S 848

Social Security Number Misuse Prevention Act of 2002

Congress: 107 (2001–2003, Ended)
Chamber: Senate
Policy Area: Crime and Law Enforcement
Introduced: May 9, 2001
Current Status: Committee on Finance Subcommittee on Social Security and Family Policy. Hearings held. With printed
Latest Action: Committee on Finance Subcommittee on Social Security and Family Policy. Hearings held. With printed
Hearing: S.Hrg. 107-712. (Jul 11, 2002)
Official Text: https://www.congress.gov/bill/107th-congress/senate-bill/848

Sponsor

Name: Sen. Feinstein, Dianne [D-CA]
Party: Democratic • **State:** CA • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Gregg, Judd [R-NH]	R · NH		May 9, 2001

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Hearings By (subcommittee)	Jul 11, 2002
Judiciary Committee	Senate	Reported By	May 17, 2002

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
107 S 3100	Related bill	**Oct 15, 2002:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 707.

Summary (as of May 16, 2002)

Social Security Number Misuse Prevention Act of 2002 - (Sec. 3) Amends the Federal criminal code to prohibit: (1) the display, sale, or purchase of social security numbers without the affirmatively expressed consent of the individual, with exceptions; and (2) obtaining any individual's social security number for purposes of locating or identifying an individual with intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

States that for consent to exist, the person displaying, selling, or purchasing or attempting to display, sell, or purchase an individuals social security number shall: (1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and (2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

Provides that nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number: (1) permitted, required, or excepted under specified provisions of the Social Security Act, the Privacy Act, the Internal Revenue Code, or the Professional Boxing Safety Act of 1996; (2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation; (3) for a national security purpose; (4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation; (5) if the display, sale, or purchase is for a business-to-business or business-to-government use, including the prevention of fraud, the facilitation of certain credit or background checks, compliance with any requirement related to the social security program, the retrieval of other information from other business or government entities, or where the transmission of the number is incidental to the sale of a business; (6) if the transfer of such a number is part of a data matching program under the Computer Matching and Privacy Protection Act of 1988 or any similar computer data matching program involving a Federal, State, or local agency; or (7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program. Provides that nothing in this section shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

Authorizes any individual aggrieved by an act of any person in violation of this section to bring in an appropriate court of that State, if otherwise permitted: (1) an action to enjoin such violation; and/or (2) an action to recover for actual monetary loss from such a violation or to receive up to $500 in damages for each such violation, whichever is greater (recovery amount). Makes it an affirmative defense that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this section. Allows the court, upon finding that the defendant willfully or knowingly violated the regulations, to increase the amount of the award to not more than three times the recovery amount.

Sets a statute of limitations of: (1) five years after the date on which the alleged violation occurred; or (2) three years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

Subjects any person who the Attorney General determines has violated this section to an additional civil penalty of not more than: (1) $5,000 per violation; and (2) $50,000 if the violations have occurred with such frequency as to constitute a general business practice. Treats any willful violation committed contemporaneously with respect to the social security numbers of two or more individuals as a separate violation with respect to each individual.

Sets forth enforcement procedures and criminal sanctions.

(Sec. 4) Establishes a public records exception to the prohibition against displaying, selling, or purchasing social security numbers. Excludes from that exception (unless the agency in possession of such records complies with additional

requirements described below) the following records: death certificates, professional and occupational licenses, property settlement documents, documents relating to birth certificates, land ownership records, marriage permits and licenses, documents related to bankruptcy, court judgments, child support documents, divorce petitions and decrees, and tax liens. States that any such record that is first made available online to the general public after the effective date of this section shall be treated as a newly created record and shall comply with the requirements listed below.

States that each agency in possession of a public record identified above that contains a social security number shall: (1) restrict access to the social security number contained on the public record to those persons who are entitled to such access in accordance with applicable law; (2) require any individual who is not exempt to provide the number of the person who is the subject of the public record before making such public record available; and (3) redact the number from the document prior to providing a copy of the requested document to any individual who is not exempt and is unable to provide the number of the person who is the subject of the public record.

Directs the Attorney General to conduct a study and report on the feasibility, advisability, and cost of imposing limitations or prohibitions on the use of social security numbers in public records.

(Sec. 5) Authorizes the Attorney General to prescribe rules and regulations to carry out this Act and to implement and clarify the business-to-business and business-to-government provisions (and. requires the Attorney General to ensure that such provisions are consistent with specified authorities and privacy laws). Requires the Attorney General to consider: (1) the benefit to a particular business practice and to the general public of the sale or purchase of an individual's social security number; (2) the financial and other costs that businesses of 50 or fewer employees may incur to comply with this Act's prohibitions; (3) the risk that a particular business practice will promote the use of the number to commit fraud, deception, or crime; (4) the presence of adequate safeguards to prevent the misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers; and (5) the implementation of procedures to prevent identity thieves, stalkers, and others with ill intent from posing as legitimate businesses to obtain social security numbers.

(Sec. 6) Amends the Social Security Act to prohibit: (1) the use of social security numbers on checks issued for payment by governmental agencies; (2) the appearance of such numbers on the face of driver's licenses or motor vehicle registration; and (3) inmate access to social security account numbers.

(Sec. 7) Prohibits a commercial entity from requiring an individual to provide a social security number when purchasing a commercial good or service or from denying an individual the good or service for refusing to provide that number, with exceptions. Establishes civil and criminal penalties.

(Sec. 8) Extends civil monetary penalties for misuse of a social security number to cover withholding of material facts. Applies civil money penalties to elements of criminal violations.

(Sec. 9) Prohibits any person, firm, partnership, association, corporation, or limited liability company that accepts credit cards for the transaction of business to print more than the last five digits of the credit card account number or the expiration date upon any receipt provided to the cardholder. Makes this section applicable to receipts that are electronically printed but not to transactions in which the sole means of recording the person's credit card account number is by handwriting or by making an imprint or copy of the credit card.

Actions Timeline

- **Jul 11, 2002:** Committee on Finance Subcommittee on Social Security and Family Policy. Hearings held. With printed Hearing: S.Hrg. 107-712.
- **May 16, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 16, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **May 16, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **May 16, 2002:** Referred to the Committee on Finance by unanimous consent.
- **May 9, 2001:** Introduced in Senate
- **May 9, 2001:** Sponsor introductory remarks on measure. (CR S4591-4592)
- **May 9, 2001:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S4592-4595)