

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5838

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2006

Mr. TOM DAVIS of Virginia (for himself, Ms. PRYCE of Ohio, Mr. BUYER, Mr. BRADLEY of New Hampshire, and Ms. CORRINE BROWN of Florida) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

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 “Federal Agency Data  
5       Breach Notification Act”.

1 **SEC. 2. FEDERAL AGENCY DATA BREACH NOTIFICATION**  
2 **REQUIREMENTS.**

3 (a) AUTHORITY OF DIRECTOR OF OFFICE OF MAN-  
4 AGEMENT AND BUDGET TO ESTABLISH DATA BREACH  
5 POLICIES.—Section 3543(a) of title 44, United States  
6 Code, is amended—

7 (1) by striking “and” at the end of paragraph  
8 (7);

9 (2) by striking the period and inserting “; and”  
10 at the end of paragraph (8); and

11 (3) by adding at the end the following:

12 “(9) establishing policies, procedures, and  
13 standards for agencies to follow in the event of a  
14 breach of data security involving the disclosure of  
15 sensitive personal information in violation of section  
16 552a of title 5, including a requirement for timely  
17 notice to be given to those individuals whose sen-  
18 sitive personal information could be compromised as  
19 a result of such breach, except no notice shall be re-  
20 quired if the breach does not create a reasonable  
21 risk of identity theft, fraud, or other unlawful con-  
22 duct regarding such individual.”.

23 (b) AUTHORITY OF CHIEF INFORMATION OFFICER  
24 TO ENFORCE DATA BREACH POLICIES.—Section  
25 3544(a)(3) of title 44, United States Code, is amended  
26 by inserting after “authority to ensure compliance with”

1 the following: “and, to the extent determined necessary  
2 and explicitly authorized by the head of the agency, to en-  
3 force”.

4 (c) INCLUSION OF DATA BREACH NOTIFICATION IN  
5 AGENCY INFORMATION SECURITY PROGRAMS.—Section  
6 3544(b) of title 44, United States Code, is amended—

7 (1) by striking “and” at the end of paragraph  
8 (7);

9 (2) by striking the period and inserting “; and”  
10 at the end of paragraph (8); and

11 (3) by adding at the end the following:

12 “(9) procedures for notifying individuals whose  
13 sensitive personal information is compromised con-  
14 sistent with policies, procedures, and standards es-  
15 tablished under section 3543(a)(9) of this title.”.

16 (d) SENSITIVE PERSONAL INFORMATION DEFINI-  
17 TION.—Section 3542(b) of title 44, United States Code,  
18 is amended by adding at the end the following new para-  
19 graph:

20 “(4) The term ‘sensitive personal information’  
21 means any information contained in a record, as de-  
22 fined in section 552a(4) of title 5.”.

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