

108TH CONGRESS
1ST SESSION

S. 188

To impose a moratorium on the implementation of data-mining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To impose a moratorium on the implementation of data-mining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes.

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 Morato-
5 rium Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Use of advanced technology is an essential
2 tool in the fight against terrorism.

3 (2) There has been no demonstration that data-
4 mining by a government, including data-mining such
5 as that which is to occur under the Total Informa-
6 tion Awareness program, is an effective tool for pre-
7 venting terrorism.

8 (3) Data-mining under the Total Information
9 Awareness program or a similar program would pro-
10 vide the Federal Government with access to exten-
11 sive files of private as well as public information on
12 an individual.

13 (4) There are significant concerns regarding the
14 extent to which privacy rights of individuals would
15 be adversely affected by data-mining carried out by
16 their government.

17 (5) Congress has not reviewed any guidelines,
18 rules, or laws concerning implementation and use of
19 data-mining by Federal Government agencies.

20 **SEC. 3. MORATORIUM ON IMPLEMENTATION OF TOTAL IN-**
21 **FORMATION AWARENESS PROGRAM FOR**
22 **DATA MINING.**

23 (a) MORATORIUM.—During the period described in
24 subsection (b), no officer or employee of the Department
25 of Defense or the Department of Homeland Security may

1 take any action to implement or carry out for data-mining
2 purposes any part of (including any research or develop-
3 ment under)—

4 (1) the Department of Defense component of
5 the Total Information Awareness program or any
6 other data-mining program of the Department of
7 Defense; or

8 (2) any data-mining program of the Depart-
9 ment of Homeland Security that is similar or related
10 to the Total Information Awareness program.

11 (b) MORATORIUM PERIOD.—The period referred to
12 in subsection (a) for a department of the Federal Govern-
13 ment is the period beginning on the date of the enactment
14 of this Act and ending on the date (after the date of the
15 enactment of this Act) on which there is enacted a law
16 specifically authorizing data-mining by such department.

17 **SEC. 4. REPORTS ON DATA-MINING ACTIVITIES.**

18 (a) REQUIREMENT FOR REPORT.—The Secretary of
19 Defense, the Attorney General, and the head of each other
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 to Congress a report on all such
23 activities of the department or agency under the jurisdic-
24 tion 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 activity.

6 (2) A thorough discussion of the plans for the
7 use of such technology.

8 (3) A thorough discussion of the policies, proce-
9 dures, and guidelines that are to be applied in the
10 use of such technology for data-mining in order to—

11 (A) protect the privacy rights of individ-
12 uals; and

13 (B) ensure that only accurate information
14 is collected.

15 (c) TIME FOR REPORT.—Each report required under
16 subsection (a) shall be submitted not later than 90 days
17 after the date of the enactment of this Act.

18 **SEC. 5. CONSTRUCTION OF PROVISIONS.**

19 Nothing in this Act shall be construed to preclude
20 the Department of Defense or the Department of Home-
21 land Security from conducting—

22 (1) computer searches of public information; or

23 (2) computer searches that are based on a par-
24 ticularized suspicion of an individual.