

119TH CONGRESS
1ST SESSION

H. R. 1877

To amend title XI of the Social Security Act to establish that political appointees and special governments may not access beneficiary data systems, to establish civil penalties for certain violations relating to disclosure or access of beneficiary information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2025

Mr. LARSON of Connecticut (for himself, Mr. NEAL, Ms. VELÁZQUEZ, Mr. BISHOP, Mr. MOULTON, Mr. DELUZIO, Mr. NADLER, Ms. TLAIB, Mr. DAVIS of Illinois, Ms. JACOBS, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. TITUS, Mr. COHEN, Mr. KRISHNAMOORTHY, Ms. BUDZINSKI, Mr. QUIGLEY, Mr. HORSFORD, Ms. CHU, Ms. SEWELL, Mr. BOYLE of Pennsylvania, Mr. SCHNEIDER, Mr. IVEY, Mrs. CHERFILUS-McCORMICK, Mrs. McIVER, Mrs. HAYES, Ms. DeLAURO, Mr. TAKANO, Ms. ELFRETH, Ms. ANSARI, Mr. PANETTA, Mr. SUOZZI, Mr. KHANNA, Mr. LYNCH, Ms. MOORE of Wisconsin, Ms. McCOLLUM, Mrs. WATSON COLEMAN, Mr. TONKO, Mrs. DINGELL, Mr. THOMPSON of California, Mr. STANTON, Ms. BARRAGÁN, Ms. SÁNCHEZ, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. GOTTHEIMER, Mr. AUCHINCLOSS, Mr. CARSON, Mr. SORENSEN, Ms. SCHAKOWSKY, Mr. LANDSMAN, Ms. DELBENE, Mr. HUFFMAN, Mr. POCAN, Mr. AMO, Ms. KELLY of Illinois, Ms. UNDERWOOD, Ms. KAPTUR, Mr. RILEY of New York, Ms. BROWNLEY, Mr. MORELLE, Ms. MATSUI, Ms. BROWN, Mr. MCGARVEY, Ms. PETTERSEN, Mr. MFUME, Mr. SWALWELL, Ms. PLASKETT, Ms. RANDALL, and Ms. DEAN of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XI of the Social Security Act to establish that political appointees and special governments may not access beneficiary data systems, to establish civil

penalties for certain violations relating to disclosure or access of beneficiary information, 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 “Protecting Americans’
 5 Social Security Data Act”.

6 **SEC. 2. ACCESS BY POLITICAL APPOINTEES AND SPECIAL**
 7 **GOVERNMENT EMPLOYEES.**

8 Section 1106 of the Social Security Act (42 U.S.C.
 9 1306) is amended by adding after subsection (g) the fol-
 10 lowing:

11 “(h) ACCESS BY POLITICAL APPOINTEES AND SPE-
 12 CIAL GOVERNMENT EMPLOYEES.—

13 “(1) IN GENERAL.—Notwithstanding any other
 14 subsection of this section, an individual who is a po-
 15 litical appointee (as that term is defined in section
 16 4(a) of the Edward ‘Ted’ Kaufman and Michael
 17 Leavitt Presidential Transitions Improvements Act
 18 of 2015 (5 U.S.C. 3101 note)) or a special govern-
 19 ment employee (as that term is defined in section
 20 202(a) of title 18, United States Code) may not ac-
 21 cess a beneficiary data system.

22 “(2) BENEFICIARY DATA SYSTEM DEFINED.—

23 In this section, the term ‘beneficiary data system’
 24 means a system that is maintained by the Social Se-

1 security Administration for the purposes of admin-
2 istering this Act that—

3 “(A) issues or records social security ac-
4 count numbers;

5 “(B) is used to determine eligibility for
6 benefits under this Act;

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

8 “(D) otherwise contains personally identifi-
9 able information about individuals receiving or
10 applying for a benefit under this Act, includ-
11 ing—

12 “(i) the Master Files of Social Secu-
13 rity Number Holders and SSN Applica-
14 tions (Numident);

15 “(ii) the Master Beneficiary Record;

16 “(iii) the Supplemental Security In-
17 come Record and Special Veterans Bene-
18 fits;

19 “(iv) the National Disability Deter-
20 mination Services File;

21 “(v) the Earnings Recording and Self-
22 Employment Income System; and

23 “(vi) any other system accessible
24 through the Enterprise Data Warehouse.”.

1 **SEC. 3. CIVIL DAMAGES FOR UNAUTHORIZED ACCESS OR**
2 **DISCLOSURE OF CERTAIN INFORMATION.**

3 Section 1106 of the Social Security Act (42 U.S.C.
4 1301) is further amended by adding after subsection (h),
5 as added by section 2, the following:

6 “(i) CIVIL PENALTIES.—

7 “(1) IN GENERAL.—

8 “(A) DISCLOSURE OR ACCESS BY EM-
9 PLOYEE OF UNITED STATES.—If any officer or
10 employee of the United States negligently dis-
11 closes 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 PER-
17 SON WHO IS NOT AN EMPLOYEE OF UNITED
18 STATES.—If any person who is not an officer or
19 employee of the United States negligently dis-
20 closes or accesses any information that pertains
21 to an individual in violation of any provision of
22 subsection (a) or (h), such individual may bring
23 a civil action for damages against such person
24 in a district court of the United States.

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

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

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

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

12 “(A) the greater of—

13 “(i) \$5,000 for each act of unauthor-
14 ized access or disclosure with respect to
15 which such defendant is found liable; or

16 “(ii) the sum of—

17 “(I) the actual damages sus-
18 tained by the plaintiff as a result of
19 such unauthorized access or disclo-
20 sure, plus

21 “(II) in the case of a willful ac-
22 cess or disclosure or an access or dis-
23 closure which is the result of gross
24 negligence, punitive damages, plus

25 “(B) the costs of the action, plus

1 “(C) reasonable attorneys fees, except that
2 if the defendant is the United States, reason-
3 able attorneys fees may be awarded only if the
4 plaintiff is the prevailing party.

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

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

1 subsection shall include the date of the unauthorized
2 disclosure or access and the rights of the individual
3 under such administrative determination.”.

4 **SEC. 4. INVESTIGATIONS.**

5 Section 1106 of the Social Security Act (42 U.S.C.
6 1301) is further amended by adding after subsection (i),
7 as added by section 3, the following:

8 “(j) INVESTIGATION AND REPORT.—

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

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

19 “(3) REPORT.—Not later than 30 days after
20 the Inspector General becomes aware of a violation
21 of subsection (a) or (h), the Inspector General shall
22 submit to Congress a report on such violation, which
23 shall include—

24 “(A) a detailed description of the violation;

“(B) a risk assessment of any threat to the privacy of any individual whose information was disclosed or accessed, national security, cybersecurity, or the integrity of the applicable beneficiary data system as a result of the violation; and

“(C) a detailed description of any stopped payment during the unauthorized use or access.”.

SEC. 5. PRIVACY REGULATIONS.

Notwithstanding this Act and the amendments made by this Act, part 401 of title 20 of the Code of Federal Regulations, as in effect on January 19, 2025, shall have the force and effect of law.

SEC. 6. GAO STUDY AND INTERIM REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report including the following information:

(1) The results of a study on the effects of the changes made to section 1106 of the Social Security Act by this Act, and by any subsequent Acts.

1 (2) A summary of any investigations conducted
2 under section 1106(i).

3 (3) Any convictions under section 1106(a).

4 (4) Any civil actions brought under section
5 1106(j), including the results of such civil action.

6 (b) INTERIM REPORTS.—Not later than 1 month
7 after the date of enactment of this Act, and monthly there-
8 after until such time as the report required under sub-
9 section (a) is submitted, the Comptroller of the United
10 States shall submit to the Committee on Ways and Means
11 of the House of Representatives and the Committee on
12 Finance of the Senate an interim report on the informa-
13 tion required under subsection (a), including the status
14 of the study described in paragraph (1) of such subsection.

15 **SEC. 7. EFFECTIVE DATE.**

16 The amendments made by sections 2, 3, and 4 of this
17 Act shall apply to violations of section 1106 of the Social
18 Security Act occurring on or after the date of enactment
19 of this Act.

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