

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5661

To amend title 18, United States Code, to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal Government.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2006

Ms. CORRINE BROWN of Florida introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal Government.

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 Theft Prevention  
5        Act of 2006”.

1 **SEC. 2. FEDERAL DATABASES.**

2 (a) IN GENERAL.—Chapter 101 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 2077. Means of identification and individually**  
6 **identifiable health information in Federal**  
7 **databases**

8 “(a) DEFINITIONS.—In this section:

9 “(1) FEDERAL DATABASE.—The term ‘Federal  
10 database’ means any electronic database owned, op-  
11 erated, or maintained by or for the Federal Govern-  
12 ment.

13 “(2) INDIVIDUALLY IDENTIFIABLE HEALTH IN-  
14 FORMATION.—The term ‘individually identifiable  
15 health information’ has the meaning given the term  
16 in the regulations issued under section 264(c) of the  
17 Health Insurance Portability and Accountability Act  
18 of 1996 (42 U.S.C. 1320d–2 note).

19 “(3) MEANS OF IDENTIFICATION.—The term  
20 ‘means of identification’ has the meaning given the  
21 term in section 1028 of this title.

22 “(b) UNAUTHORIZED USE.—It shall be unlawful for  
23 any person knowingly and without authorization—

24 “(1) to view, use, download, or remove any  
25 means of identification or individually identifiable  
26 health information that is in a Federal database; or

1           “(2) to transfer such means of identification or  
2 individually identifiable health information to, or  
3 store such means of identification or individually  
4 identifiable health information in, any computer,  
5 network, database, or other format used to store in-  
6 formation that is not a Federal database.

7           “(c) USE FOR CRIMINAL PURPOSES.—It shall be un-  
8 lawful for any person to use a means of identification or  
9 individually identifiable health information obtained di-  
10 rectly or indirectly from a Federal database in furtherance  
11 of a violation of any Federal or State criminal law.

12           “(d) PENALTY.—Any person who violates subsection  
13 (b) or (c) shall be fined under this title or imprisoned not  
14 more than 1 year, or both.”.

15           (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of chapter 101 of title 18, United States  
17 Code, is amended by inserting after the item relating to  
18 section 2076 the following new item:

“2077. Means of identification and individually identifiable health information  
in Federal databases.”.

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