

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Kevin M. O'Neill,
Deputy Secretary.

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SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2012-0042]

Assigning New Social Security Numbers (SSN) for Children Age 13 and Under

AGENCY: Social Security Administration (SSA)

ACTION: Notice; Request for Comments.

SUMMARY: We are considering changing our policy about assigning new SSNs to children age 13 and under. We are requesting information from the public to ensure that any policy changes we adopt appropriately address the unique issues associated with the misuse of an SSN for a child age 13 and under.

DATES: To ensure that your comments are considered, we must receive them no later than April 12, 2013.

ADDRESSES: You may submit written comments by any one of three methods—Internet, fax or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA-2012-0042, so that we may associate your comments with the correct activity.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as SSNs or medical information.

1. *Internet:* We strongly recommend this method for submitting your comments. Visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the Search function of the Web page to find docket number SSA-2012-0042, and then submit your comment. Once you submit your comment, the system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately as we must manually post each comment. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966-2830.

3. *Mail:* Mail your comments to the Office of Regulations and Reports

Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov>, or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT:

Arthur LaVeck, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, 410-966-5665.

SUPPLEMENTARY INFORMATION:

Background

We began assigning nine-digit SSNs in 1936, and under normal procedures, we assign only one SSN to an individual during his or her lifetime. Assigning a single unique number to each individual allows us to ensure timely and accurate payment of retirement, disability, and other benefits to workers and their families. It also helps ensure the integrity of our record keeping.

We do not disclose SSNs except when authorized by law, and we keep number holders' records confidential. In addition, we have removed the SSN from many of our notices, greatly expanded electronic SSN verification services for employers, and provided public information on how to protect SSNs from inadvertent disclosure and misuse.

Despite our goal of limiting each person to a single SSN, we recognize that there are some situations where third-party misuse of an SSN may make it helpful to assign an individual a new SSN.

Current Policy

Under our current policy, if we have evidence that a third party has improperly used an adult's or child's SSN, the number holder was not at fault, and the number holder was recently disadvantaged by the misuse, we may assign a new SSN. However, before we issue a new SSN, we advise the number holder that a new number will not necessarily solve all his or her problems related to the SSN misuse. Because SSNs are widely used by other governmental agencies (such as the Internal Revenue Service and State motor vehicle agencies) and private businesses (such as banks and credit reporting companies), when we assign a new SSN, these institutions will still have records under the individual's old number. Additionally, because credit-reporting companies use the SSN to

help verify credit records, using a new SSN will not guarantee a fresh start for the number holder, particularly if the number holder's other personal information (such as his or her name and address) remains the same.

What policy changes are we considering?

We are considering a new policy for issuing a new SSN for children age 13 and under because of factors that apply only to children. First, because children age 13 and under generally have not worked, attempted to establish credit, or secured drivers licenses, their SSNs are not likely to be in widespread use among public and private entities. Second, misuse of a child's SSN may go undiscovered for many months or even years because children age 13 and under generally do not work or drive and have not attempted to establish credit. For these reasons, assigning a second SSN in these cases is less problematic for the person than it is for an individual with a work history, a driving record, and a credit history.

Under the policy we are considering, we would issue a new SSN for a child age 13 and under when:

- The child's Social Security card has been stolen while in transit from us to the child's address and the child's parent or guardian demonstrates to the Commissioner of Social Security that the child's Social Security card has been stolen in transit from SSA to the child's address.

- The child's SSN has been incorrectly disclosed through our publicly available Death Master File (DMF).

We receive approximately 2.5 million death reports each year from many sources, including family members, funeral homes, State and other Federal agencies, postal authorities, and financial institutions. Federal law permits us to disclose an extract of this death information. This extract, commonly referred to as the public DMF, includes the deceased individual's SSN, first name, middle name, surname, date of birth, and date of death. Unfortunately, in a small number of cases—less than one-half of one percent—we incorrectly include SSNs of living individuals in the public DMF; however, we remove that data from the public DMF as soon as possible.

- A third party has misused the child's SSN.

Some examples of misuse are a third party's application for credit using the child's SSN, use of the child's SSN to work, improper inclusion of the child's SSN on a tax return, or furnishing the

¹⁶ 17 CFR 200.30-3(a)(12).

child's SSN to a police officer when stopped for a traffic violation.

We would no longer require proof that the number holder was disadvantaged due to the misuse in any of the three situations outlined above.

Request for Comments

We are requesting comments concerning the proposed policy change for assigning new SSNs to children age 13 and under. We ask that, in preparing comments, you address questions such as:

1. Is age 13 the appropriate cut off for application of the revised policy?
2. Are the circumstances that we propose for assigning a new SSN to children age 13 and under appropriate?
3. Are there other circumstances that would warrant assigning a new SSN to children age 13 and under?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

Dated: February 5, 2013.

Michael J. Astrue,

Commissioner of Social Security.

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SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2012-0076]

Individuals With Certain Criminal Convictions as Representative Payees

AGENCY: Social Security Administration.

ACTION: Notice; Request for comments.

SUMMARY: We are requesting information from the public regarding whether we should prohibit persons who have been convicted of certain crimes from serving as representative payees under titles II, VIII, and XVI of the Social Security Act (Act). We are seeking this information in order to determine the best way to protect our beneficiaries from persons whose criminal history indicates they may pose an increased risk of abuse or exploitation of vulnerable individuals.

DATES: To ensure that your comments are considered, we must receive them no later than April 12, 2013.

ADDRESSES: You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA-2012-0076 so that we may

associate your comments with the correct document.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. **Internet:** We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the *Search* function to find docket number SSA-2012-0076. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. **Fax:** Fax comments to (410) 966-2830.

3. **Mail:** Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Gina Clemons, Office of Retirement and Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-9897. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Background

A person who receives benefits from us may be unable to manage those benefits for reasons such as his or her young age or mental or physical impairment. In these cases, we select a representative payee if we believe that representative payment, rather than direct payment of benefits, will serve the beneficiary's interest. Generally, we appoint a representative payee if we determine that the beneficiary is not able to manage or direct the management of benefit payments in his or her interest. The representative payee may be an organization or a person, such as a parent, relative, or friend of the beneficiary. We require the

representative payee to use the money in the beneficiary's best interest and to report the expenditures to us to ensure that the representative payee is using the funds appropriately. Our policies on appointing representative payees and their use of benefits are designed to protect the beneficiaries' interests.

When a person or an organization requests to serve as a representative payee, we investigate the potential representative payee to help ensure that the person or organization will perform the duties of a representative payee responsibly and in the beneficiary's best interests. When we investigate, we look at factors such as the potential representative payee's relationship to the beneficiary, any past performance as a representative payee for other beneficiaries, and any criminal history the potential representative payee may have.

The Act prohibits certain groups of persons from serving as representative payees due to their criminal history. For example, the Act prohibits from serving as representative payees persons convicted of Social Security fraud¹ and persons who are fleeing to avoid prosecution, or custody or confinement after conviction, of a felony, or an attempt to commit a felony.² In other cases, the Act gives us discretion to determine whether it would be appropriate to appoint someone as a representative payee despite his or her criminal history. The Act provides that we may not certify payment of benefits to a person as a representative payee if that person has been convicted of an offense under Federal or State law that results in imprisonment for more than 1 year, "unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction."³

Over 5.5 million of our beneficiaries have a representative payee.⁴ Most representative payees serve beneficiaries appropriately. Given the sheer size of our representative payment program, however, we occasionally find that a

¹ Sections 205(j)(2)(B)(i)(III), 205(j)(2)(C)(i)(I), 807(d)(1)(A), 1631(a)(2)(B)(ii)(III), and 1631(a)(2)(B)(iii)(I) of the Act, 42 U.S.C. 405(j)(2)(B)(i)(III), 405(j)(2)(C)(i)(I), 1007(d)(1)(A), 1383(a)(2)(B)(ii)(III), and 1383(a)(2)(B)(iii)(I).

² Sections 205(j)(2)(C)(i)(V), 807(d)(1)(E), and 1631(a)(2)(B)(iii)(V) of the Act, 42 U.S.C. 405(j)(2)(C)(i)(V), 1007(d)(1)(E), and 1383(a)(2)(B)(iii)(V).

³ Sections 205(j)(2)(B)(i)(IV), 205(j)(2)(C)(i)(IV), 807(d)(1)(D), 1631(a)(2)(B)(ii)(IV), and 1631(a)(2)(B)(iii)(IV) of the Act, 42 U.S.C. 405(j)(2)(B)(i)(IV), 405(j)(2)(C)(i)(IV), 1007(d)(1)(D), 1383(a)(2)(B)(ii)(IV), and 1383(a)(2)(B)(iii)(IV).

⁴ Social Security Administration, Annual Statistical Supplement, 2012, Table 5.L.1 (available at: <http://www.socialsecurity.gov/policy/docs/statcomps/supplement/2012/5l.html>).