

109TH CONGRESS
2^D SESSION

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.

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.**

4 This Act may be cited as the “Social Security Num-
5 ber Online Protection Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

6 (2) The Federal Government requires virtually
7 every individual in the United States to obtain and
8 maintain a social security account number in order
9 to pay taxes, to qualify for old-age, survivors, and
10 disability insurance benefits under title II of the So-
11 cial Security Act, or to seek employment. An unin-
12 tended consequence of these requirements is that so-
13 cial security account numbers have become one of
14 the tools that can be used to facilitate crime, fraud,
15 and invasions of the privacy of the individuals to
16 whom the numbers are assigned. Because the Fed-
17 eral Government created and maintains this system,
18 and because the Federal Government does not per-
19 mit individuals to exempt themselves from those re-
20 quirements, it is appropriate for the Federal Govern-
21 ment to take steps to stem the abuse of social secu-
22 rity account numbers.

23 (3) In most jurisdictions throughout the United
24 States, State and local law requires that certain
25 public documents, such as business filings, property

1 records, and birth and marriage certificates, be
2 made available to the general public. These docu-
3 ments may contain an individual's social security ac-
4 count number. An increasing number of official
5 records repositories, such as repositories maintained
6 by a Secretary of State's office or a local clerk's of-
7 fice, are storing such records on the Internet. While
8 online availability of public records improves access,
9 it also increases the risk that social security account
10 numbers will be widely displayed and misused.

11 **SEC. 3. PROHIBITION ON THE DISPLAY TO THE GENERAL**
12 **PUBLIC ON THE INTERNET OF THE LAST 4**
13 **DIGITS OF SOCIAL SECURITY ACCOUNT NUM-**
14 **BERS BY STATE AND LOCAL GOVERNMENTS.**

15 (a) IN GENERAL.—Title 18, United States Code, is
16 amended by inserting after chapter 123 the following new
17 chapter:

1 **“CHAPTER 124—PROHIBITION ON THE**
2 **DISPLAY TO THE GENERAL PUBLIC ON**
3 **THE INTERNET OF THE LAST 4 DIGITS**
4 **OF SOCIAL SECURITY ACCOUNT NUM-**
5 **BERS BY STATE AND LOCAL GOVERN-**
6 **MENTS**

7 **“§ 2731. Prohibition on the display to the general**
8 **public on the Internet of the last 4 digits**
9 **of social security account numbers by**
10 **State and local governments**

11 “(a) IN GENERAL.—A State, a political subdivision
12 of a State, or any officer, employee, or contractor of a
13 State or a political subdivision of a State, shall not display
14 to the general public on the Internet the last 4 digits of
15 any social security account number.

16 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to supersede, alter, or affect any
18 restriction or limitation on the display to the general pub-
19 lic on the Internet of all, or any part of, social security
20 account numbers provided for in any Federal or State
21 statute, regulation, order, or interpretation, if the restric-
22 tion or limitation is greater than that provided under this
23 section.

1 **“§ 2732. Penalties**

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

7 **“§ 2733. Enforcement**

8 “The Attorney General may bring a civil action
9 against a State, a political subdivision of a State, or any
10 officer, employee, or contractor of a State or a political
11 subdivision of a State, in any appropriate United States
12 District Court for appropriate relief with respect to a dis-
13 play to the general public on the Internet of the last 4
14 digits of any social security account number in violation
15 of section 2731.

16 **“§ 2734. Definitions**

17 “In this chapter:

18 “(1) DISPLAY TO THE GENERAL PUBLIC ON
19 THE INTERNET.—

20 “(A) IN GENERAL.—The term ‘display to
21 the general public on the Internet’ means, in
22 connection with all, or any part of, a social se-
23 curity account number, to place such number or
24 any part of such number in a viewable manner
25 on an Internet site that is available to the gen-
26 eral public, including any Internet site that re-

1 quires a fee for access to information accessible
2 on or through the site.

3 “(B) INCLUSION OF CERTAIN UNPRO-
4 TECTED TRANSMISSIONS.—In any case in which
5 a State, a political subdivision of a State, or
6 any officer, employee, or contractor of a State
7 or a political subdivision of a State, requires as
8 a condition of doing business transmittal of all,
9 or any part of, an individual’s social security
10 account number by means of the Internet with-
11 out reasonable provisions to ensure that such
12 number is encrypted or otherwise secured from
13 disclosure, any such transmittal of such number
14 shall be treated as a ‘display to the general
15 public on the Internet’ for purposes of this
16 chapter.

17 “(2) PERSON.—The term ‘person’ means an in-
18 dividual, organization, or entity, but does not include
19 a State or any executive, legislative, or judicial agen-
20 cy of a State.

21 “(3) SOCIAL SECURITY ACCOUNT NUMBER.—
22 The term ‘social security account number’ means the
23 account number assigned to an individual by the
24 Commissioner of Social Security in the exercise of
25 the Commissioner’s authority under section

1 205(c)(2) of the Social Security Act and includes
2 any derivative of such number.”.

3 (b) CLERICAL AMENDMENT.—The table of parts at
4 the beginning of part I of title 18, United States Code,
5 is amended by adding at the end the following new item:

“124. Prohibition on the display to the general public on the Internet
of social security account numbers by state and local
governments 2731”.

6 (c) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to violations occurring on or
8 after the date of enactment of this Act.

9 **SEC. 4. GRANTS TO STATE AND LOCAL GOVERNMENTS TO**
10 **COME INTO COMPLIANCE WITH THE PROHI-**
11 **BITION ON THE DISPLAY TO THE GENERAL**
12 **PUBLIC ON THE INTERNET OF THE LAST 4**
13 **DIGITS OF SOCIAL SECURITY ACCOUNT NUM-**
14 **BERS.**

15 (a) IN GENERAL.—The Attorney General shall award
16 grants to States and political subdivisions of States to
17 carry out activities to remove or redact the last 4 digits
18 of social security account numbers from forms and records
19 of executive, legislative, and judicial agencies of States and
20 political subdivisions of States that, as of the date of en-
21 actment of this Act, have been displayed to the general
22 public on the Internet and would be a violation of chapter
23 124 of title 18, United States Code, (as added by section

1 3) if that chapter had been in effect at the time such num-
2 bers were first displayed.

3 (b) APPLICATION.—A State or political subdivision of
4 a State desiring a grant under this section shall submit
5 an application to the Attorney General at such time, in
6 such manner, and containing such information as the At-
7 torney General shall require.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Attorney General to
10 carry out this section, \$10,000,000 for each of fiscal years
11 2007 and 2008.

12 (d) DEFINITION OF STATE.—In this section, the term
13 “State” means each of the 50 States, the District of Co-
14 lumbia, the Commonwealth of Puerto Rico, the United
15 States Virgin Islands, Guam, and the Commonwealth of
16 the Northern Marianas.

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