



H.R. 4791 – FEDERAL DATA PROTECTION ACT

FLOOR SITUATION

H.R. 4791 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative William Lacy Clay (D-MO) on December 18, 2007. The House Committee on Oversight and Government Reform ordered the bill to be reported as amended by voice vote on April 16, 2008.

H.R. 4791 is expected to be considered on the floor of the House on June 3, 2008.

SUMMARY

H.R. 4791 authorizes the Director of the Office of Management and Budget (OMB) to establish requirements for the protection of information maintained in or transmitted by federal laptops, hand-held devices and other portable electronic media. The bill also requires the establishment of requirements for federal agency actions following a breach of information security and the notification of individuals whose personally identifiable information may have been compromised during a breach.

The bill requires OMB to develop best practices for agencies conducting privacy impact assessments. H.R. 4791 additionally directs agencies to undergo annual independent audits of their information programs and practices, in conformance with generally acceptable government auditing standards.

The bill also extends the authorization of appropriations for information security programs through 2012.

BACKGROUND

H.R. 4791 defines "personally identifiable information" as information about an individual, including details about the individual's education, finances, medical, criminal, or employment history that can be used to trace the individual's identity.

According to a 2005 Government Accountability Office (GAO) report, "pervasive weaknesses threaten the integrity, confidentiality, and availability of federal information and information systems." The report states that such weaknesses exist primarily because agencies have not yet fully implemented strong information security management programs. These weaknesses put federal operations and individuals' identity and assets at risk of fraud, misuse, and destruction.

Over eight million Americans were victims of identity theft in 2006, according to a report commissioned by the Federal Trade Commission. During 2006, the Congressional Research Service reported incidents of potentially compromised data at agencies including the Departments of Veterans Affairs, Transportation, and Energy, as well as the Internal Revenue Service.

[GAO Report on Information Security](#)

ADDITIONAL VIEWS

According to Oversight and Government Reform Ranking Member Tom Davis (R-VA): "I do not believe H.R. 4791 does enough. Most of the provisions contained in this bill are a grab bag of vague requirements, additional mandates, and misplaced priorities. It casts dynamic concepts in stone. And it gives agency personnel more boxes to check."

[House Report 110-664 - Federal Agency Data Protection Act](#)

COST



LEGISLATIVE DIGEST

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The Congressional Budget Office estimates that enacting H.R. 4791 “would cost about \$106 million over the 2009-2013 period, assuming appropriation of the necessary amounts.”

[CBO cost estimate for H.R. 4791](#)

STAFF CONTACT

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