

106TH CONGRESS
1ST SESSION

H. R. 220

To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. PAUL introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons.

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 “Freedom and Privacy
3 Restoration Act of 1999”.

4 **SEC. 2. RESTRICTIONS ON THE USE OF THE SOCIAL SECU-**
5 **RITY ACCOUNT NUMBER.**

6 (a) REPEAL OF PROVISIONS AUTHORIZING USE OF
7 THE SOCIAL SECURITY ACCOUNT NUMBER.—Subpara-
8 graph (C) of section 205(c)(2) of the Social Security Act
9 (42 U.S.C. 405(c)(2)(C)) is amended by striking “(C)(i)
10 It is the policy” and all that follows through clause (vi)
11 and inserting the following:

12 “(C)(i) Except as otherwise provided in this para-
13 graph, no agency or instrumentality of the Federal Gov-
14 ernment, any State, any political subdivision of a State,
15 or any combination of the foregoing may use a social secu-
16 rity account number issued under this subsection or any
17 derivative of such a number as the means of identifying
18 any individual.

19 “(ii) Clause (i) shall not apply with respect to the
20 use of the social security account number as an identifying
21 number to the extent provided in section 6109(d) of the
22 Internal Revenue Code of 1986 (relating to use of the so-
23 cial security account number for social security and relat-
24 ed purposes).

25 “(iii) If and to the extent that any provision of Fed-
26 eral law enacted before January 1, 2001, is inconsistent

1 with the policy set forth in clause (i), such provision shall,
 2 on and after such date, be null, void, and of no effect.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Clauses (vii) and (viii) of section
 5 205(c)(2)(D) of such Act (42 U.S.C.
 6 405(c)(2)(D)(vii) and (viii)) are redesignated as
 7 clauses (iv) and (v), respectively.

8 (2) Subsection (d) of section 6109 of the Inter-
 9 nal Revenue Code of 1986 is amended—

10 (A) in the heading, by inserting “FOR SO-
 11 CIAL SECURITY AND RELATED PURPOSES”
 12 after “NUMBER”; and

13 (B) by striking “this title” and inserting
 14 “section 86, chapter 2, and subtitle C of this
 15 title”.

16 **SEC. 3. CONFORMING AMENDMENTS TO PRIVACY ACT OF**
 17 **1974.**

18 Section 7 of the Privacy Act of 1974 (5 U.S.C. 552a
 19 note, 88 Stat. 1909) is amended—

20 (1) in subsection (a), by striking paragraph (2)
 21 and inserting the following:

22 “(2) The provisions of paragraph (1) of this sub-
 23 section shall not apply with respect to any disclosure which
 24 is required under regulations of the Commissioner of So-
 25 cial Security pursuant to section 205(c)(2) of the Social

1 Security Act or under regulations of the Secretary of the
 2 Treasury pursuant to section 6109(d) of the Internal Rev-
 3 enue Code of 1986.”;

4 and

5 (2) by striking subsection (b) and inserting the
 6 following:

7 “(b) Except with respect to disclosures described in
 8 subsection (a)(2), no agency or instrumentality of the
 9 Federal Government, a State, a political subdivision of a
 10 State, or any combination of the foregoing may request
 11 an individual to disclose his social security account num-
 12 ber, on either a mandatory or voluntary basis.”.

13 **SEC. 4. PROHIBITION OF GOVERNMENT-WIDE UNIFORM**
 14 **IDENTIFYING NUMBERS.**

15 (a) IN GENERAL.—Except as authorized under sec-
 16 tion 205(c)(2) of the Social Security Act, any two agencies
 17 or instrumentalities of the Federal Government may not
 18 implement the same identifying number with respect to
 19 any individual.

20 (b) IDENTIFYING NUMBERS.—For purposes of this
 21 section—

22 (1) the term “identifying number” with respect
 23 to an individual means any combination of alpha-nu-
 24 meric symbols which serves to identify such individ-
 25 ual, and

1 (2) any identifying number and any one or
2 more derivatives of such number shall be treated as
3 the same identifying number.

4 **SEC. 5. PROHIBITION OF GOVERNMENT-ESTABLISHED**
5 **IDENTIFIERS.**

6 (a) IN GENERAL.—Subject to subsection (b), a Fed-
7 eral agency may not—

8 (1) establish or mandate a uniform standard
9 for identification of an individual that is required to
10 be used by any other Federal agency, a State agen-
11 cy, or a private person for any purpose other than
12 the purpose of conducting the authorized activities
13 of the Federal agency establishing or mandating the
14 standard; or

15 (2) condition receipt of any Federal grant or
16 contract or other Federal funding on the adoption,
17 by a State, a State agency, or a political subdivision
18 of a State, of a uniform standard for identification
19 of an individual.

20 (b) TRANSACTIONS BETWEEN PRIVATE PERSONS.—
21 Notwithstanding subsection (a), a Federal agency may not
22 establish or mandate a uniform standard for identification
23 of an individual that is required to be used within the
24 agency, or by any other Federal agency, a State agency,
25 or a private person, for the purpose of—

1 (1) investigating, monitoring, overseeing, or
2 otherwise regulating a transaction to which the Fed-
3 eral Government is not a party; or

4 (2) administrative simplification.

5 (c) REPEALER.—Any provision of Federal law en-
6 acted before, on, or after the date of the enactment of
7 this Act that is inconsistent with subsection (a) or (b) is
8 repealed, including sections 1173(b) and 1177(a)(1) of the
9 Social Security Act (42 U.S.C. 1320d–2(b); 42 U.S.C.
10 1320d–6(a)(1)) and section 656 of the Illegal Immigration
11 Reform and Immigrant Responsibility Act of 1996 (5
12 U.S.C. 301 note).

13 (d) DEFINITIONS.—For purposes of this section:

14 (1) AGENCY.—The term “agency” means any
15 of the following:

16 (A) An Executive agency (as defined in
17 section 105 of title 5, United States Code).

18 (B) A military department (as defined in
19 section 102 of such title).

20 (C) An agency in the executive branch of
21 a State government.

22 (D) An agency in the legislative branch of
23 the Government of the United States or a State
24 government.

1 (E) An agency in the judicial branch of the
2 Government of the United States or a State
3 government.

4 (2) STATE.—The term “State” means any of
5 the several States, the District of Columbia, the Vir-
6 gin Islands, the Commonwealth of Puerto Rico,
7 Guam, American Samoa, the Commonwealth of the
8 Northern Mariana Islands, the Republic of the Mar-
9 shall Islands, the Federated States of Micronesia, or
10 the Republic of Palau.

11 **SEC. 6. EFFECTIVE DATE.**

12 The provisions of this Act, including the amendments
13 made thereby, shall take effect January 1, 2001.

○