

106TH CONGRESS
1ST SESSION

H. R. 3307

To amend title 5 of the United States Code to require Federal agencies to conduct an assessment of the privacy implications resulting from a proposed rule.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mr. CHABOT (for himself, Mr. COBURN, Mr. SKEEN, Mr. NETHERCUTT, Mr. FOLEY, Mr. PAUL, Mr. YOUNG of Alaska, Mr. TANCREDI, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. COX, Mr. JONES of North Carolina, Mr. LARGENT, Mr. HERGER, Mr. DICKEY, Mrs. CUBIN, Mr. SAM JOHNSON of Texas, Mr. STEARNS, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 5 of the United States Code to require Federal agencies to conduct an assessment of the privacy implications resulting from a proposed rule.

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 “Defense of Privacy
5 Act”.

1 **SEC. 2. PRIVACY ASSESSMENT OF PROPOSED RULES.**

2 Chapter 6 of title 5, United States Code, is
3 amended—

4 (1) in section 603(b)—

5 (A) by striking the period in paragraph (5)
6 and inserting “; and”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(6) a description and assessment of the extent
10 to which the proposed rule will impact the privacy
11 interests of individuals and nongovernmental organi-
12 zations.”;

13 (2) in section 604(a)—

14 (A) by striking the final “and” in para-
15 graph (4);

16 (B) by striking the final period in para-
17 graph (5) and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(6) a description of the steps the agency has
21 taken to minimize the privacy impact on individuals
22 and nongovernmental organizations, including a
23 statement of the factual, policy, and legal reasons
24 for selecting the alternative adopted in the final rule
25 and why each one of the other significant alter-
26 natives to the rule considered by the agency which

1 affect the privacy interests of individuals and non-
2 governmental organizations was rejected.”;

3 (3) in section 605—

4 (A) by inserting “(other than subsection
5 (b)(5))” after “603” in subsection (b);

6 (B) by inserting “(other than subsection
7 (a)(6))” after “604” in subsection (b);

8 (C) by redesignating subsection (c) as sub-
9 section (e);

10 (D) by designating the final two sentences
11 of subsection (b) as subsection (d);

12 (E) in subsection (d) (as designated by
13 subparagraph (D))—

14 (i) by striking “the preceding sen-
15 tence” and inserting “subsection (b) or
16 (c)”; and

17 (ii) by striking “The” and inserting
18 “If the head of the agency makes a certifi-
19 cation under subsection (b), the”; and

20 (F) by inserting after subsection (b) the
21 following new subsection (c):

22 “(c) Sections 603(b)(5) and 604(a)(6) of this title
23 shall not apply to any proposed or final rule if the head
24 of the agency certifies that the rule will not, if promul-

1 gated, have an impact on the privacy interests of individ-
 2 uals or nongovernmental organizations.”; and

3 (4) in section 610, by inserting “or which have
 4 a significant impact on the privacy interests of a
 5 substantial number of individuals or nongovern-
 6 mental organizations” after “small entities” each
 7 place it occurs.

8 **SEC. 3. TECHNICAL AMENDMENTS.**

9 Chapter 6 of title 5, United States Code is
 10 amended—

11 (1) in section 601(6), by striking the final
 12 “and”;

13 (2) in section 601(7)(B), by striking the final
 14 period and inserting “; and”

15 (3) in section 601(8), by striking “RECORD-
 16 KEEPING REQUIREMENT.—The” and inserting
 17 “the”;

18 (4) in section 602(a)(2), by striking the comma
 19 before the final “and” and inserting a semicolon;

20 (5) in section 609(a), by striking “through
 21 techniques such” and inserting “through the reason-
 22 able use of techniques such”;

23 (6) in section 609(b) (4) and (5), by striking
 24 “subsections 603(b), paragraphs (3), (4) and (5)

1 and 603(c)” and inserting “sections 603(b) (3), (4),
2 and (5), and 603(c)”;

3 (7) in section 609(c), by striking “subsection
4 605(b)” and inserting “section 605(b)”; and

5 (8) in section 612(a), by striking “to the Com-
6 mittees” and all that follows through “House of
7 Representatives”, and inserting “to the Committees
8 on the Judiciary and Small Business of the Senate
9 and House of Representatives”.

○