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110TH CONGRESS
1ST SESSION

H. R. 3046

[Report No. 110-]

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 16, 2007

Mr. McNULTY (for himself, Mr. SAM JOHNSON of Texas, Mr. RANGEL, Mr. McCRERY, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. PASCRELL, Mr. MEEK of Florida, Mr. HASTINGS of Washington, Ms. MATSUI, Mrs. CAPPS, Mr. FARR, Mr. RODRIGUEZ, Mr. FILNER, Ms. MCCOLLUM of Minnesota, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Ways and Means

JULY --, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 16, 2007]

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 2007”.*

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

Sec. 1. Short title and table of contents.

*Sec. 2. Restrictions on the sale or display to the general public of social security
account numbers by governmental entities.*

*Sec. 3. Prohibition of display of social security account numbers on checks issued
for payment by governmental entities.*

*Sec. 4. Prohibition of the display of social security account numbers on certain
government identification cards or tags.*

Sec. 5. Prohibition of inmate access to social security account numbers.

*Sec. 6. Measures to preclude unauthorized disclosure by governmental entities of
social security account numbers and protect the confidentiality
of such numbers.*

Sec. 7. Uniform standards for truncation of the social security account number.

*Sec. 8. Prohibition of the sale, purchase, and display to the general public of the
social security account number in the private sector.*

Sec. 9. New criminal penalties for misuse of social security account numbers.

Sec. 10. Extension of civil monetary penalty authority.

*Sec. 11. Criminal penalties for employees of the Social Security Administration
who knowingly and fraudulently issue social security cards or
social security account numbers.*

*Sec. 12. Enhanced penalties in cases of terrorism, drug trafficking, crimes of vio-
lence, or prior offenses.*

*Sec. 13. Regulatory and enforcement authority with respect to misuse of the social
security account number.*

*Sec. 14. Study on feasibility of banning social security account number as an au-
thenticator.*

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

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

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

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

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

1 *regulations which shall be issued as provided in section*
2 *1129C.*

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

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

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

21 “(VII) *Notwithstanding subclause (I), a social security*
22 *account number may be sold by a governmental entity to*
23 *the extent necessary for research (other than market re-*
24 *search) conducted by any governmental entity for the pur-*
25 *pose of advancing the public good, on the condition that*

1 *the researcher provides adequate assurances that the social*
2 *security account numbers will not be used to harass, target,*
3 *or publicly reveal information concerning any identifiable*
4 *individuals, that information about identifiable individuals*
5 *obtained from the research will not be used to make deci-*
6 *sions that directly affect the rights, benefits, or privileges*
7 *of specific individuals, and that the researcher has in place*
8 *appropriate safeguards to protect the privacy and confiden-*
9 *tiality of any information about identifiable individuals,*
10 *including procedures to ensure that the social security ac-*
11 *count numbers will be encrypted or otherwise appropriately*
12 *secured from unauthorized disclosure. In the case of medical*
13 *research, the Commissioner of Social Security shall main-*
14 *tain ongoing consultation with the Office for Civil Rights*
15 *of the Department of Health and Human Services to ensure*
16 *that the sale or purchase of social security account numbers*
17 *which constitute personally identifiable medical informa-*
18 *tion is permitted only in compliance with existing Federal*
19 *rules and regulations prescribed by the Secretary of Health*
20 *and Human Services pursuant to section 264(c) of the*
21 *Health Insurance Portability and Accountability Act of*
22 *1996 (110 Stat. 2033).*

23 *“(VIII) Notwithstanding subclause (I), a social secu-*
24 *rity account number may be sold or displayed to the general*
25 *public by a governmental entity under such other cir-*

1 *cumstances as may be specified in regulations issued as pro-*
2 *vided in section 1129C.*

3 “(IX) *This clause does not apply with respect to a so-*
4 *cial security account number of a deceased individual.*

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

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

24 “(XII) *For purposes of this clause, the term ‘display*
25 *to the general public’ shall have the meaning provided such*

1 *term in section 208A(a)(3)(A). In any case in which a gov-*
2 *ernmental entity requires transmittal to such governmental*
3 *entity of an individual's social security account number by*
4 *means of the Internet without ensuring that such number*
5 *is encrypted or otherwise appropriately secured from disclo-*
6 *sure, any such transmittal of such number as so required*
7 *shall be treated, for purposes of this clause, as a 'display*
8 *to the general public' of such number by such governmental*
9 *entity for purposes of this clause.*

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

19 *“(XIV) Nothing in the preceding subclauses of this*
20 *clause shall be construed as superseding, altering, or affect-*
21 *ing any statute, regulation, order, or interpretation in effect*
22 *under any other Federal or State law, except to the extent*
23 *that such statute, regulation, order, or interpretation is in-*
24 *consistent with such subclauses, and then only to the extent*
25 *of the inconsistency. For purposes of this subclause, a stat-*

1 *ue, regulation, order, or interpretation is not inconsistent*
2 *with the preceding subclauses of this clause if the protection*
3 *such statute, regulation, order, or interpretation affords any*
4 *person is greater than the protection provided under such*
5 *subclauses.”.*

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

7 *(1) IN GENERAL.—Initial final regulations pre-*
8 *scribed to carry out the provisions of section*
9 *205(c)(2)(C)(x) of the Social Security Act (added by*
10 *this section) shall be issued not later than the last*
11 *date of the 18th calendar month following the date of*
12 *the enactment of this Act. Such provisions shall take*
13 *effect, with respect to matters governed by such regu-*
14 *lations issued by the Commissioner of Social Security*
15 *or any other agency or instrumentality of the United*
16 *States, 1 year after the date of the issuance of such*
17 *regulations by the Commissioner or such other agency*
18 *or instrumentality, respectively. Such provisions shall*
19 *apply in the case of displays to the general public, as*
20 *defined in section 208A(a)(3) of such Act (added by*
21 *section 8 of this Act), to such displays originally oc-*
22 *curing after such 1-year period. Such provisions*
23 *shall not apply with respect to any display of a*
24 *record (containing a social security account number*

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

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

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

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 2 of this Act) is amended further by adding at the*
17 *end the following new clause:*

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

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

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

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

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

10 *“(xii) No governmental entity (as defined in clause*
11 *(x)(X)), and no other person offering benefits in connection*
12 *with an employee benefit plan maintained by such govern-*
13 *mental entity, may display a social security account num-*
14 *ber (or any derivative thereof) on any card or tag that is*
15 *commonly provided—*

16 *“(I) to employees of such governmental entity,*

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

19 *“(III) in the case of a governmental entity which*
20 *is a medical institution, to its patients,*

21 *(or to their family members) for purposes of identification*
22 *or include on such card or tag a magnetic strip, bar code,*
23 *or other means of communication which conveys such num-*
24 *ber (or derivative thereof). The requirements of this clause*

1 *shall also apply to the Medicare card issued by the Depart-*
2 *ment of Health and Human Services.”.*

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

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

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

15 “(xiii) *No governmental entity (as defined in clause*
16 *(x)(X)) may employ, or enter into a contract for the use*
17 *or employment of, prisoners in any capacity that would*
18 *allow such prisoners access to the social security account*
19 *numbers of other individuals (or any derivatives of such*
20 *numbers). For purposes of this clause, the term ‘prisoner’*
21 *means an individual confined in a jail, prison, or other*
22 *penal institution 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. 6. MEASURES TO PRECLUDE UNAUTHORIZED DISCLO-**
16 **SURE BY GOVERNMENTAL ENTITIES OF SO-**
17 **CIAL SECURITY ACCOUNT NUMBERS AND**
18 **PROTECT THE CONFIDENTIALITY OF SUCH**
19 **NUMBERS.**

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

24 “(xiv) *Except as otherwise provided in this paragraph,*
25 *in the case of any governmental entity (as defined in clause*

1 *(x)(X) having access to an individual's social security ac-*
2 *count number—*

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

7 *“(II) such governmental entity shall restrict, to*
8 *the satisfaction of the Commissioner of Social Secu-*
9 *rity, access to social security account numbers ob-*
10 *tained thereby to officers and employees thereof whose*
11 *duties or responsibilities require access for the admin-*
12 *istration or enforcement of such provisions, and*

13 *“(III) such governmental entity shall provide*
14 *such other safeguards as the Commissioner determines*
15 *to be necessary or appropriate to preclude unauthor-*
16 *ized access to the social security account number and*
17 *to otherwise protect the confidentiality of such num-*
18 *ber.*

19 *For purposes of this clause the term ‘social security account*
20 *number’ includes any derivative thereof.”.*

21 *(b) EFFECTIVE DATE.—The amendment made by this*
22 *section shall take effect 1 year after the date of the enact-*
23 *ment of this Act.*

1 **SEC. 7. UNIFORM STANDARDS FOR TRUNCATION OF THE**
2 **SOCIAL SECURITY ACCOUNT NUMBER.**

3 (a) *IN GENERAL.*—Section 205(c)(2)(C) of the Social
4 Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the
5 preceding provisions of this Act) is amended further by add-
6 ing at the end the following new clause:

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

20 (b) *EFFECTIVE DATE.*—Initial final regulations pre-
21 scribed to carry out the provisions of section
22 205(c)(2)(C)(xv) of the Social Security Act (added by this
23 section) shall be issued not later than the last date of the
24 18th calendar month following the date of the enactment
25 of this Act. Such provisions shall take effect, with respect
26 to matters governed by such regulations issued by the Com-

1 *missioner or any other agency or instrumentality of the*
2 *United States, 1 year after the date of the issuance of such*
3 *regulations by the Commissioner or such other agency or*
4 *instrumentality, respectively.*

5 **SEC. 8. PROHIBITION OF THE SALE, PURCHASE, AND DIS-**
6 **PLAY TO THE GENERAL PUBLIC OF THE SO-**
7 **CIAL SECURITY ACCOUNT NUMBER IN THE**
8 **PRIVATE SECTOR.**

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

12 *“PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY TO*
13 *THE GENERAL PUBLIC OF THE SOCIAL SECURITY AC-*
14 *COUNT NUMBER IN THE PRIVATE SECTOR*

15 *“SEC. 208A. (a) DEFINITIONS.—For purposes of this*
16 *section:*

17 *“(1) PERSON.—*

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

22 *“(B) EXCLUSION OF GOVERNMENTAL ENTI-*
23 *TIES.—Such term does not include a govern-*
24 *mental entity. Nothing in this subparagraph*
25 *shall be construed to authorize, in connection*
26 *with a governmental entity, an act or practice*

1 *otherwise 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 number.*

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

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

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

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

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

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

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

12 “(B) *INTERNET TRANSMISSIONS.*—In any
13 case in which a person requires transmittal to
14 such person of an individual’s social security ac-
15 count number by means of the Internet without
16 ensuring that such number is encrypted or other-
17 wise well-secured from disclosure, any such
18 transmittal of such number as so required shall
19 be treated as a ‘display to the general public’ of
20 such number by such person.

21 “(4) *SOCIAL SECURITY ACCOUNT NUMBER.*—

22 “(A) *IN GENERAL.*—The term ‘social secu-
23 rity account number’ has the meaning given
24 such term in section 208(e), except that such
25 term includes any derivative of such number.

1 “(B) 4-DIGIT EXPRESSION.—Notwith-
2 standing the preceding sentence, for purposes of
3 subsection (b)(1)(A), any expression, contained
4 in or on any item sold or displayed to the gen-
5 eral public, shall not be treated as a social secu-
6 rity account number solely because such expres-
7 sion sets forth not more than the last 4 digits of
8 such number, if the remainder of such number
9 cannot be determined based solely on such ex-
10 pression or any other matter presented in or on
11 such item.

12 “(5) GOVERNMENTAL ENTITY.—

13 “(A) IN GENERAL.—The term ‘governmental
14 entity’ means an executive, legislative, or judi-
15 cial agency or instrumentality of the Federal
16 Government, a State or political subdivision
17 thereof, a Federally recognized Indian tribe, or a
18 trustee appointed in a case under title 11,
19 United States Code. Such term includes a person
20 acting as an agent of such an agency or instru-
21 mentality, Indian tribe, or trustee.

22 “(B) STATE.—The term ‘State’ includes the
23 District of Columbia, the Commonwealth of
24 Puerto Rico, the Virgin Islands, Guam, the Com-

1 *monwealth of the Northern Marianas, and the*
2 *Trust Territory of the Pacific Islands.*

3 “(b) *PROHIBITION OF SALE, PURCHASE, AND DISPLAY*
4 *TO THE GENERAL PUBLIC.—*

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

7 “(A) *sell or purchase a social security ac-*
8 *count number or display to the general public a*
9 *social security account number, or*

10 “(B) *obtain or use any individual’s social*
11 *security account number for the purpose of locat-*
12 *ing or identifying such individual with the in-*
13 *tent to harass, harm, or physically injure such*
14 *individual or using the identity of such indi-*
15 *vidual for any illegal purpose.*

16 “(2) *EXCEPTIONS.—*

17 “(A) *IN GENERAL.—Notwithstanding para-*
18 *graph (1), and subject to paragraph (3), a social*
19 *security account number may be sold or pur-*
20 *chased by any person to the extent provided in*
21 *this subsection (and for no other purpose) as fol-*
22 *lows:*

23 “(i) *to the extent necessary for law en-*
24 *forcement, including (but not limited to) the*
25 *enforcement of a child support obligation,*

1 *as determined under regulations issued as*
2 *provided in section 1129C;*

3 “(ii) *to the extent necessary for na-*
4 *tional security purposes, as determined*
5 *under regulations issued as provided in sec-*
6 *tion 1129C;*

7 “(iii) *to the extent necessary for public*
8 *health purposes;*

9 “(iv) *to the extent necessary in emer-*
10 *gency situations to protect the health or*
11 *safety of 1 or more individuals;*

12 “(v) *to the extent that the sale or pur-*
13 *chase is required to comply with a tax law*
14 *of the United States or of any State (or po-*
15 *litical subdivision thereof);*

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

24 “(vii) *to the extent necessary for re-*
25 *search (other than market research) con-*

1 *ducted by an agency or instrumentality of*
2 *the United States or of a State or political*
3 *subdivision thereof (or a person acting as*
4 *an agent of such an agency or instrumen-*
5 *tality) for the purpose of advancing the*
6 *public good, on the condition that the re-*
7 *searcher provides adequate assurances*
8 *that—*

9 *“(I) the social security account*
10 *numbers will not be used to harass,*
11 *target, or publicly reveal information*
12 *concerning any identifiable individ-*
13 *uals;*

14 *“(II) information about identifi-*
15 *able individuals obtained from the re-*
16 *search will not be used to make deci-*
17 *sions that directly affect the rights,*
18 *benefits, or privileges of specific indi-*
19 *viduals; and*

20 *“(III) the researcher has in place*
21 *appropriate safeguards to protect the*
22 *privacy and confidentiality of any in-*
23 *formation about identifiable individ-*
24 *uals, including procedures to ensure*
25 *that the social security account num-*

1 *bers will be encrypted or otherwise ap-*
2 *propriately secured from unauthorized*
3 *disclosure.*

4 *“(B) MEDICAL RESEARCH.—In the case of*
5 *research referred to in subparagraph (A)(vii)*
6 *consisting of medical research, the Commissioner*
7 *of Social Security shall maintain ongoing con-*
8 *sultation with the Office for Civil Rights of the*
9 *Department of Health and Human Services to*
10 *ensure that the sale or purchase of social security*
11 *account numbers which constitute personally*
12 *identifiable medical information is permitted*
13 *only in compliance with existing Federal rules*
14 *and regulations prescribed by the Secretary of*
15 *Health and Human Services pursuant to section*
16 *264(c) of the Health Insurance Portability and*
17 *Accountability Act of 1996 (110 Stat. 2033).*

18 *“(3) CONSENT AND OTHER CIRCUMSTANCES DE-*
19 *TERMINED BY REGULATION.—Notwithstanding para-*
20 *graph (1), a social security account number assigned*
21 *to an individual may be sold or purchased by any*
22 *person—*

23 *“(A) to the extent consistent with such indi-*
24 *vidual’s voluntary and affirmative written con-*
25 *sent to the sale or purchase, but only if—*

1 “(i) *the terms of the consent and the*
2 *right to refuse consent are presented to the*
3 *individual in a clear, conspicuous, and un-*
4 *derstandable manner,*

5 “(ii) *the individual is placed under no*
6 *obligation to provide consent to any such*
7 *sale or purchase, and*

8 “(iii) *the terms of the consent authorize*
9 *the individual to limit the sale or purchase*
10 *to purposes directly associated with the*
11 *transaction with respect to which the con-*
12 *sent is sought, and*

13 “(B) *under such circumstances as may be*
14 *deemed appropriate in regulations issued as pro-*
15 *vided under section 1129C.*

16 “(c) *PROHIBITION OF DISPLAY ON CHECKS.—It shall*
17 *be unlawful for any person to include the social security*
18 *account number of any other individual on any check issued*
19 *for any payment by such person or on any document at-*
20 *tached to or accompanying such a check.*

21 “(d) *PROHIBITION OF UNAUTHORIZED DISCLOSURE*
22 *TO GOVERNMENT AGENCIES OR INSTRUMENTALITIES.—*

23 “(1) *IN GENERAL.—It shall be unlawful for any*
24 *person to communicate by any means to any agency*
25 *or instrumentality of the United States or of any*

1 *State or political subdivision thereof the social secu-*
2 *urity account number of any individual other than*
3 *such person without the written permission of such*
4 *individual, unless the number was requested by the*
5 *agency or instrumentality. In the case of an indi-*
6 *vidual who is legally incompetent, permission pro-*
7 *vided by the individual's legal representatives shall be*
8 *deemed to be permission provided by such individual.*

9 “(2) *EXCEPTIONS.—Paragraph (1) shall not*
10 *apply to the extent necessary—*

11 “(A) *for law enforcement, including (but*
12 *not limited to) the enforcement of a child support*
13 *obligation, or*

14 “(B) *for national security purposes,*
15 *as determined under regulations issued as provided*
16 *under section 1129C.*

17 “(e) *PROHIBITION OF THE DISPLAYS ON CARDS OR*
18 *TAGS REQUIRED FOR ACCESS TO GOODS, SERVICES, OR*
19 *BENEFITS.—No person may display a social security ac-*
20 *count number on any card or tag issued to any other person*
21 *for the purpose of providing such other person access to any*
22 *goods, services, or benefits or include on such card or tag*
23 *a magnetic strip, bar code, or other means of communica-*
24 *tion which conveys such number.*

1 “(f) *PROHIBITION OF THE DISPLAYS ON EMPLOYEE*
2 *IDENTIFICATION CARDS OR TAGS.*—No person that is an
3 employer, and no other person offering benefits in connec-
4 tion with an employee benefit plan maintained by such em-
5 ployer or acting as an agent of such employer, may display
6 a social security account number on any card or tag that
7 is commonly provided to employees of such employer (or
8 to their family members) for purposes of identification or
9 include on such card or tag a magnetic strip, bar code, or
10 other means of communication which conveys such number.

11 “(g) *MEASURES TO PRECLUDE UNAUTHORIZED DIS-*
12 *CLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND*
13 *PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.*—
14 Subject to the preceding provisions of this section, any per-
15 son having access to the social security account number of
16 any individual other than such person shall, to the extent
17 that such access is maintained for the conduct of such per-
18 son’s trade or business—

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

23 “(2) restrict, in accordance with regulations of
24 the Commissioner of Social Security, access to social
25 security account numbers obtained thereby to officers

1 *and employees thereof whose duties or responsibilities*
2 *require access for the conduct of such person's trade*
3 *or business, and*

4 *“(3) provide such safeguards as may be specified,*
5 *in regulations of the Commissioner of Social Security,*
6 *to be necessary or appropriate to preclude unauthor-*
7 *ized access to the social security account number and*
8 *to otherwise protect the confidentiality of such num-*
9 *ber.*

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

13 *“(i) APPLICABILITY OF OTHER PROTECTIONS.—Noth-*
14 *ing in the preceding subsections of this section shall be con-*
15 *strued as superseding, altering, or affecting any statutory*
16 *provision, regulation, order, or interpretation in effect*
17 *under any other Federal or State law, except to the extent*
18 *that such statutory provision, regulation, order, or interpre-*
19 *tation is inconsistent with such subsections, and then only*
20 *to the extent of the inconsistency. For purposes of this sub-*
21 *clause, a statutory provision, regulation, order, or interpre-*
22 *tation is not inconsistent with the preceding subsections of*
23 *this section if the protection such statutory provision, regu-*
24 *lation, order, or interpretation affords any person is greater*
25 *than the protection provided under such subsections.”.*

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

2 **(1) IN GENERAL.—***Initial final regulations pre-*
3 *scribed to carry out the provisions of section 208A of*
4 *the Social Security Act (added by this section) shall*
5 *be issued not later than the last date of the 18th cal-*
6 *endar month following the date of the enactment of*
7 *this Act. Such provisions shall take effect, with respect*
8 *to matters governed by such regulations issued by the*
9 *Commissioner of Social Security or any other agency*
10 *or instrumentality of the United States, 1 year after*
11 *the date of the issuance of such regulations by the*
12 *Commissioner of Social Security or such other agency*
13 *or instrumentality, respectively. Section 208A(b) of*
14 *such Act shall apply in the case of displays to the*
15 *general public (as defined in section 208A(a)(3) of*
16 *such Act) to such displays to the general public origi-*
17 *nally occurring after such 1-year period. Such provi-*
18 *sions shall not apply with respect to any such display*
19 *to the general public of a record (containing a social*
20 *security account number (or any derivative thereof))*
21 *generated prior to the close of such 1-year period.*

22 **(2) SUNSET OF EXCEPTION.—***Section*
23 *208A(a)(4)(B) of the Social Security Act (added by*
24 *this section) shall cease to be effective with respect to*
25 *sales, purchases, or displays to the general public oc-*

1 *curing after 2 years after the effective date of the ini-*
 2 *tial final regulations prescribed to carry out the pro-*
 3 *visions of section 208A of such Act.*

4 **SEC. 9. NEW CRIMINAL PENALTIES FOR MISUSE OF SOCIAL**
 5 **SECURITY ACCOUNT NUMBERS.**

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

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

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

13 (2) *by redesignating subsections (b) through (e)*
 14 *as subsections (c) through (f), respectively;*

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

17 (4) *by inserting after subsection (a) the following*
 18 *new subsection:*

19 “(b)(1) *Whoever—*

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

1 “(i) possesses the social security account
2 number of another person without lawful author-
3 ity, or

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

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

16 “(B) being—

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

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

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

1 “(C) being a trustee appointed in a case under
2 title 11, United States Code (or an officer or employee
3 thereof or a person acting as an agent thereof), will-
4 fully acts or fails to act so as to cause a violation of
5 clause (xi) or (xv) of section 205(c)(2)(C); or

6 “(D) willfully acts or fails to act so as to cause
7 a violation of subsection (c), (d), (e), or (f) of section
8 208A or, as a person in the private sector, willfully
9 acts or fails to act so as to cause a violation of section
10 205(c)(2)(C)(xv);

11 shall be guilty of a misdemeanor and upon conviction there-
12 of shall be fined under title 18, United States Code, or im-
13 prisoned for not more than 1 year, or both.

14 “(2)(A) Whoever—

15 “(i) with intent to deceive, discloses, sells, or
16 transfers his own social security account number, as-
17 signed to him by the Commissioner of Social Security
18 (in the exercise of the Commissioner’s authority under
19 section 205(c)(2) to establish and maintain records),
20 to any person;

21 “(ii) without lawful authority, offers, for a fee,
22 to acquire for any individual, or to assist in acquir-
23 ing for any individual, an additional social security
24 account number or a number that is purported to be
25 a social security account number;

1 “(iii) being—

2 “(I) an officer or employee of any govern-
3 mental entity (as defined in section
4 205(c)(2)(C)(x)(X)), or

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

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

9 “(iv) being a trustee appointed in a case under
10 title 11, United States Code (or an officer or employee
11 thereof or a person acting as an agent thereof), will-
12 fully acts or fails to act so as to cause a violation of
13 clause (x) or (xiv) of section 205(c)(2)(C); or

14 “(v) willfully acts or fails to act so as to cause
15 a violation of subsection (b)(1)(A) or (g) of section
16 208A;

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

19 “(B) A person convicted of a violation described in
20 subparagraph (A) shall—

21 “(i) be fined under title 18, United States Code, im-
22 prisoned not more than 1 year, or both; and

23 “(ii) if the offense is committed under false pretenses
24 or for commercial advantage, personal gain, or malicious

1 *harm, be fined under title 18, United States Code, impris-*
2 *oned not more than 5 years, or both.”*

3 (b) *EFFECTIVE DATES.*—*The amendments made by*
4 *this section shall apply with respect to each violation occur-*
5 *ring after the date of the enactment of this Act, except that*
6 *subparagraphs (B), (C), and (D) of section 208(b)(1) of*
7 *such Act and clauses (iii), (iv), and (v) of section*
8 *208(b)(2)(A) of such Act (added by subsection (a)(3)) shall*
9 *apply, in connection with violations of clause (x), (xi),*
10 *(xii), (xiii), (xiv), or (xv) of section 205(c)(2)(C) or section*
11 *208A, with respect to each violation occurring on or after*
12 *the effective date applicable with respect to such violation*
13 *under section 2, 3, 4, 5, 6, 7, or 8.*

14 **SEC. 10. EXTENSION OF CIVIL MONETARY PENALTY AU-**
15 **THORITY.**

16 (a) *APPLICATION OF CIVIL MONEY PENALTIES TO*
17 *ELEMENTS OF CRIMINAL VIOLATIONS.*—*Section 1129(a) of*
18 *the Social Security Act (42 U.S.C. 1320a–8(a)) is amend-*
19 *ed—*

20 (1) *by redesignating paragraphs (2) and (3) as*
21 *paragraphs (4) and (5), respectively;*

22 (2) *by designating the last sentence of paragraph*
23 *(1) as a new paragraph (2), appearing after and*
24 *below paragraph (1); and*

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

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

6 “(A) uses a social security account number that
7 such person knows or should know has been assigned
8 by the Commissioner of Social Security (in an exer-
9 cise of authority under section 205(c)(2) to establish
10 and maintain records) on the basis of false informa-
11 tion furnished to the Commissioner by any person;

12 “(B) falsely represents a number to be the social
13 security account number assigned by the Commis-
14 sioner of Social Security to any individual, when
15 such person knows or should know that such number
16 is not the social security account number assigned by
17 the Commissioner to such individual;

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

22 “(D) buys or sells a card that such person knows
23 or should know is, or is purported to be, a card issued
24 by the Commissioner of Social Security, or possesses
25 such a card with intent to buy or sell it;

1 “(E) counterfeits a social security card, or pos-
2 sesses a counterfeit social security card with intent to
3 buy or sell it;

4 “(F) discloses, uses, compels the disclosure of, or
5 knowingly sells or purchases the social security ac-
6 count number of any person in violation of the laws
7 of the United States;

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

16 “(H) without lawful authority, offers, for a fee,
17 to acquire for any individual, or to assist in acquir-
18 ing for any individual, an additional social security
19 account number or a number which is purported to
20 be a social security account number;

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

1 “(J) knowingly, and with intent to commit, or
2 to aid or abet, any activity that constitutes a viola-
3 tion of Federal law, or a violation of any applicable
4 law of a State or political subdivision thereof if the
5 maximum penalty of such applicable law includes
6 imprisonment for 5 years or more—

7 “(i) possesses a social security account
8 number of another individual without lawful au-
9 thority, or

10 “(ii) possesses a social security card, know-
11 ing that the social security account number or
12 other identifying information displayed on the
13 card has been altered, counterfeited, or forged or
14 that the card was falsely made, stolen, or ob-
15 tained from the Social Security Administration
16 by use of false information,

17 if such activity is committed, or aided or abetted,
18 with intent to use such social security account num-
19 ber, social security card, or other identifying informa-
20 tion displayed on such card in furtherance of such
21 violation;

22 “(K) being—

23 “(i) an officer or employee of a govern-
24 mental entity (as defined in section
25 205(c)(2)(C)(x)(X)), or

1 “(ii) a person acting as an agent of a gov-
2 ernmental entity (as so defined),
3 willfully acts or fails to act so as to cause a violation
4 of clause (vi)(II), (x), (xi), (xii), (xiii), (xiv), or (xv)
5 of section 205(c)(2)(C);

6 “(L) being a trustee appointed in a case under
7 title 11, United States Code (or an officer or employee
8 thereof or a person acting as an agent thereof), will-
9 fully acts or fails to act so as to cause a violation of
10 clause (x), (xi), (xiv), or (xv) of section 205(c)(2)(C);

11 “(M) violates section 208A (relating to prohibi-
12 tion of the sale, purchase, or display of the social se-
13 curity account number in the private sector) or, as a
14 person in the private sector, violates section
15 205(c)(2)(C)(xv); or

16 “(N) violates section 208(g) (relating to fraud by
17 social security administration employees);

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

1 (b) *EFFECTIVE DATES.*—*The amendments made by*
2 *this section shall apply with respect to violations committed*
3 *after the date of the enactment of this Act, except that sub-*
4 *paragraphs (J), (K), (L), and (M) of section 1129(a)(3) of*
5 *the Social Security Act (added by subsection (a)) shall*
6 *apply with respect to violations of the provisions of clause*
7 *(x), (xi), (xii), (xiii), (xiv), or (xv) of section 205(c)(2)(C)*
8 *or section 208A occurring on or after the applicable effective*
9 *date provided in connection with such provisions under sec-*
10 *tion 2, 3, 4, 5, 6, 7, or 8 of this Act.*

11 **SEC. 11. CRIMINAL PENALTIES FOR EMPLOYEES OF THE SO-**
12 **CIAL SECURITY ADMINISTRATION WHO**
13 **KNOWINGLY AND FRAUDULENTLY ISSUE SO-**
14 **CIAL SECURITY CARDS OR SOCIAL SECURITY**
15 **ACCOUNT NUMBERS.**

16 (a) *IN GENERAL.*—*Section 208 of the Social Security*
17 *Act (as amended by section 9) is amended further by adding*
18 *at the end the following new subsection:*

19 “(g)(1) *Whoever is an employee of the Social Security*
20 *Administration and knowingly and fraudulently sells or*
21 *transfers one or more social security account numbers or*
22 *social security cards shall, upon conviction, be guilty of a*
23 *felony and fined under title 18, United States Code, impris-*
24 *oned as provided in paragraph (2), or both.*

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

3 “(A) *not more than 5 years, in the case of an*
4 *employee of the Social Security Administration who*
5 *has fraudulently sold or transferred not more than 50*
6 *social security account numbers or social security*
7 *cards,*

8 “(B) *not more than 10 years, in the case of an*
9 *employee of the Social Security Administration who*
10 *has fraudulently sold or transferred more than 50, but*
11 *not more than 100, social security account numbers*
12 *or social security cards, or*

13 “(C) *not more than 20 years, in the case of an*
14 *employee of the Social Security Administration who*
15 *has fraudulently sold or transferred more than 100*
16 *social security account numbers or social security*
17 *cards.*

18 “(3) *For purposes of this subsection—*

19 “(A) *The term ‘social security employee’ means*
20 *any State employee of a State disability determina-*
21 *tion service, any officer, employee, or contractor of the*
22 *Social Security Administration, any employee of such*
23 *a contractor, or any volunteer providing services or*
24 *assistance in any facility of the Social Security Ad-*
25 *ministration.*

1 “(B) *The term ‘social security account number’*
2 *means a social security account number assigned by*
3 *the Commissioner of Social Security under section*
4 *205(c)(2)(B) or another number that has not been so*
5 *assigned but is purported to have been so assigned.*

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

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

17 **SEC. 12. ENHANCED PENALTIES IN CASES OF TERRORISM,**
18 **DRUG TRAFFICKING, CRIMES OF VIOLENCE,**
19 **OR PRIOR OFFENSES.**

20 (a) *AMENDMENTS TO TITLE II.*—*Section 208 of the*
21 *Social Security Act (as amended by the preceding provi-*
22 *sions of this Act) is amended further—*

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

1 *“shall be fined, imprisoned, or both, as provided in*
2 *subsection (c).”;*

3 *(2) in subsection (b)(2)(B)(ii) (as added by sec-*
4 *tion 9), by striking “be fined” and all that follows*
5 *and inserting the following: “be fined, imprisoned, or*
6 *both, as provided in subsection (c).”;*

7 *(3) by striking subsection (d);*

8 *(4) by redesignating subsection (c) as subsection*
9 *(d); and*

10 *(5) by inserting after subsection (b) the following*
11 *new subsection:*

12 *“(c) A person convicted of a violation described in sub-*
13 *section (a) or a violation described in subsection (b)(2)(A)*
14 *which is subject to subsection (b)(2)(B)(ii) shall be—*

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

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

24 *“(3) fined under title 18, United States Code, or*
25 *imprisoned for not more than 20 years, in the case*

1 *of a violation which is committed to facilitate a drug*
2 *trafficking crime (as defined in section 929(a)(2) of*
3 *title 18, United States Code) or in connection with a*
4 *crime of violence (as defined in section 924(c)(3) of*
5 *title 18, United States Code) involving force against*
6 *the person of another, subject to paragraph (4), and*
7 “(4) *fined under title 18, United States Code, or*
8 *imprisoned for not more than 25 years, in the case*
9 *of a violation which is committed to facilitate an act*
10 *of international or domestic terrorism (as defined in*
11 *paragraphs (1) and (5), respectively, of section 2331*
12 *of title 18, United States Code).”.*

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) *fin*ed 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) *fin*ed 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) involving force against*
15 *the person of another, subject to paragraph (4), and*

16 “(4) *fin*ed 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 subsections (b) and (c) as*
5 *subsections (c) and (d), respectively; 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) involving force against*
2 *the person of another, subject to paragraph (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.*

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

15 *Title XI of the Social Security Act is amended by in-*
16 *serting after section 1129B (42 U.S.C. 1320a–7b) the fol-*
17 *lowing new section:*

18 *“REGULATORY AND ENFORCEMENT AUTHORITY WITH RE-*
19 *SPECT TO MISUSE OF THE SOCIAL SECURITY ACCOUNT*
20 *NUMBER*

21 *“SEC. 1129C. (a) REGULATORY AUTHORITY.—*

22 *“(1) IN GENERAL.—The Commissioner of Social*
23 *Security shall prescribe regulations to carry out the*
24 *provisions of clauses (vi)(II), (x), (xi), (xii), (xiii),*
25 *(xiv), and (xv) of section 205(c)(2)(C) and section*
26 *208A. Such regulations shall be issued in consultation*

1 *with the Federal Trade Commission, the Attorney*
2 *General of the United States, the Secretary of Home-*
3 *land Security, the Secretary of Health and Human*
4 *Services, the Secretary of the Treasury, the Federal*
5 *banking agencies (as defined in section 3 of the Fed-*
6 *eral Deposit Insurance Act), the National Credit*
7 *Union Administration, the Securities and Exchange*
8 *Commission, State attorneys general, and such rep-*
9 *resentatives of the State insurance commissioners as*
10 *may be designated by the National Association of In-*
11 *urance Commissioners.*

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

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

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

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

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

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

23 “(ii) the associated cost or burden of
24 the authorization to the general public,
25 businesses, commercial enterprises, non-

1 *profit organizations, and Federal, State,*
2 *and local governments; and*

3 “(iii) *the associated benefit of the au-*
4 *thorization to the general public, businesses,*
5 *commercial enterprises, non-profit associa-*
6 *tions, and Federal, State, and local govern-*
7 *ments.*

8 “(B) *RESTRICTIONS AND CONDITIONS.—If,*
9 *after considering the factors in subparagraph*
10 *(A), the sale, purchase, or display to the general*
11 *public of social security account numbers is au-*
12 *thorized under regulations referred to in sub-*
13 *paragraph (A), the Commissioner (or the agency*
14 *or instrumentality delegated authority to issue*
15 *such regulations under paragraph (5)) shall im-*
16 *pose restrictions and conditions on the sale, pur-*
17 *chase, or display to the general public to the ex-*
18 *tent necessary—*

19 “(i) *to provide reasonable assurances*
20 *that social security account numbers will*
21 *not be used to commit or facilitate fraud,*
22 *deceptions, or crime, and*

23 “(ii) *to prevent an unreasonable risk of*
24 *identity theft or bodily, emotional, or finan-*
25 *cial harm to any individual, considering*

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

7 “(C) *5-YEAR EXPIRATION DATE FOR REGU-*
8 *LATIONS.—At the end of the 5-year period begin-*
9 *ning on the effective date of any final regulations*
10 *issued pursuant to this paragraph—*

11 “(i) *such regulations shall expire, and*

12 “(ii) *new regulations may be issued*
13 *pursuant to this paragraph.*

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

21 “(5) *DELEGATION TO OTHER AGENCIES.—Any*
22 *agency or instrumentality of the United States may*
23 *exercise the authority of the Commissioner under this*
24 *subsection, with respect to matters otherwise subject to*
25 *regulation by such agency or instrumentality, to the*

1 *extent determined appropriate in regulations of the*
2 *Commissioner.*

3 “(6) *CONSULTATION AND COORDINATION.*—*Each*
4 *agency and instrumentality exercising authority to*
5 *issue regulations under this subsection shall consult*
6 *and coordinate with the other such agencies and in-*
7 *strumentalities for the purposes of assuring, to the ex-*
8 *tent possible, that the regulations prescribed by each*
9 *such agency or instrumentality are consistent and*
10 *comparable, as appropriate, with the regulations pre-*
11 *scribed by the other such agencies and instrumental-*
12 *ities. The Commissioner shall undertake to facilitate*
13 *such consultation and coordination.*

14 “(7) *DEFINITIONS AND SPECIAL RULES.*—

15 “(A) *For purposes of this subsection, the*
16 *terms ‘sell’, ‘purchase’, and ‘display to the gen-*
17 *eral public’ shall have the meanings provided*
18 *such terms under section 205(c)(2)(C)(x) or sec-*
19 *tion 208A(a), as applicable.*

20 “(B) *For purposes of this subsection, section*
21 *205(c)(2)(C)(x)(XI) shall apply.*

22 “(b) *COORDINATION OF ENFORCEMENT WITH OTHER*
23 *AGENCIES.*—*The Commissioner may provide, by regula-*
24 *tion, for enforcement by any other agency or instrumen-*
25 *tality of the United States of the provisions of section 208A*

1 *and regulations prescribed pursuant to subsection (a)(1)*
2 *with respect to section 208A.*

3 “(c) *ACTIONS BY STATES WITH RESPECT TO MISUSE*
4 *IN PRIVATE SECTOR OR BY STATE AND LOCAL GOVERN-*
5 *MENTS.—*

6 “(1) *CIVIL ACTIONS.—In any case in which the*
7 *attorney general of a State (as defined in section*
8 *205(c)(2)(C)(x)(X)) has reason to believe that an in-*
9 *terest of the residents of that State has been or is*
10 *threatened or adversely affected by an act or practice*
11 *described in paragraph (2), the State, as parens*
12 *patriae, may bring a civil action on behalf of the resi-*
13 *dents of the State in a district court of the United*
14 *States of appropriate jurisdiction, to—*

15 “(A) *enjoin that act or practice;*

16 “(B) *enforce compliance with the regula-*
17 *tion;*

18 “(C) *obtain civil penalties in an amount of*
19 *\$11,000 per violation not to exceed a total of*
20 *\$5,000,000; or*

21 “(D) *obtain such other legal and equitable*
22 *relief as the district court may consider to be ap-*
23 *propriate.*

24 *Before filing an action under this subsection, the at-*
25 *torney general of the State involved shall provide to*

1 *the Commissioner of Social Security and the Attorney*
2 *General of the United States a written notice of that*
3 *action and a copy of the complaint for that action.*
4 *If the State attorney general determines that it is not*
5 *feasible to provide the notice described in this sub-*
6 *paragraph before the filing of the action, the State at-*
7 *torney general shall provide the written notice and*
8 *the copy of the complaint as soon after the filing of*
9 *the complaint as practicable. Any reference in this*
10 *subsection to the attorney general of a State shall be*
11 *deemed also to be a reference to any equivalent offi-*
12 *cial of such State.*

13 *“(2) ACTS OR PRACTICES SUBJECT TO ENFORCE-*
14 *MENT.—An act or practice described in this para-*
15 *graph is—*

16 *“(A) an act or practice by an executive, leg-*
17 *islative, or judicial agency or instrumentality of*
18 *the State involved or a political subdivision*
19 *thereof, a person acting as an agent thereof, or*
20 *any officer or employee of the foregoing or person*
21 *acting as an agent of the foregoing that violates*
22 *clause (vi)(II), (x), (xi), (xii), (xiii), (xiv), or*
23 *(xv) of section 205(c)(2)(C) or any regulation*
24 *promulgated thereunder, or*

1 “(B) an act or practice by any person that
2 violates section 208A or any regulation promul-
3 gated thereunder.

4 “(3) *ATTORNEY GENERAL AUTHORITY.*—On re-
5 ceiving notice under paragraph (1), the Attorney
6 General of the United States shall have the right—

7 “(A) to move to stay the action, pending the
8 final disposition of a pending Federal matter as
9 described in paragraph (4);

10 “(B) to intervene in an action under para-
11 graph (1);

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

14 “(D) to file petitions for appeal.

15 “(4) *PENDING CRIMINAL PROCEEDINGS.*—If the
16 Attorney General of the United States has instituted
17 a criminal proceeding under section 208 alleging an
18 act or practice described in paragraph (2) in connec-
19 tion with any State, such State may not, during the
20 pendency of such proceeding or action, bring an ac-
21 tion under this subsection against any defendant
22 named in the criminal proceeding.

23 “(5) *RULE OF CONSTRUCTION.*—For purposes of
24 bringing any civil action under paragraph (1), noth-
25 ing in this subsection shall be construed to prevent an

1 *attorney general of a State from exercising the powers*
2 *conferred on the attorney general by the laws of that*
3 *State to conduct investigations, administer oaths and*
4 *affirmations, or compel the attendance of witnesses or*
5 *the production of documentary and other evidence.*

6 “(6) *VENUE; SERVICE OF PROCESS.—Any action*
7 *brought under paragraph (1) may be brought in any*
8 *district court of the United States that meets applica-*
9 *ble requirements relating to venue under section 1391*
10 *of title 28, United States Code. In an action brought*
11 *under paragraph (1), process may be served in any*
12 *district in which the defendant is an inhabitant or*
13 *may be found.*

14 “(d) *REMEDIES TO INDIVIDUALS FOR VIOLATIONS BY*
15 *THE FEDERAL GOVERNMENT OF REQUIREMENTS RELATING*
16 *TO SOCIAL SECURITY ACCOUNT NUMBERS.—*

17 “(1) *CIVIL ACTIONS.—Any individual who is ag-*
18 *grieved by an act or practice by any person acting*
19 *as an officer, employee, or agent of an agency or in-*
20 *strumentality of the Federal Government in violation*
21 *of the requirements of clause (vi)(II), (x), (xi), (xii),*
22 *(xiii), (xiv), or (xv) of subsection (c)(2)(C) with re-*
23 *spect to the social security account number assigned*
24 *to such individual under subsection (c)(2)(B) may*

1 *commence a civil action for appropriate equitable re-*
2 *lief or actual damages.*

3 “(2) *VENUE; SERVICE OF PROCESS.*—*An action*
4 *under this subsection action may be brought in the*
5 *district court of the United States for the judicial dis-*
6 *trict in which the plaintiff resides, or has his prin-*
7 *cipal place of business, in which the violation took*
8 *place, or in which the defendant resides or may be*
9 *found, and process may be served in any other dis-*
10 *trict in which a defendant resides or may be found.*

11 “(3) *JURISDICTION.*—*The district courts of the*
12 *United States shall have jurisdiction, without respect*
13 *to the amount in controversy or the citizenship of the*
14 *parties, to grant the relief provided for in paragraph*
15 *(1).*

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

20 “(e) *ONGOING GAO REVIEW ON EFFICACY OF REGU-*
21 *LATIONS.*—

22 “(1) *IN GENERAL.*—*The Comptroller General of*
23 *the United States shall conduct an ongoing review of*
24 *the efficacy of the regulations prescribed by any agen-*
25 *cy or instrumentality of the United States pursuant*

1 to this section. Such review shall consider the extent
2 to which such regulations are consistent with, and in
3 furtherance of the purposes of, the amendments made
4 by the Social Security Number Privacy and Identity
5 Theft Prevention Act of 2007.

6 “(2) *REPORT.*—Not later than 4 years after the
7 effective date of any final regulations issued by any
8 agency or instrumentality of the United States pursu-
9 ant to this section, the Comptroller General shall re-
10 port to each House of the Congress regarding the re-
11 sults of the review of such regulations conducted
12 under this paragraph. Such report shall include the
13 Comptroller General’s recommendations for such stat-
14 utory or regulatory changes as the Comptroller Gen-
15 eral considers appropriate.”.

16 **SEC. 14. STUDY ON FEASIBILITY OF BANNING SOCIAL SECU-**
17 **RITY ACCOUNT NUMBER AS AN AUTHEN-**
18 **TICATOR.**

19 (a) *STUDY.*—As soon as practicable after the date of
20 the enactment of this Act, the Commissioner of Social Secu-
21 rity shall enter into an arrangement with the National Re-
22 search Council under which the Council shall carry out a
23 study to determine—

1 (1) *the extent of the use of social security account*
2 *numbers as a primary means of authenticating iden-*
3 *tity;*

4 (2) *the extent of the use of social security account*
5 *numbers for verification in commercial transactions;*
6 *and*

7 (3) *the feasibility of a prohibition on such use.*

8 *The study shall also examine possible alternatives to social*
9 *security account numbers for verification purposes and uses*
10 *in authenticating identity.*

11 (b) *REPORT.—The arrangement entered into with the*
12 *Council under this section shall provide for submission by*
13 *the Council to the Commissioner and to each House of the*
14 *Congress of a report setting forth the results of the Council's*
15 *study under this section, together with the Council's find-*
16 *ings and recommendations, no later than 1 year after the*
17 *effective date of the initial final regulations issued by the*
18 *Commissioner pursuant to the amendments made by section*
19 *2 of this Act.*