109TH CONGRESS
2D SESSION

H. R. 6163

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2006

Mr. TOM DAVIS of Virginia (for himself, Ms. PRYCE of Ohio, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on Government Reform

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 Protection Act".

6 **SEC. 2. FEDERAL AGENCY DATA BREACH NOTIFICATION**

7   **REQUIREMENTS.**

8   (a) AUTHORITY OF DIRECTOR OF OFFICE OF MAN-

9 AGEMENT AND BUDGET TO ESTABLISH DATA BREACH

1 POLICIES.—Section 3543(a) of title 44, United States

2 Code, is amended—

3   (1) by striking "and" at the end of paragraph

4   (7);

5   (2) by striking the period and inserting "; and"

6   at the end of paragraph (8); and

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

8   "(9) establishing policies, procedures, and

9   standards for agencies to follow in the event of a

10   breach of data security involving the disclosure of

11   sensitive personal information and for which harm to

12   an individual could reasonably be expected to result,

13   specifically including—

14   "(A) a requirement for timely notice to be

15   provided to those individuals whose sensitive

16   personal information could be compromised as a

17   result of such breach, except no notice shall be

18   required if the breach does not create a reason-

19   able risk of identity theft, fraud, or other un-

20   lawful conduct regarding such individual;

21   "(B) guidance on determining how timely

22   notice is to be provided; and

23   "(C) guidance regarding whether addi-

24   tional special actions are necessary and appro-

25   priate, including data breach analysis, fraud

1 resolution services, identity theft insurance, and

2 credit protection or monitoring services.''.

3 (b) AUTHORITY OF CHIEF INFORMATION OFFICER

4 TO ENFORCE DATA BREACH POLICIES AND DEVELOP

5 AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of

6 title 44, United States Code, is amended—

7 (1) by inserting after ''authority to ensure com-

8 pliance with'' the following: ''and, to the extent de-

9 termined necessary and explicitly authorized by the

10 head of the agency, to enforce'';

11 (2) by striking ''and'' at the end of subpara-

12 graph (D);

13 (3) by inserting ''and'' at the end of subpara-

14 graph (E); and

15 (4) by adding at the end the following:

16 ''(F) developing and maintaining an inven-

17 tory of all personal computers, laptops, or any

18 other hardware containing sensitive personal in-

19 formation;''.

20 (c) INCLUSION OF DATA BREACH NOTIFICATION IN

21 AGENCY INFORMATION SECURITY PROGRAMS.—Section

22 3544(b) of title 44, United States Code, is amended—

23 (1) by striking ''and'' at the end of paragraph

24 (7);

1   (2) by striking the period and inserting "; and"

2   at the end of paragraph (8); and

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

4   "(9) procedures for notifying individuals whose

5   sensitive personal information is compromised con-

6   sistent with policies, procedures, and standards es-

7   tablished under section 3543(a)(9) of this title.".

8   (d) AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL

9   OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.—

10 Section 1402(a) of title 5, United States Code, is amend-

11 ed—

12   (1) by striking ", and" at the end of paragraph

13 (5) and inserting a semicolon;

14   (2) by striking the period and inserting "; and"

15 at the end of paragraph (6); and

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

17 "(7) prescribing policies and procedures for exit

18 interviews of employees, including a full accounting

19 of all Federal personal property that was assigned to

20 the employee during the course of employment.".

21 (e) SENSITIVE PERSONAL INFORMATION DEFINI-

22 TION.—Section 3542(b) of title 44, United States Code,

23 is amended by adding at the end the following new para-

24 graph:

1   "(4) The term 'sensitive personal information',

2   with respect to an individual, means any information

3   about the individual maintained by an agency, in-

4   cluding—

5   "(A) education, financial transactions,

6   medical history, and criminal or employment

7   history;

8   "(B) information that can be used to dis-

9   tinguish or trace the individual's identity, in-

10   cluding name, social security number, date and

11   place of birth, mother's maiden name, or bio-

12   metric records; or

13   "(C) any other personal information that

14   is linked or linkable to the individual.".

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