

108TH CONGRESS  
1ST SESSION

# S. 1544

To provide for data-mining reports to Congress.

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## IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for data-mining reports to Congress.

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 “Data-Mining Report-  
5       ing Act of 2003”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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

11               (A) at least 1 of the databases was ob-  
12       tained from or remains under the control of a

1 non-Federal entity, or the information was ac-  
2 quired initially by another department or agen-  
3 cy of the Federal Government for purposes  
4 other than intelligence or law enforcement;

5 (B) the search does not use a specific indi-  
6 vidual's personal identifiers to acquire informa-  
7 tion concerning that individual; and

8 (C) a department or agency of the Federal  
9 Government is conducting the query or search  
10 or other analysis to find a pattern indicating  
11 terrorist or other criminal activity.

12 (2) DATABASE.—The term “database” does not  
13 include telephone directories, information publicly  
14 available via the Internet or available by any other  
15 means to any member of the public without payment  
16 of a fee, or databases of judicial and administrative  
17 opinions.

18 **SEC. 3. REPORTS ON DATA-MINING ACTIVITIES.**

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

1 (b) CONTENT OF REPORT.—A report submitted  
2 under subsection (a) shall include, for each activity to use  
3 or develop data-mining technology that is required to be  
4 covered by the report, the following information:

5 (1) A thorough description of the data-mining  
6 technology and the data that will be used.

7 (2) A thorough discussion of the plans for the  
8 use of such technology and the target dates for the  
9 deployment of the data-mining technology.

10 (3) An assessment of the likely efficacy of the  
11 data-mining technology in providing accurate and  
12 valuable information consistent with the stated plans  
13 for the use of the technology.

14 (4) An assessment of the likely impact of the  
15 implementation of the data-mining technology on  
16 privacy and civil liberties.

17 (5) A list and analysis of the laws and regula-  
18 tions that govern the information to be collected, re-  
19 viewed, gathered, and analyzed with the data-mining  
20 technology and a description of any modifications of  
21 such laws that will be required to use the informa-  
22 tion in the manner proposed under such program.

23 (6) A thorough discussion of the policies, proce-  
24 dures, and guidelines that are to be developed and

1 applied in the use of such technology for data-min-  
2 ing in order to—

3 (A) protect the privacy and due process  
4 rights of individuals; and

5 (B) ensure that only accurate information  
6 is collected and used.

7 (7) A thorough discussion of the procedures al-  
8 lowing individuals whose personal information will be  
9 used in the data-mining technology to be informed  
10 of the use of their personal information and what  
11 procedures are in place to allow for individuals to  
12 opt out of the technology. If no such procedures are  
13 in place, a thorough explanation as to why not.

14 (8) Any necessary classified information in an  
15 annex that shall be available to the Committee on  
16 Governmental Affairs, the Committee on the Judici-  
17 ary, and the Committee on Appropriations of the  
18 Senate and the Committee on Homeland Security,  
19 the Committee on the Judiciary, and the Committee  
20 on Appropriations of the House of Representatives.

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

23 (1) submitted not later than 90 days after the  
24 date of the enactment of this Act; and

- 1 (2) updated once a year and include any new
- 2 data-mining technologies.

