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

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

19 “(3) *fined under title 18, United States Code, or*
20 *imprisoned for not more than 20 years, in the case*
21 *of a violation which is committed to facilitate a drug*
22 *trafficking crime (as defined in section 929(a)(2) of*
23 *title 18, United States Code) or in connection with a*
24 *crime of violence (as defined in section 924(c)(3) of*

1 *title 18, United States Code), subject to paragraph*
2 *(4), and*

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

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

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