

109TH CONGRESS
1ST SESSION

S. 1169

To require reports to Congress on Federal agency use of data-mining

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2005

Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. AKAKA, Mr. JEFFORDS, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require reports to Congress on Federal agency use of
data-mining

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 “Federal Agency Data-
5 Mining Reporting Act of 2005”.

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, whereas—

1 (A) at least 1 of the databases was ob-
2 tained from or remains under the control of a
3 non-Federal entity, or the information was ac-
4 quired initially by another department or agen-
5 cy of the Federal Government for purposes
6 other than intelligence or law enforcement;

7 (B) a department or agency of the Federal
8 Government or a non-Federal entity acting on
9 behalf of the Federal Government is conducting
10 the query or search or other analysis to find a
11 predictive pattern indicating terrorist or crimi-
12 nal activity; and

13 (C) the search does not use a specific indi-
14 vidual's personal identifiers to acquire informa-
15 tion concerning that individual.

16 (2) DATABASE.—The term “database” does not
17 include telephone directories, news reporting, infor-
18 mation publicly available via the Internet or avail-
19 able by any other means to any member of the pub-
20 lic without payment of a fee, or databases of judicial
21 and administrative opinions.

22 **SEC. 3. REPORTS ON DATA-MINING ACTIVITIES BY FED-**
23 **ERAL AGENCIES.**

24 (a) REQUIREMENT FOR REPORT.—The head of each
25 department or agency of the Federal Government that is

1 engaged in any activity to use or develop data-mining tech-
2 nology shall each submit a report to Congress on all such
3 activities of the department or agency under the jurisdic-
4 tion of that official. The report shall be made available
5 to the public.

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

10 (1) A thorough description of the data-mining
11 technology and the data that is being or will be
12 used.

13 (2) A thorough description of the goals and
14 plans for the use or development of such technology
15 and, where appropriate, the target dates for the de-
16 ployment of the data-mining technology.

17 (3) An assessment of the efficacy or likely effi-
18 cacy of the data-mining technology in providing ac-
19 curate information consistent with and valuable to
20 the stated goals and plans for the use or develop-
21 ment of the technology.

22 (4) An assessment of the impact or likely im-
23 pact of the implementation of the data-mining tech-
24 nology on the privacy and civil liberties of individ-
25 uals.

1 (5) A list and analysis of the laws and regula-
2 tions that govern the information being or to be col-
3 lected, reviewed, gathered, analyzed, or used with
4 the data-mining technology.

5 (6) A thorough discussion of the policies, proce-
6 dures, and guidelines that are in place or that are
7 to be developed and applied in the use of such tech-
8 nology for data-mining in order to—

9 (A) protect the privacy and due process
10 rights of individuals; and

11 (B) ensure that only accurate information
12 is collected, reviewed, gathered, analyzed, or
13 used.

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

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

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

- 1 (2) updated once a year and include any new
- 2 uses or development of data-mining technology.

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