

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BERMAN OF CALIFORNIA, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

~~9-30-05~~
~~9/30/05~~

REVISED

22

AMENDMENT TO H. R. 3199

OFFERED BY MR. BERMAN AND MR. DELAHUNT

Add at the end the following:

1 **SEC. 17. REPORT BY ~~ASSISTANT~~ ATTORNEY GENERAL ~~FOR~~**
2 **~~CIVIL RIGHTS.~~**

3 (a) **REPORTS ON DATA-MINING ACTIVITIES.—**

4 (1) **REQUIREMENT FOR REPORT.—**The ~~Assist-~~
5 ~~ant~~ Attorney General ~~for Civil Rights~~ shall collect
6 the information described in paragraph (2) from the
7 head of each department or agency of the Federal
8 Government that is engaged in any activity to use or
9 develop data-mining technology and shall report to
10 Congress on all such activities.

11 (2) **CONTENT OF REPORT.—**A report submitted
12 under paragraph (1) shall include, for each activity
13 to use or develop data-mining technology that is re-
14 quired to be covered by the report, the following in-
15 formation:

16 (A) A thorough description of the data-
17 mining technology and the data that will be
18 used.

19 (B) A thorough discussion of the plans for
20 the use of such technology and the target dates



1 for the deployment of the data-mining tech-
2 nology.

3 (C) An assessment of the likely efficacy of
4 the data-mining technology in providing accu-
5 rate and valuable information consistent with
6 the stated plans for the use of the technology.

7 (D) An assessment of the likely impact of
8 the implementation of the data-mining tech-
9 nology on privacy and civil liberties.

10 (E) A list and analysis of the laws and
11 regulations that govern the information to be
12 collected, reviewed, gathered, and analyzed with
13 the data-mining technology and a description of
14 any modifications of such laws that will be re-
15 quired to use the information in the manner
16 proposed under such program.

17 (F) A thorough discussion of the policies,
18 procedures, and guidelines that are to be devel-
19 oped and applied in the use of such technology
20 for data-mining in order to—

21 (i) protect the privacy and due process
22 rights of individuals; and

23 (ii) ensure that only accurate informa-
24 tion is collected and used.



1 (G) A thorough discussion of the proce-
2 dures allowing individuals whose personal infor-
3 mation will be used in the data-mining tech-
4 nology to be informed of the use of their per-
5 sonal information and what procedures are in
6 place to allow for individuals to opt out of the
7 technology. If no such procedures are in place,
8 a thorough explanation as to why not.

9 (H) Any necessary classified information in
10 an annex that shall be available to the Com-
11 mittee on the Judiciary of both the Senate and
12 the House of Representatives.

13 (3) TIME FOR REPORT.—The report required
14 under paragraph (1) shall be—

15 (A) submitted not later than 180 days
16 after the date of enactment of this Act; and

17 (B) updated once a year to include any
18 new data-mining technologies.

19 (b) DEFINITIONS.—In this section:

20 (1) DATA-MINING.—The term “data-mining”
21 means a query or search or other analysis of 1 or
22 more electronic databases, where—

23 (A) at least 1 of the databases was ob-
24 tained from or remains under the control of a
25 non-Federal entity, or the information was ac-



1 quired initially by another department or agen-
2 cy of the Federal Government for purposes
3 other than intelligence or law enforcement;

4 (B) the search does not use a specific indi-
5 vidual's personal identifiers to acquire informa-
6 tion concerning that individual; and

7 (C) a department or agency of the Federal
8 Government is conducting the query or search
9 or other analysis to find a pattern indicating
10 terrorist or other criminal activity.

11 (2) DATABASE.—The term “database” does not
12 include telephone directories, information publicly
13 available via the Internet or available by any other
14 means to any member of the public without payment
15 of a fee, or databases of judicial and administrative
16 opinions.

