

109TH CONGRESS
2^D SESSION

H. R. 5820

To increase the security of sensitive data maintained by the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To increase the security of sensitive data 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 “Federal Agency Data
5 Privacy Protection Act”.

6 **SEC. 2. DEFINITION OF SENSITIVE DATA.**

7 In this Act—

8 (1) SENSITIVE DATA.—The term “sensitive
9 data” includes the following:

10 (A) Social security numbers.

1 (B) Financial records.

2 (C) Previous or current health records, in-
3 cluding hospital or treatment records of any
4 kind, including drug and alcohol rehabilitation
5 records.

6 (D) Criminal records.

7 (E) Licenses.

8 (F) License denials, suspensions, or rev-
9 ocations.

10 (G) Tax returns.

11 (H) Information that has been specifically
12 authorized under criteria established by an Ex-
13 ecutive order or an Act of Congress to be kept
14 classified in the interest of national defense or
15 foreign policy.

16 (I) Personally identifiable information.

17 (2) PERSONALLY IDENTIFIABLE INFORMA-
18 TION.—The term “personally identifiable informa-
19 tion” means any information, in any form or me-
20 dium, that relates to the past, present, or future
21 physical or mental health, predisposition, or condi-
22 tion of an individual or the provision of health care
23 to an individual.

24 (3) FEDERAL COMPUTER SYSTEM.—The term
25 “Federal computer system” has the meaning given

1 such term in section 20(d) of the National Institute
2 of Standards and Technology Act (15 U.S.C. 278g–
3 3(d)).

4 (4) AGENCY.—The term “agency” has the
5 meaning provided in section 3502(1) of title 44,
6 United States Code.

7 (5) RECORD.—The term “record” has the
8 meaning provided in section 552a(a) of title 5,
9 United States Code.

10 **SEC. 3. REQUIREMENT FOR USE OF ENCRYPTION FOR SEN-**
11 **SITIVE DATA.**

12 (a) REQUIREMENT FOR ENCRYPTION.—

13 (1) IN GENERAL.—All sensitive data main-
14 tained by the Federal Government, including such
15 data maintained in Federal computer systems, shall
16 be secured by the use of the most secure encryption
17 standard recognized by the National Institute of
18 Standards and Technology.

19 (2) UPDATING REQUIRED EVERY 6 MONTHS.—
20 Any sequence of characters (known as an encryption
21 key) used to secure an encryption standard used on
22 Federal computer systems shall be changed every 6
23 months, at a minimum, to provide additional secu-
24 rity.

1 (3) IMPLEMENTATION.—The requirements of
2 this subsection shall be implemented not later than
3 6 months after the date of the enactment of this
4 Act.

5 (b) FEDERAL AGENCY RESPONSIBILITIES.—The
6 head of each agency shall be responsible for complying
7 with the requirements of subsection (a) within the agency.
8 Such requirement shall be considered to be a requirement
9 of subchapter III of chapter 35 of title 44, United States
10 Code, for purposes of section 3544(a)(1)(B) of such title.

11 **SEC. 4. REQUIREMENTS RELATING TO ACCESS BY AGENCY**
12 **PERSONNEL TO SENSITIVE DATA.**

13 (a) ON-SITE ACCESS.—No employee of the Federal
14 government may have access to sensitive data on Govern-
15 ment property unless the employee has received a security
16 clearance at the “secret” level or higher and has completed
17 a financial disclosure form, in accordance with applicable
18 provisions of law and regulation.

19 (b) OFF-SITE ACCESS.—

20 (1) PROHIBITION.—Sensitive data maintained
21 by an agency may not be transported or accessed
22 from a location off Government property unless a re-
23 quest for such transportation or access is submitted
24 and approved by the Inspector General of the agency
25 in accordance with paragraph (2).

1 (2) PROCEDURES.—

2 (A) DEADLINE FOR APPROVAL OR DIS-
3 APPROVAL.—In the case of any request sub-
4 mitted under paragraph (1) to an Inspector
5 General of an agency, the Inspector General
6 shall approve or disapprove the request within
7 2 business days after the date of submission of
8 the request.

9 (B) LIMITATION TO 10,000 RECORDS.—If a
10 request is approved, the Inspector General shall
11 limit the access to not more than 10,000
12 records at a time.

13 (3) ENCRYPTION.—Any technology used to
14 store, transport, or access sensitive data during for
15 purposes of off-site access approved under this sub-
16 section shall be secured by the use of the most se-
17 cure encryption standard recognized by the National
18 Institute of Standards and Technology.

19 (c) IMPLEMENTATION.—The requirements of this
20 subsection shall be implemented not later than 6 months
21 after the date of the enactment of this Act.

22 **SEC. 5. REQUIREMENTS RELATING TO GOVERNMENT CON-**
23 **TRACTORS INVOLVING SENSITIVE DATA.**

24 (a) APPLICABILITY TO GOVERNMENT CONTRAC-
25 TORS.—In entering into any contract that may involve

1 sensitive data in electronic or digital form on 10,000 or
2 more United States citizens, an agency shall require the
3 contractor and employees of the contractor to comply with
4 the requirements of sections 3 and 4 of this Act in the
5 performance of the contract, in the same manner as agen-
6 cies and government employees comply with such require-
7 ments.

8 (b) IMPLEMENTATION.—The requirements of this
9 subsection shall be implemented with respect to contracts
10 entered into on or after the date occurring 6 months after
11 the date of the enactment of this Act.

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