

108TH CONGRESS
1ST SESSION

S. 1544

To provide for data-mining reports to Congress.

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

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-mining in order to—
2

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

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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 Judiciary,
17 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

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

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