

AMENDMENT TO H.R. 7148, AS REPORTED.
OFFERED BY MR. LARSON OF CONNECTICUT

At the end of division B (before the short title), add the following:

1 SEC. _____. (a) The salary of the Commissioner of So-
2 cial Security is reduced to \$1 unless the Commissioner
3 complies with subsections (b) through (f) of this section.
4 (b) ACCESS BY POLITICAL APPOINTEES AND SPE-
5 CIAL GOVERNMENT EMPLOYEES.—Section 1106 of the
6 Social Security Act (42 U.S.C. 1306) shall be applied as
7 though the following is part of such section:
8 “(h) ACCESS BY POLITICAL APPOINTEES AND SPE-
9 CIAL GOVERNMENT EMPLOYEES.—
10 “(1) IN GENERAL.—Notwithstanding any other
11 subsection of this section, an individual who is a po-
12 litical appointee (as that term is defined in section
13 4(a) of the Edward ‘Ted’ Kaufman and Michael
14 Leavitt Presidential Transitions Improvements Act
15 of 2015 (5 U.S.C. 3101 note)) or a special govern-
16 ment employee (as that term is defined in section
17 202(a) of title 18, United States Code) may not ac-
18 cess a beneficiary data system.

1 “(2) BENEFICIARY DATA SYSTEM DEFINED.—

2 In this section, the term ‘beneficiary data system’
3 means a system that is maintained by the Social Se-
4 curity Administration for the purposes of admin-
5 istering this Act that—6 “(A) issues or records social security ac-
7 count numbers;8 “(B) is used to determine eligibility for
9 benefits under this Act;

10 “(C) to pay benefits under this Act; or

11 “(D) otherwise contains personally identifi-
12 able information about individuals receiving or
13 applying for a benefit under this Act, includ-
14 ing—15 “(i) the Master Files of Social Secu-
16 rity Number Holders and SSN Applica-
17 tions (Numident);

18 “(ii) the Master Beneficiary Record;

19 “(iii) the Supplemental Security In-
20 come Record and Special Veterans Bene-
21 fits;22 “(iv) the National Disability Deter-
23 mination Services File;24 “(v) the Earnings Recording and Self-
25 Employment Income System; and

1 “(vi) any other system accessible
2 through the Enterprise Data Warehouse.”.

3 (c) CIVIL DAMAGES FOR UNAUTHORIZED ACCESS OR
4 DISCLOSURE OF CERTAIN INFORMATION.—In addition to
5 the requirements of subsection (b), section 1106 of the
6 Social Security Act (42 U.S.C. 1301) shall be applied as
7 though the following is also part of such section:

8 “(i) CIVIL PENALTIES.—

9 “(1) IN GENERAL.—

10 “(A) DISCLOSURE OR ACCESS BY EMPLOYEE OF UNITED STATES.—If any officer or
11 employee of the United States negligently discloses or accesses any information that pertains
12 to an individual in violation of any provision of
13 subsection (a) or (h), such individual may bring
14 a civil action for damages against the United
15 States in a district court of the United States.

16 “(B) DISCLOSURE OR ACCESS BY A PERSON WHO IS NOT AN EMPLOYEE OF UNITED
17 STATES.—If any person who is not an officer or
18 employee of the United States negligently discloses or accesses any information that pertains
19 to an individual in violation of any provision of
20 subsection (a) or (h), such individual may bring

1 a civil action for damages against such person
2 in a district court of the United States.

3 “(2) EXCEPTIONS.—No liability shall arise
4 under this section with respect to any disclosure or
5 access—

6 “(A) which results from a good faith, but
7 erroneous, interpretation of subsection (a) or
8 (h); or

9 “(B) which is requested by the individual.

10 “(3) DAMAGES.—In any action brought under
11 paragraph (1), upon a finding of liability on the part
12 of the defendant, the defendant shall be liable to the
13 plaintiff in an amount equal to the sum of—

14 “(A) the greater of—

15 “(i) \$5,000 for each act of unauthorized
16 access or disclosure with respect to
17 which such defendant is found liable; or

18 “(ii) the sum of—

19 “(I) the actual damages sustained by the plaintiff as a result of
20 such unauthorized access or disclosure, plus
21 “(II) in the case of a willful ac-
22 cess or disclosure or an access or dis-

1 closure which is the result of gross
2 negligence, punitive damages, plus
3 “(B) the costs of the action, plus
4 “(C) reasonable attorneys fees, except that
5 if the defendant is the United States, reason-
6 able attorneys fees may be awarded only if the
7 plaintiff is the prevailing party.

8 “(4) PERIOD FOR BRINGING ACTION.—Notwith-
9 standing any other provision of law, an action to en-
10 force any liability created under this section may be
11 brought, without regard to the amount in con-
12 troversy, at any time within 2 years after the date
13 of discovery by the plaintiff of the unauthorized dis-
14 closure or access.

15 “(5) NOTIFICATION OF UNLAWFUL DISCLOSURE
16 OR ACCESS.—If any person is criminally charged by
17 indictment or information with disclosing or access-
18 ing any information that pertains to an individual in
19 violation of subsection (a) or (h), the Commissioner
20 of Social Security shall notify such individual as
21 soon as practicable of such disclosure or access. The
22 Commissioner shall also notify such individual if a
23 Federal or State agency (upon notice to the Com-
24 missioner by such Federal or State agency) proposes
25 an administrative determination as to disciplinary or

1 adverse action against an employee arising from the
2 employee's unauthorized disclosure or access of the
3 individual's information. The notice described in this
4 subsection shall include the date of the unauthorized
5 disclosure or access and the rights of the individual
6 under such administrative determination.”.

7 (d) INVESTIGATIONS.—In addition to the require-
8 ments of subsection (b), section 1106 of the Social Secu-
9 rity Act (42 U.S.C. 1301) shall be applied as though the
10 following is also part of such section:

11 “(j) INVESTIGATION AND REPORT.—

12 “(1) INVESTIGATION.—The Inspector General
13 of the Social Security Administration shall inves-
14 tigate each disclosure in violation of subsection (a)
15 and each access of a beneficiary data system in vio-
16 lation of subsection (h).

17 “(2) TREATMENT OF DISCLOSURE OR AC-
18 CESS.—For the purposes of this subsection, the In-
19 spector General may, if the Inspector General deter-
20 mines appropriate, treat a series of violations of sub-
21 section (a) or (h) as a single violation.

22 “(3) REPORT.—Not later than 30 days after
23 the Inspector General becomes aware of a violation
24 of subsection (a) or (h), the Inspector General shall

1 submit to Congress a report on such violation, which
2 shall include—

3 “(A) a detailed description of the violation;
4 “(B) a risk assessment of any threat to the
5 privacy of any individual whose information was
6 disclosed or accessed, national security, cybersecurity,
7 or the integrity of the applicable beneficiary data system as a result of the violation;
8 and

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10 “(C) a detailed description of any stopped
11 payment during the unauthorized use or ac-
12 cess.”.

13 (e) PRIVACY REGULATIONS.—Notwithstanding this
14 section and the amendments applied pursuant to this Act,
15 part 401 of title 20 of the Code of Federal Regulations,
16 as in effect on January 19, 2025, shall be applied as
17 though such part has the force and effect of law.

18 (f) GAO STUDY AND INTERIM REPORTS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Comptroller
21 of the United States shall submit to the Committee
22 on Finance of the Senate and the Committee on
23 Ways and Means of the House of Representatives a
24 report including, in relation to section 1106 as ap-

1 plied pursuant to subsections (b) through (d) of this
2 section, the following information:

3 (A) The results of a study on the effects
4 of the changes made by the amendments ap-
5 plied to section 1106 of the Social Security Act
6 pursuant to this section, and by any subsequent
7 Acts.

8 (B) A summary of any investigations con-
9 ducted under section 1106(i).

10 (C) Any convictions under section 1106(a).

11 (D) Any civil actions brought under section
12 1106(j), including the results of such civil ac-
13 tion.

14 (2) INTERIM REPORTS.—Not later than 1
15 month after the date of enactment of this Act, and
16 monthly thereafter until such time as the report re-
17 quired under subsection (a) is submitted, the Com-
18 troller of the United States shall submit to the Com-
19 mittee on Ways and Means of the House of Rep-
20 resentatives and the Committee on Finance of the
21 Senate an interim report on the information re-
22 quired under subsection (a), including the status of
23 the study described in paragraph (1) of such sub-
24 section.

