

104TH CONGRESS
2D SESSION

H. R. 3598

To amend part A of title XI of the Social Security Act to prohibit certain misuses of the Social Security account number.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1996

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

A BILL

To amend part A of title XI of the Social Security Act to prohibit certain misuses of the Social Security account 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. PROHIBITION OF CERTAIN MISUSES OF THE**
4 **SOCIAL SECURITY ACCOUNT NUMBER.**

5 (a) IN GENERAL.—Part A of title XI of the Social
6 Security Act is amended by adding at the end the follow-
7 ing new section:

1 “PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL
2 SECURITY ACCOUNT NUMBER

3 “SEC. 1146. (a) PROHIBITION OF COMMERCIAL AC-
4 QUISSION OR DISTRIBUTION.—No person may buy, sell,
5 offer for sale, take or give in exchange, or pledge or give
6 in pledge any information for the purpose, in whole or in
7 part, of conveying by means of such information any other
8 person’s social security account number, or any derivative
9 of such number, without the written consent of such other
10 person.

11 “(b) PROHIBITION OF USE AS PERSONAL IDENTI-
12 FICATION NUMBER.—No person may—

13 “(1) utilize any person’s social security account
14 number for purposes of identification of such person
15 without the written consent of such other person, or

16 “(2) require disclosure by another person of
17 such person’s social security account number as a
18 condition of doing business.

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

1 “(d) CIVIL PENALTIES.—The Director of the Office
2 of Management and Budget shall impose a civil money
3 penalty not to exceed \$5,000 against any person for each
4 violation by such person of subsection (a) or (b). Any such
5 violation committed contemporaneously with respect to the
6 social security account numbers of 2 or more persons by
7 means of mail, telecommunication, or otherwise shall be
8 treated as a separate violation with respect to each such
9 person.

10 “(e) ENFORCEMENT PROCEDURES.—

11 “(1) IN GENERAL.—The provisions of section
12 1128A (other than subsections (a), (b), (f), (h), (i),
13 and (j) and the first sentence of subsection (c)) and
14 the provisions of subsections (d) and (e) of section
15 205 shall apply to civil money penalties under sub-
16 section (d) of this section in the same manner as
17 such provisions apply to a penalty or proceeding
18 under section 1128A(a), except that, for purposes of
19 this paragraph, any reference in section 1128A to
20 the Secretary and any reference in subsections (d)
21 and (e) of section 205 to the Commissioner of Social
22 Security shall be deemed a reference to the Director
23 of the Office of Management and Budget.

24 “(2) RELATED PROVISIONS.—Penalties imposed
25 against a person under subsection (d) may be com-

1 promised by the Director and may be recovered in
2 a civil action in the name of the United States
3 brought in the district court of the United States for
4 the district in which the violation occurred or where
5 the person resides, has its principal office, or may be
6 found, as determined by the Director. Amounts re-
7 covered under this section shall be paid to the Direc-
8 tor and shall be deposited as miscellaneous receipts
9 of the Federal Old-Age and Survivors Insurance
10 Trust Fund. The amount of such penalty when fi-
11 nally determined, or the amount agreed upon in
12 compromise, may be deducted from any sum then or
13 later owing by the United States to the person
14 against whom the penalty has been imposed.

15 “(f) ENFORCEMENT THROUGH THE OFFICE OF IN-
16 FORMATION AND PRIVACY, WITH ASSISTANCE FROM THE
17 COMMISSIONER OF SOCIAL SECURITY.—The preceding
18 provisions of this section shall be enforced through the Of-
19 fice of Information and Privacy of the Office of Manage-
20 ment and Budget. The Director of the Office of Manage-
21 ment and Budget shall consult regularly with the Commis-
22 sioner of Social Security in connection with enforcement
23 provided for under this section, and the Commissioner
24 shall provide the Director with such appropriate assistance

1 with respect to matters subject to such enforcement as the
2 Director may request.”.

3 **SEC. 2. EFFECTIVE DATE.**

4 The amendment made by section 1 shall apply with
5 respect to violations occurring after 2 years after the date
6 of the enactment of this Act.

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