

105TH CONGRESS  
1ST SESSION

# H. R. 2581

To protect the privacy of individuals with respect to the Social Security number.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1997

Mr. CAMPBELL introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To protect the privacy of individuals with respect to the Social Security number.

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 “Social Security Privacy  
5       Act of 1997”.

1 **SEC. 2. PROTECTING PRIVACY BY PROHIBITING USE OF**  
2 **THE SOCIAL SECURITY NUMBER WITHOUT**  
3 **CONSENT.**

4 (a) IN GENERAL.—Part A of title XI of the Social  
5 Security Act (42 U.S.C. 1301 et seq.) is amended by add-  
6 ing at the end the following:

7 “PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL  
8 SECURITY ACCOUNT NUMBER

9 “SEC. 1146. (a) PROHIBITION OF COMMERCIAL AC-  
10 QUISSION OR DISTRIBUTION.—No person may buy, sell,  
11 offer for sale, take or give in exchange, pledge or give in  
12 pledge, or request as a condition of entering into a con-  
13 tract, any information for the purpose of conveying by  
14 means of such information any individual’s social security  
15 account number without the written consent of such indi-  
16 vidual.

17 “(b) PROHIBITION OF USE OF SOCIAL SECURITY  
18 NUMBER.—No person may utilize any individual’s social  
19 security account number without the written consent of  
20 such individual.

21 “(c) PREREQUISITES FOR CONSENT.—In order for  
22 consent to exist under subsection (a) or (b), the person  
23 engaged in, or seeking to engage in, an activity described  
24 in such subsection shall—

1           “(1) inform the individual of all the purposes  
2           for which the number will be utilized and the per-  
3           sons to whom the number will be known; and

4           “(2) obtain affirmatively expressed consent in  
5           writing.

6           “(d) LIMITATION.—Subsections (a) and (b) shall not  
7           apply with respect to the last 5 digits of an individual’s  
8           social security account number.

9           “(e) EXCEPTIONS.—Nothing in this section shall be  
10          construed to prohibit any use of social security account  
11          numbers permitted or required under section 205(c)(2) of  
12          this Act, section 7(a)(2) of the Privacy Act of 1974 (5  
13          U.S.C. 552a note; 88 Stat. 1909), or section 6109(d) of  
14          the Internal Revenue Code of 1986.

15          “(f) REGULATION BY STATES.—Nothing in this sec-  
16          tion shall be construed to prohibit any State authority  
17          from enacting or enforcing laws consistent with this sec-  
18          tion for the protection of privacy.”.

19          (b) EFFECTIVE DATE.—The amendment made by  
20          this section applies with respect to violations occurring on  
21          and after January 1, 1999.

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