

Calendar No. 384

108TH CONGRESS
1ST SESSION**H. R. 3159**

IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 2003

Received; read twice and referred to the Committee on Governmental Affairs

NOVEMBER 10, 2003

Reported by Ms. COLLINS, without amendment

AN ACT

To require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing.

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 “Government Network
5 Security Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Peer-to-peer file sharing can pose security
2 and privacy threats to computers and networks by—

3 (A) exposing classified and sensitive infor-
4 mation that are stored on computers or net-
5 works;

6 (B) acting as a point of entry for viruses
7 and other malicious programs;

8 (C) consuming network resources, which
9 may result in a degradation of network per-
10 formance; and

11 (D) exposing identifying information about
12 host computers that can be used by hackers to
13 select potential targets.

14 (2) The computers and networks of the Federal
15 Government use and store a wide variety of classi-
16 fied and sensitive information, including—

17 (A) information vital to national security,
18 defense, law enforcement, economic markets,
19 public health, and the environment; and

20 (B) personal and financial information of
21 citizens and businesses that has been entrusted
22 to the Federal Government.

23 (3) Use of peer-to-peer file sharing on govern-
24 ment computers and networks can threaten the secu-
25 rity and privacy of the information on those com-

1 puters and networks by exposing the information to
2 others using peer-to-peer file sharing.

3 (4) The House of Representatives and the Sen-
4 ate are using methods to protect the security and
5 privacy of congressional computers and networks
6 from the risks posed by peer-to-peer file sharing.

7 (5) Innovations in peer-to-peer technology for
8 government applications can be pursued on
9 intragovernmental networks that do not pose risks
10 to network security.

11 (6) In light of these considerations, Federal
12 agencies need to take prompt action to address the
13 security and privacy risks posed by peer-to-peer file
14 sharing.

15 **SEC. 3. PROTECTION OF GOVERNMENT COMPUTERS FROM**
16 **RISKS OF PEER-TO-PEER FILE SHARING.**

17 (a) PLANS REQUIRED.—As part of the Federal agen-
18 cy responsibilities set forth in sections 3544 and 3545 of
19 title 44, United States Code, the head of each agency shall
20 develop and implement a plan to protect the security and
21 privacy of computers and networks of the Federal Govern-
22 ment from the risks posed by peer-to-peer file sharing.

23 (b) CONTENTS OF PLANS.—Such plans shall set forth
24 appropriate methods, including both technological (such as
25 the use of software and hardware) and nontechnological

1 methods (such as employee policies and user training), to
2 achieve the goal of protecting the security and privacy of
3 computers and networks of the Federal Government from
4 the risks posed by peer-to-peer file sharing.

5 (c) IMPLEMENTATION OF PLANS.—The head of each
6 agency shall—

7 (1) develop and implement the plan required
8 under this section as expeditiously as possible, but in
9 no event later than six months after the date of the
10 enactment of this Act; and

11 (2) review and revise the plan periodically as
12 necessary.

13 (d) REVIEW OF PLANS.—Not later than 18 months
14 after the date of the enactment of this Act, the Comp-
15 troller General shall—

16 (1) review the adequacy of the agency plans re-
17 quired by this section; and

18 (2) submit to the Committee on Government
19 Reform of the House of Representatives and the
20 Committee on Governmental Affairs of the Senate a
21 report on the results of the review, together with any
22 recommendations the Comptroller General considers
23 appropriate.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) PEER-TO-PEER FILE SHARING.—The term
2 “peer-to-peer file sharing” means the use of com-
3 puter software, other than computer and network
4 operating systems, that has as its primary function
5 the capability to allow the computer on which such
6 software is used to designate files available for
7 transmission to another computer using such soft-
8 ware, to transmit files directly to another such com-
9 puter, and to request the transmission of files from
10 another such computer. The term does not include
11 the use of such software for file sharing between,
12 among, or within Federal, State, or local government
13 agencies.

14 (2) AGENCY.—The term “agency” has the
15 meaning provided by section 3502 of title 44, United
16 States Code.

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