

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

# S. 3506

To prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

---

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2006

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

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”.

6 **SEC. 2. FEDERAL DATABASES.**

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

1 **“§ 2077. Means of identification and individually**  
2 **identifiable health information in Federal**  
3 **databases**

4 “(a) DEFINITIONS.—In this section:

5 “(1) FEDERAL DATABASE.—The term ‘Federal  
6 database’ means any electronic database owned, op-  
7 erated, or maintained by or for the Federal Govern-  
8 ment.

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

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

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

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

23 “(2) to transfer such means of identification or  
24 individually identifiable health information to, or  
25 store such means of identification or individually  
26 identifiable health information in, any computer,

1 network, database, or other format used to store in-  
2 formation that is not a Federal database.

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

8 “(d) PENALTY.—Any person who violates subsection  
9 (b) or (c) shall be fined not more than \$100,000, impris-  
10 oned not more than 1 year, or both.”.

11 (b) CHAPTER ANALYSIS.—The table of sections for  
12 chapter 101 of title 18, United States Code, is amended  
13 by adding after the item relating to section 2076 the fol-  
14 lowing:

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

○