

S 3514 IS

109th CONGRESS
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S. 3514

To amend title 18, United States Code, to restrict the public display on the Internet of the last 4 digits of social security account numbers by State and local governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 14, 2006

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to restrict the public display on the Internet of the last 4 digits of social security account numbers by State and local governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Social Security Number Online Protection Act of 2006'.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) The inappropriate display of social security account numbers has contributed to a growing range of illegal activities, including fraud, identity theft, stalking, and other crimes that have a substantial effect on interstate commerce and public safety.

(2) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security account number in order to pay taxes, to qualify for old-age, survivors, and disability insurance benefits under title II of the Social Security Act, or to seek employment. An unintended consequence of these requirements is that social security account numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security account numbers.

(3) In most jurisdictions throughout the United States, State and local law requires that certain public documents, such as business filings, property records, and birth and marriage certificates, be made available to the general public. These documents may contain an individual's social security account number. An increasing number of official records repositories, such as repositories maintained by a Secretary of State's office or a local clerk's office, are storing such records on the Internet. While online availability of public records improves access, it also increases the risk that social security account numbers will be widely displayed and misused.

SEC. 3. PROHIBITION ON THE DISPLAY TO THE GENERAL PUBLIC ON THE INTERNET OF THE LAST 4 DIGITS OF SOCIAL SECURITY ACCOUNT NUMBERS BY STATE AND LOCAL GOVERNMENTS.

(a) In General- Title 18, United States Code, is amended by inserting after chapter 123 the following new chapter:

CHAPTER 124--PROHIBITION ON THE DISPLAY TO THE GENERAL PUBLIC ON THE INTERNET OF THE LAST 4 DIGITS OF SOCIAL SECURITY ACCOUNT NUMBERS BY STATE AND LOCAL GOVERNMENTS

Sec. 2731. Prohibition on the display to the general public on the Internet of the last 4 digits of social security account numbers by State and local governments

(a) In General- A State, a political subdivision of a State, or any officer, employee, or contractor of a State or a political subdivision of a State, shall not display to the general public on the Internet the last 4 digits of any social security account number.

(b) Rule of Construction- Nothing in this section shall be construed to supersede, alter, or affect any restriction or limitation on the display to the general public on the Internet of all, or any part of, social security account numbers provided for in any Federal or State statute, regulation, order, or interpretation, if the restriction or limitation is greater than that provided under this section.

Sec. 2732. Penalties

A State or a political subdivision of a State that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

Sec. 2733. Enforcement

The Attorney General may bring a civil action against a State, a political subdivision of a State, or any officer, employee, or contractor of a State or a political subdivision of a State, in any appropriate United States District Court for appropriate relief with respect to a display to the general public on the Internet of the last 4 digits of any social security account number in violation of section 2731.

Sec. 2734. Definitions

In this chapter:

(1) DISPLAY TO THE GENERAL PUBLIC ON THE INTERNET-

(A) IN GENERAL- The term 'display to the general public on the Internet' means, in connection with all, or any part of, a social security account number, to place such number or any part of such number in a

viewable manner on an Internet site that is available to the general public, including any Internet site that requires a fee for access to information accessible on or through the site.

` (B) INCLUSION OF CERTAIN UNPROTECTED TRANSMISSIONS- In any case in which a State, a political subdivision of a State, or any officer, employee, or contractor of a State or a political subdivision of a State, requires as a condition of doing business transmittal of all, or any part of, an individual's social security account number by means of the Internet without reasonable provisions to ensure that such number is encrypted or otherwise secured from disclosure, any such transmittal of such number shall be treated as a `display to the general public on the Internet' for purposes of this chapter.

` (2) PERSON- The term `person' means an individual, organization, or entity, but does not include a State or any executive, legislative, or judicial agency of a State.

` (3) SOCIAL SECURITY ACCOUNT NUMBER- The term `social security account number' means the account number assigned to an individual by the Commissioner of Social Security in the exercise of the Commissioner's authority under section 205(c)(2) of the Social Security Act and includes any derivative of such number.'.

(b) Clerical Amendment- The table of parts at the beginning of part I of title 18, United States Code, is amended by adding at the end the following new item:

--2731'.

(c) Effective Date- The amendment made by subsection (a) shall apply to violations occurring on or after the date of enactment of this Act.

SEC. 4. GRANTS TO STATE AND LOCAL GOVERNMENTS TO COME INTO COMPLIANCE WITH THE PROHIBITION ON THE DISPLAY TO THE GENERAL PUBLIC ON THE INTERNET OF THE LAST 4 DIGITS OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) In General- The Attorney General shall award grants to States and political subdivisions of States to carry out activities

to remove or redact the last 4 digits of social security account numbers from forms and records of executive, legislative, and judicial agencies of States and political subdivisions of States that, as of the date of enactment of this Act, have been displayed to the general public on the Internet and would be a violation of chapter 124 of title 18, United States Code, (as added by section 3) if that chapter had been in effect at the time such numbers were first displayed.

(b) Application- A State or political subdivision of a State desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require.

(c) Authorization of Appropriations- There is authorized to be appropriated to the Attorney General to carry out this section, \$10,000,000 for each of fiscal years 2007 and 2008.

(d) Definition of State- In this section, the term `State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and the Commonwealth of the Northern Marianas.

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