

105TH CONGRESS
1ST SESSION

H. R. 1330

To prohibit Federal officers and employees from providing access to social security account statement information, personal earnings and benefits estimate statement information, or tax return information of an individual through the Internet or without the written consent of the individual, and to establish a commission to investigate the protection and privacy afforded to certain Government records.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1997

Mr. KANJORSKI (for himself, Mr. TOWNS, Mr. BORSKI, Mr. UNDERWOOD, Mr. MASCARA, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To prohibit Federal officers and employees from providing access to social security account statement information, personal earnings and benefits estimate statement information, or tax return information of an individual through the Internet or without the written consent of the individual, and to establish a commission to investigate the protection and privacy afforded to certain Government records.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Family Pri-
3 vacy Act of 1997”.

4 **SEC. 2. RESTRICTIONS ON PROVISION OF ACCESS TO SO-**
5 **CIAL SECURITY ACCOUNT STATEMENT IN-**
6 **FORMATION, PERSONAL EARNINGS AND BEN-**
7 **EFITS ESTIMATE STATEMENT INFORMATION,**
8 **OR TAX RETURN INFORMATION OF AN INDIV-**
9 **IDUAL.**

10 (a) PROHIBITION AGAINST MAKING CERTAIN INFOR-
11 MATION AVAILABLE THROUGH THE INTERNET.—No Fed-
12 eral officer or employee may make available through the
13 Internet a social security account statement (or informa-
14 tion contained in such a statement), a personal earnings
15 and benefits estimate statement (or information contained
16 in such a statement), a tax return, or tax return informa-
17 tion of an individual.

18 (b) RESTRICTION ON ACCESS WITHOUT WRITTEN
19 CONSENT OF INDIVIDUAL.—No Federal officer or em-
20 ployee may make available to a member of the public a
21 social security account statement (or information con-
22 tained in such a statement), a personal earnings and bene-
23 fits estimate statement (or information contained in such
24 a statement), a tax return, or tax return information of
25 an individual without the written consent of such individ-
26 ual.

1 **SEC. 3. COMMISSION ON PRIVACY OF GOVERNMENT**
2 **RECORDS.**

3 (a) ESTABLISHMENT OF COMMISSION.—

4 (1) ESTABLISHMENT.—There is established a
5 commission to be known as the “Commission on Pri-
6 vacy of Government Records” (in this Act referred
7 to as the “Commission”).

8 (2) COMPOSITION.—The Commission shall be
9 composed of 9 members appointed as follows:

10 (A) Five members appointed by the Presi-
11 dent.

12 (B) Two members appointed by the Speak-
13 er of the House of Representatives.

14 (C) Two members appointed by the major-
15 ity leader of the Senate.

16 (3) INITIAL APPOINTMENTS.—Each member of
17 the Commission shall be appointed to the Commis-
18 sion not later than 60 days after the date of the en-
19 actment of this Act.

20 (4) CHAIRMAN.—There shall be a Chairman of
21 the Commission who shall be designated by the
22 President at the time of the appointment.

23 (5) PERIOD OF APPOINTMENT.—Each member
24 shall be appointed for the life of the Commission.

1 (6) VACANCIES.—Any vacancy shall be filled in
2 the same manner as the original appointment of a
3 member of the Commission.

4 (b) FUNCTIONS OF COMMISSION.—The Commission
5 shall investigate—

6 (1) the protection and privacy afforded by the
7 Federal Government to the tax information (includ-
8 ing any tax return and tax return information), so-
9 cial security information (including any social secu-
10 rity account statement and personal earnings and
11 benefits estimate statement), and other personal and
12 confidential information with respect to individuals
13 contained in Government records and documents;
14 and

15 (2) procedures and mechanisms through which
16 an individual may be provided access to such infor-
17 mation with respect to the individual without jeop-
18 ardizing the privacy of the individual.

19 (c) REPORT.—Not later than April 15, 1998, the
20 Commission shall submit to the President and the Con-
21 gress a report containing a detailed statement of the Com-
22 mission's findings and conclusions and the Commission's
23 recommendations for administrative and legislative action.

24 (d) POWERS.—

1 (1) HEARINGS AND SESSIONS.—The Commis-
2 sion may, for the purpose of carrying out this Act,
3 hold such hearings, sit and act at such times and
4 places, take such testimony, and receive such evi-
5 dence as the Commission considers appropriate. The
6 Commission may administer oaths to witnesses ap-
7 pearing before it.

8 (2) OBTAINING INFORMATION.—The Commis-
9 sion may secure directly from any department or
10 agency of the United States information necessary
11 to enable it to carry out this Act. Upon request of
12 the Chairman of the Commission, the head of that
13 department or agency shall furnish that information
14 to the Commission in a full and timely manner.

15 (3) IMMUNITY.—The Commission is an agency
16 of the United States for purposes of part V of title
17 18, United States Code (relating to immunity of wit-
18 nesses).

19 (4) CONTRACT AUTHORITY.—The Commission
20 may contract with and compensate government and
21 private agencies or persons for goods and services,
22 without regard to section 3709 of the Revised Stat-
23 utes (41 U.S.C. 5).

24 (e) COMMISSION PROCEDURES.—

1 (1) MEETINGS.—The Commission shall meet at
2 the call of the Chairman or a majority of its mem-
3 bers.

4 (2) QUORUM.—Five members of the Commis-
5 sion shall constitute a quorum, but a lesser number
6 may hold hearings.

7 (3) DELEGATION OF AUTHORITY.—Any mem-
8 ber or agent of the Commission may, if authorized
9 by the Commission, take any action that the Com-
10 mission is authorized to take by this Act.

11 (f) PERSONNEL MATTERS.—

12 (1) PAY OF MEMBERS.—(A) Except as provided
13 in paragraph (2), members shall each be entitled to
14 receive the daily equivalent of the annual rate of
15 basic pay prescribed for level IV of the Executive
16 Schedule under section 5315 of title 5, United
17 States Code for each day (including travel time) dur-
18 ing which they are engaged in the actual perform-
19 ance of duties vested in the Commission.

20 (B) Members of the Commission who are full-
21 time officers or employees of the United States may
22 not receive additional pay, allowances, or benefits by
23 reason of their service on the Commission.

24 (2) TRAVEL EXPENSES.—Each member shall
25 receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with sections 5702 and
2 5703 of title 5, United States Code.

3 (3) STAFF.—(A) The Commission may, without
4 regard to the provisions of title 5, United States
5 Code, governing appointments in the competitive
6 service, appoint a staff director and such additional
7 personnel as may be necessary to enable the Com-
8 mission to perform its duties.

9 (B) The Commission may fix the pay of the
10 staff director and other personnel without regard to
11 the provisions of chapter 51 and subchapter III of
12 chapter 53 of title 5, United States Code, relating
13 to classification of positions and General Schedule
14 pay rates, except that the rate of pay fixed under
15 this paragraph for the staff director may not exceed
16 the rate payable for level V of the Executive Sched-
17 ule under section 5316 of such title and the rate of
18 pay for other personnel may not exceed the maxi-
19 mum rate payable for grade GS-15 of the General
20 Schedule.

21 (g) OTHER ADMINISTRATIVE PROVISIONS.—

22 (1) POSTAL AND PRINTING SERVICES.—The
23 Commission may use the United States mails and
24 obtain printing and binding services in the same

1 manner and under the same conditions as other de-
2 partments and agencies of the United States.

3 (2) EXPERTS AND CONSULTANTS.—The Com-
4 mission may procure temporary and intermittent
5 services under section 3109(b) of title 5, United
6 States Code.

7 (3) STAFF OF FEDERAL AGENCIES.—Upon re-
8 quest of the Commission, the head of any Federal
9 department or agency may detail, on a reimbursable
10 basis, any of the personnel of that department or
11 agency to the Commission to assist it in carrying out
12 its duties under this Act.

13 (4) GIFTS, BEQUESTS, AND DEVISES.—The
14 Commission may accept, use, and dispose of gifts,
15 bequests, or devises of services or property, both real
16 and personal, for the purpose of aiding or facilitat-
17 ing the work of the Commission. Gifts, bequests, or
18 devises of money and proceeds from sales of other
19 property received as gifts, bequests, or devises shall
20 be deposited in the Treasury and shall be available
21 for disbursement upon order of the Commission.

22 (h) TERMINATION OF COMMISSION.—The Commis-
23 sion shall terminate not later than 60 days after submit-

- 1 ting its report to the President and the Congress pursuant
- 2 to subsection (c).

