

109TH 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 4, 2005

Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. HINCHEY) 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 “Identity Theft Preven-
3 tion Act of 2005”.

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

6 (a) REPEAL OF PROVISIONS AUTHORIZING CERTAIN
7 USAGES OF THE SOCIAL SECURITY ACCOUNT NUMBER.—
8 Section 205(c)(2) of the Social Security Act (42 U.S.C.
9 405(c)(2)) is amended—

10 (1) in subparagraph (C), by striking “(C)(i) It
11 is the policy” and all that follows through clause
12 (vi);

13 (2) by striking subparagraphs (C)(ix), (E), and
14 (H); and

15 (3) by redesignating subparagraphs (F) and
16 (G) as subparagraphs (E) and (F), respectively.

17 (b) NEW RULES APPLICABLE TO SOCIAL SECURITY
18 ACCOUNT NUMBERS.—Section 205(c)(2) of such Act is
19 amended further—

20 (1) by inserting after subparagraph (B) the fol-
21 lowing:

22 “(C)(i) All social security account numbers issued
23 under this subsection shall be randomly generated.

24 “(ii) Except as otherwise provided in this para-
25 graph—

1 “(I) the social security account number issued
 2 under this subsection to any individual shall be the
 3 exclusive property of such individual, and

4 “(II) the Social Security Administration shall
 5 not divulge the social security account number
 6 issued to any individual under this subsection to any
 7 agency or instrumentality of the Federal Govern-
 8 ment, to any State, political subdivision of a State,
 9 or agency or instrumentality of a State or political
 10 subdivision thereof, or to any other individual.

11 “(iii) Clause (ii) shall not apply with respect to the
 12 use of the social security account number as an identifying
 13 number to the extent provided in section 6109(d) of the
 14 Internal Revenue Code of 1986 (relating to use of the so-
 15 cial security account number for social security and re-
 16 lated purposes).”; and

17 (2) by redesignating clauses (vii) and (viii) of
 18 subparagraph (C) as clauses (iv) and (v), respec-
 19 tively.

20 (c) USE OF SOCIAL SECURITY ACCOUNT NUMBERS
 21 UNDER INTERNAL REVENUE CODE.—Subsection (d) of
 22 section 6109 of the Internal Revenue Code of 1986 is
 23 amended—

24 (1) in the heading, by inserting “for Social Se-
 25 curity and Related Purposes” after “Number”; and

1 (2) by striking “this title” and inserting “sec-
2 tion 86, chapter 2, and subtitle C of this title”.

3 (d) EFFECTIVE DATES AND RELATED RULES.—

4 (1) EFFECTIVE DATES.—Not later than 60
5 days after the date of the enactment of this Act, the
6 Commissioner of Social Security shall publish in the
7 Federal Register the date determined by the Com-
8 missioner, in consultation with the Secretary of the
9 Treasury, to be the earliest date thereafter by which
10 implementation of the amendments made by this
11 section is practicable. The amendments made by
12 subsection (a) shall take effect on the earlier of such
13 date or the date which occurs 5 years after the date
14 of the enactment of this Act. The amendments made
15 by subsection (b) shall apply with respect to social
16 security account numbers issued on or after such
17 earlier date. The amendments made by subsection
18 (c) shall apply with respect to calendar quarters and
19 taxable years beginning on or after such earlier date.

20 (2) REISSUANCE OF NUMBERS.—The Commis-
21 sioner of Social Security shall ensure that, not later
22 than 5 years after the date of the enactment of this
23 Act, all individuals who have been issued social secu-
24 rity account numbers under section 205(c) of the
25 Social Security Act as of the date prior to the earlier

1 date specified in paragraph (1) are issued new social
2 security account numbers in accordance with such
3 section as amended by this section. Upon issuance of
4 such new social security account numbers, any social
5 security account numbers issued to such individuals
6 prior to such earlier date specified in paragraph (1)
7 shall be null and void and subject to the require-
8 ments of section 205(c)(2)(C)(ii)(II) of such Act, as
9 amended by this section. Nothing in this section or
10 the amendments made thereby shall be construed to
11 preclude the Social Security Administration and the
12 Secretary of the Treasury from cross-referencing
13 such social security account numbers newly issued to
14 individuals pursuant to this paragraph to the former
15 social security account numbers of such individuals
16 for purposes of administering title II or title XVI of
17 such Act or administering the Internal Revenue
18 Code of 1986 in connection with section 86, chapter
19 2, and subtitle C thereof.

20 **SEC. 3. CONFORMING AMENDMENTS TO THE PRIVACY ACT**
21 **OF 1974.**

22 (a) IN GENERAL.—Section 7 of the Privacy Act of
23 1974 (5 U.S.C. 552a note, 88 Stat. 1909) is amended—
24 (1) in subsection (a), by striking paragraph (2)
25 and inserting the following:

1 “(2) The provisions of paragraph (1) of this sub-
 2 section shall not apply with respect to any disclosure which
 3 is required under regulations of the Commissioner of So-
 4 cial Security pursuant to section 205(c)(2) of the Social
 5 Security Act or under regulations of the Secretary of the
 6 Treasury pursuant to section 6109(d) of the Internal Rev-
 7 enue Code of 1986.”; and

8 (2) by striking subsection (b) and inserting the
 9 following:

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

16 (b) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect on the earlier date specified
 18 in section 2(d)(1).

19 **SEC. 4. PROHIBITION OF GOVERNMENT-WIDE UNIFORM**
 20 **IDENTIFYING NUMBERS.**

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

1 (b) IDENTIFYING NUMBERS.—For purposes of this
2 section—

3 (1) the term “identifying number” with respect
4 to an individual means any combination of alpha-nu-
5 meric symbols which serves to identify such indi-
6 vidual, and

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

10 (c) EFFECTIVE DATE.—The provisions of this section
11 shall take effect January 1, 2006.

12 **SEC. 5. PROHIBITION OF GOVERNMENT-ESTABLISHED**
13 **IDENTIFIERS.**

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

16 (1) establish or mandate a uniform standard
17 for identification of an individual that is required to
18 be used by any other Federal agency, a State agen-
19 cy, or a private person for any purpose other than
20 the purpose of conducting the authorized activities
21 of the Federal agency establishing or mandating the
22 standard; or

23 (2) condition receipt of any Federal grant or
24 contract or other Federal funding on the adoption,
25 by a State, a State agency, or a political subdivision

1 of a State, of a uniform standard for identification
2 of an individual.

3 (b) TRANSACTIONS BETWEEN PRIVATE PERSONS.—

4 Notwithstanding subsection (a), a Federal agency may not
5 establish or mandate a uniform standard for identification
6 of an individual that is required to be used within the
7 agency, or by any other Federal agency, a State agency,
8 or a private person, for the purpose of—

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

12 (2) administrative simplification.

13 (c) CONFORMITY OF OTHER LAWS.—Any provision
14 of Federal law enacted on or before the date of the enact-
15 ment of this Act is superseded by this section to the extent
16 that such provision is inconsistent with subsection (a) or
17 (b), including sections 1173(b) and 1177(a)(1) of the So-
18 cial Security Act (42 U.S.C. 1320d–2(b); 42 U.S.C.
19 1320d–6(a)(1)) and subtitle B of title VII of the Intel-
20 ligence Reform and Terrorism Prevention Act of 2004
21 (Public Law 108–458), and, to the extent that any provi-
22 sion of Federal law enacted after such date is inconsistent
23 with subsection (a) or (b), such provision shall be effective
24 only if it specifically cross-refers to such subsection.

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

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

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

5 (B) A military department (as defined in
6 section 102 of such title).

7 (C) An agency in the executive branch of
8 a State government.

9 (D) An agency in the legislative branch of
10 the Government of the United States or a State
11 government.

12 (E) An agency in the judicial branch of the
13 Government of the United States or a State
14 government.

15 (2) STATE.—The term “State” means any of
16 the several States, the District of Columbia, the Vir-
17 gin Islands, the Commonwealth of Puerto Rico,
18 Guam, American Samoa, the Commonwealth of the
19 Northern Mariana Islands, the Republic of the Mar-
20 shall Islands, the Federated States of Micronesia, or
21 the Republic of Palau.

22 (e) EFFECTIVE DATE.—The provisions of this section
23 shall take effect January 1, 2006.

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