

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2971, AS REPORTED BY THE SUB-  
COMMITTEE ON SOCIAL SECURITY  
OFFERED BY MR. THOMAS**

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 2004”.

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

Sec. 1. Short title and table of contents.

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

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

Sec. 102. Regulatory authority.

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

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

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

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

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

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

Sec. 109. Confidential treatment of credit header information.

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

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

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

Sec. 202. Enumeration at birth.

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

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

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

TITLE III—ENFORCEMENT

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

Sec. 302. Extension of civil monetary penalty authority.

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

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

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

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

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

12 “(x)(I) An executive, legislative, or judicial agency or  
13 instrumentality of the Federal Government or of a State  
14 or a political subdivision thereof or a trustee appointed  
15 in a case under title 11, United States Code (or person

1 acting as an agent of such an agency or instrumentality  
2 or trustee) may not sell or display to the general public  
3 any social security account number if such number has  
4 been disclosed to such agency, instrumentality, trustee, or  
5 agent pursuant to the assertion by such an agency, instru-  
6 mentality, trustee, or agent to any person that disclosure  
7 of such number is mandatory. Notwithstanding the pre-  
8 ceding sentence, such number may be sold or displayed  
9 to the general public in accordance with the exceptions  
10 specified in subclauses (II), (III), (IV), (V), (VI), (VII),  
11 and (VIII) (and for no other purpose).

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

16 “(III) Notwithstanding subclause (I), a social secu-  
17 rity account number may be sold by an agency, instrumen-  
18 tality, trustee, or agent referred to in subclause (I) to the  
19 extent that is necessary or appropriate for law enforce-  
20 ment or national security purposes, as determined under  
21 regulations which shall be issued as provided in subpara-  
22 graph (I) of this paragraph.

23 “(IV) Notwithstanding subclause (I), a social security  
24 account number may be sold by an agency, instrumen-  
25 tality, trustee, or agent referred to in subclause (I) to the

1 extent that such sale is required to comply with a tax law  
2 of the United States or of any State (or political subdivi-  
3 sion thereof).

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

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  
14 to in subclause (I) to a consumer reporting agency (as  
15 defined in section 603(f) of the Fair Credit Reporting Act  
16 (15 U.S.C. 1681a(f))) for use or disclosure solely for per-  
17 missible purposes described in section 604(a) of such Act  
18 (15 U.S.C. 1681b(a)).

19 “(VII) Notwithstanding subclause (I), a social secu-  
20 rity account number may be sold by an agency, instrumen-  
21 tality, trustee, or agent referred to in subclause (I) to the  
22 extent necessary for research (other than market research)  
23 conducted by any agency or instrumentality referred to in  
24 subclause (I) (or an agent of such an agency or instrumen-  
25 tality) for the purpose of advancing the public good, on

1 the condition that the researcher provides adequate assur-  
2 ances that the social security account numbers will not  
3 be used to harass, target, or publicly reveal information  
4 concerning any identifiable individuals, that information  
5 about identifiable individuals obtained from the research  
6 will not be used to make decisions that directly affect the  
7 rights, benefits, or privileges of specific individuals, and  
8 that the researcher has in place appropriate safeguards  
9 to protect the privacy and confidentiality of any informa-  
10 tion about identifiable individuals, including procedures to  
11 ensure that the social security account numbers will be  
12 encrypted or otherwise appropriately secured from unau-  
13 thorized disclosure. In the case of social security account  
14 numbers which constitute personally identifiable medical  
15 information, the Commissioner of Social Security, with re-  
16 spect to medical research referred to in the preceding sen-  
17 tence, and the Attorney General of the United States, with  
18 respect to any medical research not referred to in the pre-  
19 ceding sentence but which is treated in regulations of the  
20 Attorney General issued pursuant to subclause (VIII),  
21 shall maintain ongoing consultation with the Office for  
22 Civil Rights of the Department of Health and Human  
23 Services to ensure that the sale or purchase of such social  
24 security account numbers is permitted only in compliance  
25 with existing Federal rules and regulations prescribed by

1 the Secretary of Health and Human Services pursuant to  
2 section 264(c) of the Health Insurance Portability and Ac-  
3 countability Act of 1996 (110 Stat. 2033).

4 “(VIII) Notwithstanding subclause (I), a social secu-  
5 rity account number may be sold or displayed to the gen-  
6 eral public by an agency, instrumentality, trustee, or agent  
7 referred to in subclause (I) under such other cir-  
8 cumstances as may be specified in regulations issued as  
9 provided in subparagraph (I) of this paragraph.

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

12 “(X) For purposes of this clause, the term ‘sell’  
13 means, in connection with a social security account num-  
14 ber, to accept an item of material value in exchange for  
15 such number.

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

1 shall be treated, for purposes of this clause, as a ‘display  
2 to the general public’ of such number by such agency, in-  
3 strumentality, trustee, or agent for purposes of this clause.

4 “(XII) For purposes of this clause, the term social  
5 security account number includes any derivative of such  
6 number. Notwithstanding the preceding sentence, any ex-  
7 pression, contained in or on any item sold or displayed  
8 to the general public, shall not be treated as a social secu-  
9 rity account number solely because such expression sets  
10 forth not more than the last 4 digits of such number if  
11 the remainder of such number cannot be determined based  
12 solely on such expression or any other matter presented  
13 in such material.

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

25 (b) EFFECTIVE DATE AND RELATED RULES.—

1           (1) IN GENERAL.—Initial final regulations pre-  
2           scribed to carry out the provisions of section  
3           205(c)(2)(C)(x) of the Social Security Act (added by  
4           this section) shall be issued not later than the last  
5           date of the 18th calendar month following the date  
6           of the enactment of this Act. Such provisions shall  
7           take effect, with respect to matters governed by such  
8           regulations issued by the Commissioner of Social Se-  
9           curity, or (pursuant to section 205(c)(2)(I) of such  
10          Act (added by section 102)) by the Attorney General  
11          of the United States or any other agency or instru-  
12          mentality of the United States, 1 year after the date  
13          of the issuance of such regulations by the Commis-  
14          sioner, the Attorney General, or such other agency  
15          or instrumentality, respectively. Such amendment  
16          shall apply in the case of displays to the general  
17          public, as defined in section 208A(a)(3) of such Act  
18          (added by section 108), to such displays originally  
19          occurring after such 1-year period. Such provisions  
20          shall not apply with respect to any display of a  
21          record (containing a social security account number  
22          (or any derivative thereof)) generated prior to the  
23          close of such 1-year period.

24           (2) SUNSET OF EXCEPTION.—The last sentence  
25          of subclause (XI) of section 205(c)(2)(C)(x) of the

1 Social Security Act (added by this section) shall  
2 cease to be effective with respect to sales, purchases,  
3 or displays to the general public occurring after 6  
4 years after the 18th calendar month referred to in  
5 paragraph (1).

6 **SEC. 102. REGULATORY AUTHORITY.**

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

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

1 Any agency or instrumentality of the United States may  
2 exercise the authority of the Attorney General under this  
3 subparagraph, with respect to matters otherwise subject  
4 to regulation by such agency or instrumentality, to the ex-  
5 tent determined appropriate in regulations of the Attorney  
6 General.

7 “(ii) In issuing the regulations described in clause (i)  
8 pursuant to the provisions of subparagraph (C)(x)(III),  
9 paragraph (A) or (B) of section 208A(b)(2), or section  
10 208A(c)(2) (relating to law enforcement and national se-  
11 curity), the Attorney General may authorize the sale or  
12 purchase of Social Security account numbers only if the  
13 Attorney General determines that—

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

17 “(II) such sale or purchase will not pose an un-  
18 reasonable risk of identity theft, or bodily, emo-  
19 tional, or financial harm to an individual (taking  
20 into account any restrictions and conditions that the  
21 Attorney General imposes on the sale, purchase, or  
22 disclosure).

23 “(iii) In issuing the regulations described in clause  
24 (i) pursuant to the provisions of subparagraph  
25 (C)(x)(VIII) of this paragraph or section 208A(b)(3)(B),

1 the Attorney General may authorize the sale, purchase,  
2 or display to the general public of social security account  
3 numbers only after considering, among other relevant  
4 factors—

5           “(I) the associated cost or burden to the gen-  
6 eral public, businesses, commercial enterprises, non-  
7 profit organizations, and Federal, State, and local  
8 governments; and

9           “(II) the associated benefit to the general pub-  
10 lic, businesses, commercial enterprises, non-profit as-  
11 sociations, and Federal, State, and local govern-  
12 ments.

13           “(iv) If, after considering the factors in clause (iii),  
14 the Attorney General authorizes, in regulations referred  
15 to in clause (iii), the sale, purchase, or display to the gen-  
16 eral public of social security account numbers, the Attor-  
17 ney General shall impose restrictions and conditions on  
18 the sale, purchase, or display to the general public to the  
19 extent necessary—

20           “(I) to provide reasonable assurances that so-  
21 cial security account numbers will not be used to  
22 commit or facilitate fraud, deceptions, or crime, and

23           “(II) to prevent an unreasonable risk of identity  
24 theft or bodily, emotional, or financial harm to any  
25 individual, considering the nature, likelihood, and se-

1       verity of the anticipated harm that could result from  
2       the sale, purchase, or display to the general public  
3       of social security account numbers, together with the  
4       nature, likelihood, and extent of any benefits that  
5       could be realized.

6       “(v) In the issuance of regulations pursuant to this  
7       subparagraph, notice shall be provided as described in  
8       paragraphs (1), (2), and (3) of section 553(b) of title 5,  
9       United States Code, and opportunity to participate in the  
10      rule making shall be provided in accordance with section  
11      553(c) of such title.

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

22      “(vii) For purposes of this subparagraph, the terms  
23      ‘sell’, ‘purchase’, and ‘display to the general public’ shall  
24      have the meanings provided such terms under subpara-

1 graph (C)(x) of this paragraph or under section 208A(a),  
2 as applicable.

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

5 **SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY**  
6 **ACCOUNT NUMBERS ON CHECKS ISSUED FOR**  
7 **PAYMENT BY GOVERNMENTAL AGENCIES.**

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  
10 section 101) is amended further by adding at the end the  
11 following new clause:

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

24 (b) EFFECTIVE DATE.—The amendment made by  
25 this section shall apply with respect to checks (and docu-

1 ments attached to or accompanying such checks) issued  
2 after 1 year after the date of the enactment of this Act.

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

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

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

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

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

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to licenses, registra-  
3 tions, and other documents issued or reissued after 1 year  
4 after the date of the enactment of this Act.

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

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

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

4 **SEC. 106. PROHIBITION OF INMATE ACCESS TO SOCIAL SE-**  
5 **CURITY ACCOUNT NUMBERS.**

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 title) is amended further by  
9 adding at the end the following new clause:

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

20 (b) EFFECTIVE DATE.—

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

1 prisoners, on or after the date of the enactment of  
2 this Act.

3 (2) TREATMENT OF CURRENT ARRANGE-  
4 MENTS.—In the case of—

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

9 (B) contracts described in such clause in  
10 effect on such date,

11 the amendment made by this section shall take ef-  
12 fect 90 days after the date of the enactment of this  
13 Act.

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

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

22 “(xiv) Except as otherwise provided in this para-  
23 graph, in the case of any executive, legislative, or judicial  
24 agency or instrumentality of the Federal Government or  
25 of a State or political subdivision thereof and any trustee

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

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

9           “(II) such agency, instrumentality, trustee, or  
10 agent shall restrict, to the satisfaction of the Com-  
11 missioner of Social Security, access to social security  
12 account numbers obtained thereby to officers and  
13 employees thereof whose duties or responsibilities re-  
14 quire access for the administration or enforcement  
15 of such provisions, and

16           “(III) such agency, instrumentality, trustee, or  
17 agent shall provide such other safeguards as the  
18 Commissioner of Social Security determines to be  
19 necessary or appropriate to preclude unauthorized  
20 access to the social security account number and to  
21 otherwise protect the confidentiality of such number.

22 For purposes of this clause the term social security ac-  
23 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. 108. PROHIBITION OF THE SALE, PURCHASE, AND DIS-**  
5 **PLAY TO THE GENERAL PUBLIC OF THE SO-**  
6 **CIAL SECURITY ACCOUNT NUMBER IN THE**  
7 **PRIVATE SECTOR.**

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

11 “PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY  
12 TO THE GENERAL PUBLIC OF THE SOCIAL SECURITY  
13 ACCOUNT NUMBER IN THE PRIVATE SECTOR

14 “Definitions

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

16 “(1) PERSON.—

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

21 “(B) GOVERNMENTAL ENTITIES.—Such  
22 term does not include a governmental entity.  
23 Nothing in this subparagraph shall be con-  
24 strued to authorize, in connection with a gov-  
25 ernmental entity, an act or practice otherwise

1 prohibited under this section or section  
2 205(c)(2)(C).

3 “(2) SELLING AND PURCHASING.—

4 “(A) IN GENERAL.—Subject to subpara-  
5 graph (B)—

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

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

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

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

1                   “(ii) the administration of, or provi-  
2                   sion of benefits under, an employee benefit  
3                   plan, or

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

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

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

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



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

5           “(A) to the extent necessary for law enforce-  
6 ment, including (but not limited to) the enforcement  
7 of a child support obligation, as determined under  
8 regulations issued as provided in section  
9 205(c)(2)(I);

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

13          “(C) to the extent necessary for public health  
14 purposes;

15          “(D) to the extent necessary in emergency situ-  
16 ations to protect the health or safety of 1 or more  
17 individuals;

18          “(E) to the extent that the sale or purchase is  
19 required to comply with a tax law of the United  
20 States or of any State (or political subdivision there-  
21 of);

22          “(F) to the extent that the sale or purchase is  
23 to or by a consumer reporting agency (as defined in  
24 section 603(f) of the Fair Credit Reporting Act (15  
25 U.S.C. 1681a(f))) for use or disclosure solely for

1       permissible purposes described in section 604(a) of  
2       such Act (15 U.S.C. 1681b(a)); and

3               “(G) to the extent necessary for research (other  
4       than market research) conducted by an agency or in-  
5       strumentality of the United States or of a State or  
6       political subdivision thereof (or an agent of such an  
7       agency or instrumentality) for the purpose of ad-  
8       vancing the public good, on the condition that the  
9       researcher provides adequate assurances that—

10               “(i) the social security account numbers  
11       will not be used to harass, target, or publicly  
12       reveal information concerning any identifiable  
13       individuals;

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

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

1           “(3) Notwithstanding paragraph (1), a social security  
2 account number assigned to an individual may be sold,  
3 purchased, or displayed to the general public by any  
4 person—

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

9           “(i) the terms of the consent and the right  
10 to refuse consent are presented to the individual  
11 in a clear, conspicuous, and understandable  
12 manner,

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

16           “(iii) the terms of the consent authorize  
17 the individual to limit the sale, purchase, or dis-  
18 play to purposes directly associated with the  
19 transaction with respect to which the consent is  
20 sought, and

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



1 vidual other than such person without the written permis-  
2 sion of such individual, unless the number was requested  
3 by the agency or instrumentality. In the case of an indi-  
4 vidual who is legally incompetent, permission provided by  
5 the individual's legal representatives shall be deemed to  
6 be permission provided by such individual.

7 “(2) Paragraph (1) shall not apply to the extent  
8 necessary—

9 “(A) for law enforcement, including (but not  
10 limited to) the enforcement of a child support obliga-  
11 tion, or

12 “(B) for national security purposes,  
13 as determined under regulations issued as provided under  
14 section 205(c)(2)(I).

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  
19 for the purpose of providing such other person access to  
20 any goods, services, or benefits or include on such card  
21 or tag a magnetic strip, bar code, or other means of com-  
22 munication 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 ben-  
5 efit plan maintained by such employer or acting as an  
6 agent of such employer, may display a social security ac-  
7 count number on any card or tag that is commonly pro-  
8 vided to employees of such employer (or to their family  
9 members) for purposes of identification or include on such  
10 card or tag a magnetic strip, bar code, or other means  
11 of communication which conveys such number.

12 “Measures to Preclude Unauthorized Disclosure of Social  
13 Security Account Numbers and Protect the Con-  
14 fidentiality of Such Numbers

15 “(f) Subject to the preceding provisions of this sec-  
16 tion, any person having in such person’s records the social  
17 security account number of any individual other than such  
18 person shall, to the extent that such records are main-  
19 tained for the conduct of such person’s trade or  
20 business—

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



1 if the restriction or limitation is greater than that provided  
2 under this section, as determined under applicable regula-  
3 tions issued by the Commissioner of Social Security or by  
4 the Attorney General of the United States or another  
5 agency or instrumentality of the United States as provided  
6 in section 205(c)(2)(I).”.

7 (b) EFFECTIVE DATE AND RELATED RULES.—

8 (1) IN GENERAL.—Initial final regulations pre-  
9 scribed to carry out the provisions of section 208A  
10 of the Social Security Act (added by this section)  
11 shall be issued not later than the last date of the  
12 18th calendar month following the date of the enact-  
13 ment of this Act. Such provisions shall take effect,  
14 with respect to matters governed by such regulations  
15 issued by the Commissioner of Social Security, or  
16 (pursuant to section 205(c)(2)(I) of such Act (added  
17 by section 102)) by the Attorney General of the  
18 United States or any other agency or instrumen-  
19 tality of the United States, 1 year after the date of  
20 the issuance of such regulations by the Commis-  
21 sioner, the Attorney General, or such other agency  
22 or instrumentality, respectively. Section 208A(b) of  
23 such Act shall apply in the case of displays to the  
24 general public (as defined in section 208A(a)(3) of  
25 such Act) to such displays to the general public

1 originally occurring after such 1-year period. Such  
2 provisions shall not apply with respect to any such  
3 display to the general public of a record (containing  
4 a social security account number (or any derivative  
5 thereof)) generated prior to the close of such 1-year  
6 period.

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

13 **SEC. 109. CONFIDENTIAL TREATMENT OF CREDIT HEADER**  
14 **INFORMATION.**

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

18 “(q) CONFIDENTIAL TREATMENT OF CREDIT HEAD-  
19 ER INFORMATION.—Information regarding the social se-  
20 curity account number of the consumer, or any derivative  
21 thereof, may not be furnished to any person by a consumer  
22 reporting agency other than in a full consumer report fur-  
23 nished in accordance with section 604 and other require-  
24 ments of this title.”.

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

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

8 (a) IN GENERAL.—Any person who refuses to do  
9 business with an individual because the individual will not  
10 consent to the receipt by such person of the social security  
11 account number of such individual shall be considered to  
12 have committed an unfair or deceptive act or practice in  
13 violation of section 5 of the Federal Trade Commission  
14 Act (15 U.S.C. 45). Action may be taken under such sec-  
15 tion 5 against such a person.

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

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

1 **TITLE II—MEASURES TO EN-**  
2 **SURE THE INTEGRITY OF AP-**  
3 **PLICATIONS FOR SOCIAL SE-**  
4 **CURITY ACCOUNT NUMBERS**  
5 **AND REPLACEMENT SOCIAL**  
6 **SECURITY CARDS**

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

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

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

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

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

1 sioner determines there is minimal opportunity for  
2 fraud.”.

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

6 (c) STUDY REGARDING APPLICATIONS FOR RE-  
7 PLACEMENT SOCIAL SECURITY CARDS.—

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

21 (2) REPORT.—Not later than 2 years after the  
22 date of the enactment of this Act, the Commissioner  
23 shall report to the Committee on Ways and Means  
24 of the House of Representatives and the Committee  
25 on Finance of the Senate regarding the results of

1 the study undertaken under paragraph (1). Such re-  
2 port shall contain such recommendations for legisla-  
3 tive changes as the Commissioner considers nec-  
4 essary to implement needed improvements in the  
5 process for verifying identification documents sub-  
6 mitted by applicants for replacement social security  
7 cards.

8 **SEC. 202. ENUMERATION AT BIRTH.**

9 (a) IMPROVEMENT OF APPLICATION PROCESS.—

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

17 (A) the assignment of social security ac-  
18 count numbers to unnamed children;

19 (B) the issuance of more than 1 social se-  
20 curity account number to the same child; and

21 (C) other opportunities for fraudulently ob-  
22 taining a social security account number.

23 (2) REPORT TO THE CONGRESS.—Not later  
24 than 1 year after the date of the enactment of this  
25 Act, the Commissioner shall transmit to each House

1 of the Congress a report specifying in detail the ex-  
2 tent to which the improvements required under  
3 paragraph (1) have been made.

4 (b) STUDY REGARDING PROCESS FOR ENUMERATION  
5 AT BIRTH.—

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 determine the most efficient options for ensuring the  
10 integrity of the process for enumeration at birth.  
11 Such study shall include an examination of available  
12 methods for reconciling hospital birth records with  
13 birth registrations submitted to agencies of States  
14 and political subdivisions thereof and with informa-  
15 tion provided to the Commissioner as part of the  
16 process for enumeration at birth.

17 (2) REPORT.—Not later than 18 months after  
18 the date of the enactment of this Act, the Commis-  
19 sioner shall report to the Committee on Ways and  
20 Means of the House of Representatives and the  
21 Committee on Finance of the Senate regarding the  
22 results of the study undertaken under paragraph  
23 (1). Such report shall contain such recommendations  
24 for legislative changes as the Commissioner con-

1       siders necessary to implement needed improvements  
2       in the process for enumeration at birth.

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

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

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

21               (2) evaluate the benefits and costs of instituting  
22       such a requirement for photographic identification,  
23       including the degree to which the security and integ-  
24       rity of the old-age, survivors, and disability insur-  
25       ance program would be enhanced.

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

11 **SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE RE-**  
12 **PLACEMENT SOCIAL SECURITY CARDS.**

13 (a) IN GENERAL.—Section 205(c)(2)(G) of the Social  
14 Security Act (42 U.S.C. 405(c)(2)(G)) is amended by add-  
15 ing at the end the following new sentence: “The Commis-  
16 sioner shall restrict the issuance of multiple replacement  
17 social security cards to any individual to 3 per year and  
18 to 10 for the life of the individual, except in any case in  
19 which the Commissioner determines there is minimal op-  
20 portunity for fraud.”.

21 (b) REGULATIONS AND EFFECTIVE DATE.—The  
22 Commissioner of Social Security shall issue regulations  
23 under the amendment made by subsection (a) not later  
24 than 1 year after the date of the enactment of this Act.  
25 Systems controls developed by the Commissioner pursuant

1 to such amendment shall take effect upon the earlier of  
2 the issuance of such regulations or the end of such 1-year  
3 period.

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

8 (a) IN GENERAL.—As soon as practicable after the  
9 date of the enactment of this Act, the Commissioner of  
10 Social Security, in consultation with the Secretary of  
11 Homeland Security, shall undertake a study to examine  
12 the best method of modifying the social security account  
13 number assigned to individuals who—

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

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

17 (3) are not authorized by the Secretary of  
18 Homeland Security to work in the United States, or  
19 are so authorized subject to one or more restrictions,  
20 so as to include an indication of such lack of authorization  
21 to work or such restrictions on such an authorization.

22 (b) REPORT.—Not later than 1 year after the date  
23 of the enactment of this Act, the Commissioner shall re-  
24 port to the Committee on Ways and Means of the House  
25 of Representatives and the Committee on Finance of the

1 Senate regarding the results of the study undertaken  
2 under this section. Such report shall include the Commis-  
3 sioner's recommendations of feasible options for modifying  
4 the social security account number in the manner de-  
5 scribed in subsection (a).

## 6 **TITLE III—ENFORCEMENT**

### 7 **SEC. 301. NEW CRIMINAL PENALTIES FOR MISUSE OF SO-** 8 **CIAL SECURITY ACCOUNT NUMBERS.**

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

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

13 “(D) with intent to deceive, discloses, sells,  
14 or transfers his own social security account  
15 number, assigned to him by the Commissioner  
16 of Social Security (in the exercise of the Com-  
17 missioner's authority under section 205(c)(2) to  
18 establish and maintain records), to any person;  
19 or”;

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

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

24 “(9) without lawful authority, offers, for a fee,  
25 to acquire for any individual, or to assist in acquir-

1       ing for any individual, an additional social security  
2       account number or a number that purports to be a  
3       social security account number; or

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

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

22              “(12) being a trustee appointed in a case under  
23      title 11, United States Code (or an officer or em-  
24      ployee thereof or a person acting as an agent there-  
25      of), willfully acts or fails to act so as to cause a vio-

1 lation of clause (x), (xi), or (xiv) of section  
2 205(c)(2)(C);”.

3 (b) EFFECTIVE DATES.—Paragraphs (7)(D) and (9)  
4 of section 208(a) of the Social Security Act (added by sub-  
5 section (a)(2)) shall apply with respect to each violation  
6 occurring after the date of the enactment of this Act.  
7 Paragraphs (10), (11), and (12) of section 208(a) of such  
8 Act (added by subsection (a)(2)) shall apply with respect  
9 to each violation occurring on or after the effective date  
10 applicable with respect to such violation under title I.

11 **SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AU-**  
12 **THORITY.**

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

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

19 (2) by designating the last sentence of para-  
20 graph (1) as a new paragraph (2), appearing after  
21 and below paragraph (1); and

22 (3) by inserting after paragraph (2) (as des-  
23 ignated under paragraph (2) of this subsection) the  
24 following:

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

3           “(A) uses a social security account number that  
4 such person knows or should know has been as-  
5 signed by the Commissioner of Social Security (in an  
6 exercise of authority under section 205(c)(2) to es-  
7 tablish and maintain records) on the basis of false  
8 information furnished to the Commissioner by any  
9 person;

10           “(B) falsely represents a number to be the so-  
11 cial security account number assigned by the Com-  
12 missioner of Social Security to any individual, when  
13 such person knows or should know that such number  
14 is not the social security account number assigned  
15 by the Commissioner to such individual;

16           “(C) knowingly alters a social security card  
17 issued by the Commissioner of Social Security, or  
18 possesses such a card with intent to alter it;

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

23           “(E) counterfeits a social security card, or pos-  
24 sesses a counterfeit social security card with intent  
25 to buy or sell it;

1           “(F) discloses, uses, compels the disclosure of,  
2           or knowingly sells or purchases the social security  
3           account number of any person in violation of the  
4           laws of the United States;

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

13          “(H) without lawful authority, offers, for a fee,  
14          to acquire for any individual, or to assist in acquir-  
15          ing for any individual, an additional social security  
16          account number or a number which purports to be  
17          a social security account number;

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

22          “(J) being an officer or employee of any execu-  
23          tive, legislative, or judicial agency or instrumentality  
24          of the Federal Government or of a State or political  
25          subdivision thereof (or a person acting as an agent

1 of such an agency or instrumentality), in possession  
2 of any individual's social security account number,  
3 willfully acts or fails to act so as to cause a violation  
4 of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of  
5 section 205(c)(2)(C);

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

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

15 “(M) violates section 208B (relating to fraud by  
16 social security administration employees);

17 shall be subject to, in addition to any other penalties that  
18 may be prescribed by law, a civil money penalty of not  
19 more than \$5,000 for each violation. Such person shall  
20 also be subject to an assessment, in lieu of damages sus-  
21 tained by the United States resulting from such violation,  
22 of not more than twice the amount of any benefits or pay-  
23 ments paid as a result of such violation.”.

24 (b) EFFECTIVE DATES.—The amendments made by  
25 this section shall apply with respect to violations com-

1 mitted after the date of the enactment of this Act, except  
2 that subparagraphs (J), (K), (L), and (M) of section  
3 1129(a)(3) of the Social Security Act (added by subsection  
4 (a)) shall apply with respect to violations occurring on or  
5 after the effective date provided in connection with such  
6 violations under title I.

7 **SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE**  
8 **SOCIAL SECURITY ADMINISTRATION WHO**  
9 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**  
10 **CIAL SECURITY CARDS OR SOCIAL SECURITY**  
11 **ACCOUNT NUMBERS.**

12 (a) IN GENERAL.—Title II of the Social Security Act  
13 (as amended by the preceding provisions of this Act) is  
14 amended further by inserting after section 208A the fol-  
15 lowing new section:

16 “FRAUD BY SOCIAL SECURITY ADMINISTRATION  
17 EMPLOYEES

18 “SEC. 208B. (a) Whoever is an employee of the So-  
19 cial Security Administration and knowingly and fraudu-  
20 lently sells or transfers one or more social security account  
21 numbers or social security cards shall be guilty of a felony  
22 and upon conviction thereof shall be fined under title 18,  
23 United States Code, imprisoned as provided in subsection  
24 (b), or both.

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

1           “(1) not less than 1 year and up to 5 years, in the  
2 case of an employee of the Social Security Administration  
3 who has fraudulently sold or transferred not more than  
4 50 social security account numbers or social security  
5 cards,

6           “(2) not less than 5 years and up to 10 years, in  
7 the case of an employee of the Social Security Administra-  
8 tion who has fraudulently sold or transferred more than  
9 50, but not more than 100, social security account num-  
10 bers or social security cards, or

11           “(3) not less than 10 years and up to 20 years, in  
12 the case of an employee of the Social Security Administra-  
13 tion who has fraudulently sold or transferred more than  
14 100 social security account numbers or social security  
15 cards.

16           “(c) For purposes of this section—

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

24           “(2) The term ‘social security account number’  
25 means a social security account number assigned by

1 the Commissioner of Social Security under section  
2 205(c)(2)(B) or another number that has not been  
3 so assigned but is purported to have been so as-  
4 signed.

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

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

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

21 **SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM,**  
22 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**  
23 **OR PRIOR OFFENSES.**

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

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

5           (2) by redesignating subsections (b), (c), and  
6 (d) as subsections (c), (d), and (e), respectively;

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), sub-  
2       ject to paragraph (4), and

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

9               (4) in subsection (c) (as redesignated by para-  
10       graph (2))—

11               (A) by striking the first sentence; and

12               (B) in the second sentence, by striking  
13       “any violation described in the preceding sen-  
14       tence, including a first such violation” and in-  
15       serting “a violation of any of the provisions of  
16       this section committed by any person or other  
17       entity in the role of such person or entity as,  
18       or in applying to become, a certified payee  
19       under section 205(j) on behalf of another indi-  
20       vidual (other than such person’s spouse)”.

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

23               (1) in subsection (a), by striking “shall be  
24       fined” and all that follows and inserting “shall be

1 fined, imprisoned, or both, as provided in subsection  
2 (b).”;

3 (2) by redesignating subsection (b) as sub-  
4 section (c); and

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

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

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

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

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

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

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

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

13           (2) by redesignating subsection (b) as sub-  
14           section (c); and

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

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

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

23           “(2) fined under title 18, United States Code,  
24           or imprisoned for not more than 10 years, or both,  
25           in the case of a violation which occurs after a prior

1 conviction for another offense under subsection (a)  
2 becomes final, subject to paragraphs (3) and (4),

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

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

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