

110TH CONGRESS  
1ST SESSION

# S. 236

To require reports to Congress on Federal agency use of data mining.

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IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2007

Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require reports to Congress on Federal agency use of data mining.

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 Mining Reporting Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DATA MINING.—The term “data mining”  
9 means a query, search, or other analysis of 1 or  
10 more electronic databases, where—

1 (A) a department or agency of the Federal  
2 Government, or a non-Federal entity acting on  
3 behalf of the Federal Government, is con-  
4 ducting the query, search, or other analysis to  
5 discover or locate a predictive pattern or anom-  
6 ally indicative of terrorist or criminal activity on  
7 the part of any individual or individuals; and

8 (B) the query, search, or other analysis  
9 does not use personal identifiers of a specific in-  
10 dividual, or inputs associated with a specific in-  
11 dividual or group of individuals, to retrieve in-  
12 formation from the database or databases.

13 (2) DATABASE.—The term “database” does not  
14 include telephone directories, news reporting, infor-  
15 mation publicly available to any member of the pub-  
16 lic without payment of a fee, or databases of judicial  
17 and administrative opinions.

18 **SEC. 3. REPORTS ON DATA MINING ACTIVITIES BY FED-**  
19 **ERAL AGENCIES.**

20 (a) REQUIREMENT FOR REPORT.—The head of each  
21 department or agency of the Federal Government that is  
22 engaged in any activity to use or develop data mining shall  
23 submit a report to Congress on all such activities of the  
24 department or agency under the jurisdiction of that offi-

1 cial. The report shall be made available to the public, ex-  
2 cept for a classified annex described in subsection (b)(8).

3 (b) CONTENT OF REPORT.—Each report submitted  
4 under subsection (a) shall include, for each activity to use  
5 or develop data mining, the following information:

6 (1) A thorough description of the data mining  
7 activity, its goals, and, where appropriate, the target  
8 dates for the deployment of the data mining activity.

9 (2) A thorough description of the data mining  
10 technology that is being used or will be used, includ-  
11 ing the basis for determining whether a particular  
12 pattern or anomaly is indicative of terrorist or crimi-  
13 nal activity.

14 (3) A thorough description of the data sources  
15 that are being or will be used.

16 (4) An assessment of the efficacy or likely effi-  
17 cacy of the data mining activity in providing accu-  
18 rate information consistent with and valuable to the  
19 stated goals and plans for the use or development of  
20 the data mining activity.

21 (5) An assessment of the impact or likely im-  
22 pact of the implementation of the data mining activ-  
23 ity on the privacy and civil liberties of individuals,  
24 including a thorough description of the actions that  
25 are being taken or will be taken with regard to the

1 property, privacy, or other rights or privileges of any  
2 individual or individuals as a result of the implemen-  
3 tation of the data mining activity.

4 (6) A list and analysis of the laws and regula-  
5 tions that govern the information being or to be col-  
6 lected, reviewed, gathered, analyzed, or used with  
7 the data mining activity.

8 (7) A thorough discussion of the policies, proce-  
9 dures, and guidelines that are in place or that are  
10 to be developed and applied in the use of such tech-  
11 nology for data mining in order to—

12 (A) protect the privacy and due process  
13 rights of individuals, such as redress proce-  
14 dures; and

15 (B) ensure that only accurate information  
16 is collected, reviewed, gathered, analyzed, or  
17 used.

18 (8) Any necessary classified information in an  
19 annex that shall be available, as appropriate, to the  
20 Committee on Homeland Security and Governmental  
21 Affairs, the Committee on the Judiciary, the Select  
22 Committee on Intelligence, and the Committee on  
23 Appropriations of the Senate and the Committee on  
24 Homeland Security, the Committee on the Judiciary,  
25 the Permanent Select Committee on Intelligence,

1 and the Committee on Appropriations of the House  
2 of Representatives.

3 (c) TIME FOR REPORT.—Each report required under  
4 subsection (a) shall be—

5 (1) submitted not later than 180 days after the  
6 date of enactment of this Act; and

7 (2) updated not less frequently than annually  
8 thereafter, to include any activity to use or develop  
9 data mining engaged in after the date of the prior  
10 report submitted under subsection (a).

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