

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. CONNOLLY OF VIRGINIA**

Subtitle C of title XVI is amended by adding at the end the following new section:

1 SEC. 1622. PRIVACY BREACH REQUIREMENTS.

2 (a) INFORMATION SECURITY.—

3 (1) AMENDMENT.—Subchapter III of chapter
4 35 of title 44, United States Code, is amended by
5 adding at the end the following:

6 “§ 3550. Privacy breach requirements

7 “(a) POLICIES AND PROCEDURES.—The Director of
8 the Office of Management and Budget shall establish and
9 oversee policies and procedures for agencies to follow in
10 the event of a breach of information security involving the
11 disclosure of personally identifiable information, including
12 requirements for—

13 “(1) not later than 72 hours after the agency
14 discovers such a breach, or discovers evidence that
15 reasonably indicates such a breach has occurred, no-
16 tice to the individuals whose personally identifiable
17 information could be compromised as a result of
18 such breach;

1 “(2) timely reporting to a Federal cybersecurity
2 center, as designated by the Director of the Office
3 of Management and Budget; and

4 “(3) any additional actions that the Director
5 finds necessary and appropriate, including data
6 breach analysis, fraud resolution services, identity
7 theft insurance, and credit protection or monitoring
8 services.

9 “(b) REQUIRED AGENCY ACTION.—The head of each
10 agency shall ensure that actions taken in response to a
11 breach of information security involving the disclosure of
12 personally identifiable information under the authority or
13 control of the agency comply with policies and procedures
14 established by the Director of the Office of Management
15 and Budget under subsection (a).

16 “(c) REPORT.—Not later than March 1 of each year,
17 the Director of the Office of Management and Budget
18 shall report to Congress on agency compliance with the
19 policies and procedures established under subsection (a).

20 “(d) FEDERAL CYBERSECURITY CENTER DE-
21 FINED.—The term ‘Federal cybersecurity center’ means
22 any of the following:

23 “(1) The Department of Defense Cyber Crime
24 Center.

1 “(2) The Intelligence Community Incident Re-
2 sponse Center.

3 “(3) The United States Cyber Command Joint
4 Operations Center.

5 “(4) The National Cyber Investigative Joint
6 Task Force.

7 “(5) Central Security Service Threat Oper-
8 ations Center of the National Security Agency.

9 “(6) The United States Computer Emergency
10 Readiness Team.

11 “(7) Any successor to a center, team, or task
12 force described in paragraphs (1) through (6).

13 “(8) Any center that the Director of the Office
14 of Management and Budget determines is appro-
15 priate to carry out the requirements of this sec-
16 tion.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENT.—The table of sections for subchapter III of
19 chapter 35 of title 44, United States Code, is
20 amended by adding at the end the following:

“3550. Privacy breach requirements.”.

21 (b) AMENDMENTS TO THE E-GOVERNMENT ACT OF
22 2002.—Section 208(b)(1)(A) of the E-Government Act of
23 2002 (44 U.S.C. 3501 note; Public Law 107–347) is
24 amended—

25 (1) in clause (i), by striking “or” at the end;

1 (2) in clause (ii), by striking the period at the
2 end and inserting “; or”; and

3 (3) by adding at the end the following new
4 clause:

5 “(iii) using information in an identifi-
6 able form purchased, or subscribed to for
7 a fee, from a commercial data source.”.

8 (c) AUTHORITY OF THE DIRECTOR OF THE OFFICE
9 OF MANAGEMENT AND BUDGET WITH RESPECT TO FED-
10 ERAL INFORMATION POLICY.—Section 3504(g) of title 44,
11 United States Code, is amended—

12 (1) in paragraph (1), by striking “and” at the
13 end;

14 (2) in paragraph (2), by striking “. and” and
15 inserting “; and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(3) designate a Federal Chief Privacy Officer
19 within the Office of Management and Budget who is
20 a noncareer appointee in a Senior Executive Service
21 position and who is a trained and experienced pri-
22 vacy professional to carry out the responsibilities of
23 the Director with regard to privacy.”.

