

## HR 2971

Social Security Number Privacy and Identity Theft Prevention Act of 2004

**Congress:** 108 (2003–2005, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Jul 25, 2003

**Current Status:** House Committee on Judiciary Granted an extension for further consideration ending not later than De

**Latest Action:** House Committee on Judiciary Granted an extension for further consideration ending not later than Dec. 10, 2004. (Nov 22, 2004)

**Official Text:** <https://www.congress.gov/bill/108th-congress/house-bill/2971>

### Sponsor

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**Name:** Rep. Shaw, E. Clay, Jr. [R-FL-22]

**Party:** Republican • **State:** FL • **Chamber:** House

**Cosponsors** (46 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Baldwin, Tammy [D-WI-2]	D · WI		Jul 25, 2003
Rep. Becerra, Xavier [D-CA-31]	D · CA		Jul 25, 2003
Rep. Bereuter, Doug [R-NE-1]	R · NE		Jul 25, 2003
Rep. Brady, Kevin [R-TX-8]	R · TX		Jul 25, 2003
Rep. Capps, Lois [D-CA-23]	D · CA		Jul 25, 2003
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Jul 25, 2003
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Jul 25, 2003
Rep. English, Phil [R-PA-3]	R · PA		Jul 25, 2003
Rep. Filner, Bob [D-CA-51]	D · CA		Jul 25, 2003
Rep. Foley, Mark [R-FL-16]	R · FL		Jul 25, 2003
Rep. Frost, Martin [D-TX-24]	D · TX		Jul 25, 2003
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Jul 25, 2003
Rep. Hayworth, J. D. [R-AZ-5]	R · AZ		Jul 25, 2003
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		Jul 25, 2003
Rep. Houghton, Amo [R-NY-29]	R · NY		Jul 25, 2003
Rep. Jefferson, William J. [D-LA-2]	D · LA		Jul 25, 2003
Rep. Johnson, Sam [R-TX-3]	R · TX		Jul 25, 2003
Rep. Jones, Stephanie Tubbs [D-OH-11]	D · OH		Jul 25, 2003
Rep. Kleczka, Gerald D. [D-WI-4]	D · WI		Jul 25, 2003
Rep. Levin, Sander M. [D-MI-12]	D · MI		Jul 25, 2003
Rep. Lewis, John [D-GA-5]	D · GA		Jul 25, 2003
Rep. Lewis, Ron [R-KY-2]	R · KY		Jul 25, 2003
Rep. Matsui, Robert T. [D-CA-5]	D · CA		Jul 25, 2003
Rep. Neal, Richard E. [D-MA-2]	D · MA		Jul 25, 2003
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jul 25, 2003
Rep. Reynolds, Thomas M. [R-NY-26]	R · NY		Jul 25, 2003
Rep. Ros-Lehtinen, Ileana [R-FL-18]	R · FL		Jul 25, 2003
Rep. Sandlin, Max [D-TX-1]	D · TX		Jul 25, 2003
Rep. Saxton, Jim [R-NJ-3]	R · NJ		Jul 25, 2003
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Jul 25, 2003
Rep. Cardin, Benjamin L. [D-MD-3]	D · MD		Sep 4, 2003
Rep. Dunn, Jennifer [R-WA-8]	R · WA		Sep 4, 2003
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Sep 4, 2003
Rep. Kolbe, Jim [R-AZ-8]	R · AZ		Sep 4, 2003
Rep. McCollum, Betty [D-MN-4]	D · MN		Sep 10, 2003
Rep. Serrano, Jose E. [D-NY-16]	D · NY		Sep 25, 2003
Rep. McDermott, Jim [D-WA-7]	D · WA		Feb 25, 2004
Rep. Obey, David R. [D-WI-7]	D · WI		Mar 10, 2004
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Apr 21, 2004
Rep. Farr, Sam [D-CA-17]	D · CA		Jul 19, 2004
Rep. Rodriguez, Ciro D. [D-TX-28]	D · TX		Jul 19, 2004

Cosponsor	Party / State	Role	Date Joined
Rep. Hastings, Doc [R-WA-4]	R · WA		Sep 9, 2004
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Sep 9, 2004
Rep. Miller, Jeff [R-FL-1]	R · FL		Sep 9, 2004
Rep. Sullivan, John [R-OK-1]	R · OK		Sep 29, 2004
Rep. Brown, Sherrod [D-OH-13]	D · OH		Nov 16, 2004

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Aug 8, 2003
Financial Services Committee	House	Referred to	Aug 4, 2003
Judiciary Committee	House	Referred To	Sep 14, 2004
Ways and Means Committee	House	Reported by	Jul 15, 2004

### Subjects & Policy Tags

#### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
108 S 228	Related bill	<b>Jan 29, 2003:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 5.

Social Security Number Privacy and Identity Theft Prevention Act of 2004 - **Title I: Provisions Relating to the Social Security Account Number in The Public and Private Sectors** - (Sec. 101) Amends title II (Old Age, Survivors and Disability Insurance) (OASDI) of the Social Security Act (SSA) to prohibit the sale or display to the general public of Social Security account numbers (SSNs) (or any derivatives) by Federal, State, and local governments and bankruptcy trustees which have acquired them through mandatory disclosure. Allows the sale of SSNs by such entities: (1) if specifically authorized by this Act; (2) for law enforcement or national security purposes; (3) to comply with Federal or State tax law; (4) for use by motor vehicle insurers in claims investigation and kindred activities, as well as commercial driver's license information verification; (5) to consumer reporting agencies for specified permissible purposes; (6) for non-market research conducted by another such entity to advancing the public good under certain conditions, including privacy safeguards; and (7) for display to the general public under circumstances to be specified in regulations.

(Sec. 102) Directs the Attorney General to prescribe regulations governing the sale of SSNs for law enforcement or national security purposes and for display to the general public.

(Sec. 103) Prohibits the display of SSNs (or any derivatives) on checks issued for payment by Federal, State, or local governments or on driver's licenses or motor vehicle registrations issued by a State or local government.

(Sec. 105) Prohibits the Federal, State, or local government display of SSNs (or any derivatives) on employee identification cards or tags (IDs), or inclusion on such a card or tag of a magnetic strip, bar code, or other means of communication which conveys the number.

(Sec. 106) Prohibits access to the SSNs of other individuals by prisoners employed by Federal, State, or local governments.

(Sec. 107) Prohibits access to an individual's SSN by any officer or employee of a Federal, State, and local government, or any bankruptcy trustee for any purpose other than the effective administration of the statutory provisions governing agency functions. Requires such entities to: (1) restrict, to the satisfaction of the Commissioner of Social Security, the access to SSNs of such officers or employees; and (2) provide such other safeguards as the Commissioner determines necessary or appropriate to preclude unauthorized access to the SSN, and otherwise protect the number's confidentiality.

(Sec. 108) Makes it unlawful for any person to sell, purchase, or display to the general public any individual's SSN, or obtain or use it to locate or identify such individual with the intent to physically injure or harm him or her, or to use the individual's ID for any illegal purpose. Specifies lawful purposes for the sale, purchase, or public display of an individual's SSN identical to those listed under Sec. 1, plus public health purposes. Prescribes conditions for an individual's voluntary and written consent to the sale, purchase, or public display of his or her SSN. Requires the Commissioner and the Attorney General to maintain ongoing consultation with the Office for Civil Rights of the Department of Health and Human Services to ensure that the sale or purchase of SSNs which constitute personally identifiable medical information is permitted only in compliance with existing Federal rules and regulations prescribed under the Health Insurance Portability and Accountability Act of 1996.

Makes it unlawful for any person to communicate by any means to any Federal, State, or local government agency or instrumentality, except for law enforcement or national security purposes, the SSN of any other individual without the individual's written permission, or without the written permission of the legal representatives of a legally incompetent individual, unless the number was requested by the agency or instrumentality.

Prohibits a person from: (1) displaying an SSN on any card or tag issued to any other person for the purpose of providing such other person access to any goods, services, or benefits; or (2) including on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

Prohibits an employer, or any other person offering benefits in connection with an employee benefit plan maintained by such employer or acting as an agent of the employer, from displaying an SSN on any card or tag commonly provided to the employer's employees (or to their family members) for purposes of identification, or including on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

Requires any person having another person's SSN in his or her records to establish specified measures to preclude unauthorized disclosure of SSNs and to protect their confidentiality.

Exempts the SSN of a deceased individual from the prohibitions of this Act on the sale, purchase, and display to the general public of the SSN in the private sector.

Establishes criminal penalties for violations of such prohibitions.

(Sec. 109) Amends the Fair Credit Reporting Act to prohibit a consumer reporting agency from furnishing to any person except in a full consumer report any credit header information regarding a consumer's SSN (and any derivative).

(Sec. 110) Deems a person who refuses to do business with an individual because the individual will not consent to that person's receipt of his or her SSN to have committed an unfair or deceptive act or practice in violation of the Federal Trade Commission Act, except in certain cases required under Federal law.

**Title II: Measures to Ensure the Integrity of Applications for Social Security Numbers and Replacement Social Security Account Cards** - (Sec. 201) Requires States to require independent verification of birth records provided in support of applications for SSNs, other than for purposes of enumeration at birth. Permits the Commissioner by regulation to make reasonable exceptions to this requirement where there is minimal opportunity for fraud.

Requires the Commissioner to study and report to Congress on the feasibility and cost effectiveness of verifying all identification documents submitted by an applicant for a replacement Social Security card.

(Sec. 202) Directs the Commissioner to undertake to make improvements to the enumeration at birth program for the issuance of SSNs to newborns. Requires a study and report to Congress regarding the process for enumeration at birth.

(Sec. 203) Requires the Commissioner to study and report to Congress on the best method of: (1) requiring and obtaining photographic identification of applicants for OASDI, for an SSN, or for a replacement Social Security card; and (2) providing for reasonable exceptions to any requirement for photographic identification of such applicants that may be necessary to promote efficient and effective administration of this title.

(Sec. 204) Directs the Commissioner to restrict the issuance of multiple replacement Social Security cards to any individual to three per year and ten for life, except in any case in which the Commissioner determines that there is minimal opportunity for fraud.

(Sec. 205) Directs the Commissioner to study and report to Congress on the best method of modifying the SSN number assigned to individuals who are not U.S. citizens, have not been admitted to the United States for permanent residence, and are not authorized by the Secretary of Homeland Security to work in the United States (or are so authorized, subject to one or more restrictions), so as to include an indication of such lack of authorization to work or such restrictions.

**Title III: Enforcement** - (Sec. 301) Amends SSA title II to establish: (1) civil and criminal penalties for violations of this Act; (2) criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue Social Security cards or Social Security account numbers; and (3) enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

## Actions Timeline

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- **Nov 22, 2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 10, 2004.
- **Nov 22, 2004:** House Committee on Financial Services Granted an extension for further consideration ending not later than Dec. 10, 2004.
- **Nov 22, 2004:** House Committee on Judiciary Granted an extension for further consideration ending not later than Dec. 10, 2004.
- **Nov 19, 2004:** House Committee on Financial Services Granted an extension for further consideration ending not later than Nov. 22, 2004.
- **Nov 19, 2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Nov. 22, 2004.
- **Nov 19, 2004:** House Committee on Judiciary Granted an extension for further consideration ending not later than Nov. 22, 2004.
- **Oct 1, 2004:** House Committee on Financial Services Granted an extension for further consideration ending not later than Nov. 19, 2004.
- **Oct 1, 2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Nov. 19, 2004.
- **Oct 1, 2004:** House Committee on Judiciary Granted an extension for further consideration ending not later than Nov. 19, 2004.
- **Sep 14, 2004:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 108-685, Part I.
- **Sep 14, 2004:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 108-685, Part I.
- **Sep 14, 2004:** House Committee on Financial Services Granted an extension for further consideration ending not later than Oct. 1, 2004.
- **Sep 14, 2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Oct. 1, 2004.
- **Sep 14, 2004:** Referred sequentially to the House Committee on the Judiciary for a period ending not later than Oct. 1, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.
- **Jul 21, 2004:** Committee Consideration and Mark-up Session Held.
- **Jul 21, 2004:** Ordered to be Reported (Amended) by the Yeas and Nays: 33 - 0.
- **Jul 15, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 15, 2004:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Aug 8, 2003:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Aug 4, 2003:** Referred to the Subcommittee on Financial Institutions and Consumer Credit.
- **Jul 30, 2003:** Referred to the Subcommittee on Social Security.
- **Jul 25, 2003:** Introduced in House
- **Jul 25, 2003:** Introduced in House
- **Jul 25, 2003:** Sponsor introductory remarks on measure. (CR E1637)
- **Jul 25, 2003:** Referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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