

118TH CONGRESS
1ST SESSION

S. 2292

To improve the transparency of purchases by the Federal Government of data or information that can be used to identify an individual, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve the transparency of purchases by the Federal Government of data or information that can be used to identify an individual, and for other purposes.

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 “Purchased Data Inven-
5 tory Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 3502 of title 44, United States Code, is
8 amended—

9 (1) in paragraph (22), by striking “; and”;

1 (2) in paragraph (23), by striking the period
2 and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(24) the term ‘covered data purchase’—

5 “(A) means data or information, including
6 data or information accessed through a data-
7 base, that is—

8 “(i) obtained by an agency in ex-
9 change for anything of value; and

10 “(ii) reasonably can be used, alone or
11 in combination with other data or informa-
12 tion, to identify an individual;

13 “(B) does not include bulk data obtained
14 by an agency to be used for statistical purposes;
15 and

16 “(C) does not include data obtained in ex-
17 change for anything of value from another
18 agency; and

19 “(25) the term ‘obtain in exchange for anything
20 of value’ means to purchase, receive in connection
21 with services provided for consideration, or otherwise
22 obtain in exchange for considerations, including an
23 access fee, service fee, maintenance fee, or licensing
24 fee.”.

1 **SEC. 3. CHIEF DATA OFFICERS.**

2 Section 3520 of title 44, United States Code, is
3 amended—

4 (1) in subsection (c)—

5 (A) in paragraph (13), by striking “and”;

6 (B) in paragraph (14), by striking the pe-
7 riod and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(15) compile the covered data purchases of the
10 agency.”;

11 (2) by striking subsection (e) and inserting the
12 following:

13 “(e) **REPORTS.**—The Chief Data Officer of an agency
14 shall submit to the Committee on Homeland Security and
15 Governmental Affairs of the Senate and the Committee
16 on Oversight and Accountability of the House of Rep-
17 resentatives—

18 “(1) an annual report on the compliance of the
19 agency with the requirements of this subchapter, in-
20 cluding information on each requirement that the
21 agency could not carry out and, if applicable, what
22 the agency needs to carry out such requirement; and

23 “(2) an annual report on the covered data pur-
24 chases of the agency described in subsection (f),
25 which may include an annex of any material that is

1 properly classified pursuant to an Executive order.”;
2 and

3 (3) by adding at the end the following:

4 “(f) COVERED DATA PURCHASES.—

5 “(1) REPORT.—Not later than 180 days after
6 the date of enactment of this subsection, and annu-
7 ally thereafter the Chief Data Officer of each agency
8 shall compile a report on the covered data purchases
9 of each agency.

10 “(2) CONSISTENCY.—The Chief Data Officer
11 Council, in consultation with the Federal Privacy
12 Council, or any successor thereto, and the Chief Ac-
13 quisition Officer Council, shall provide direction to
14 the Chief Data Officers of each agency for con-
15 sistent interpretation of this section.

16 “(3) CONTENTS OF REPORT.—The report de-
17 scribed in paragraph (1) shall include, with respect
18 to each covered data purchase made by the agency
19 during the 3-year period before the date on which
20 the report is submitted—

21 “(A) a plain language description of the
22 purpose of the covered data purchase, includ-
23 ing, if applicable, a justification for obtaining
24 the data in exchange for anything of value rath-
25 er than acquiring the data through other

1 means, including through the use of interagency
2 data sharing, subpoena, or other process;

3 “(B) if applicable, the procurement instru-
4 ment identifier for the covered data purchase;

5 “(C) the identity of the vendor that pro-
6 vided the covered data purchase;

7 “(D) if applicable, links to the relevant pri-
8 vacy documents, including systems of records
9 notices and privacy impact assessments;

10 “(E) a plain language description of the
11 contents of the data contained in the covered
12 data purchase;

13 “(F) the number of distinct individuals
14 who are reasonably linkable in the covered data
15 purchase;

16 “(G) an indication of whether data con-
17 tained in the covered data purchase is reflected
18 in the data inventory of the agency, as required
19 under section 3511 of title 44, United States
20 Code; and

21 “(H) an indication of whether the covered
22 data purchase includes data, metadata, or infor-
23 mation relating to—

24 “(i) location;

25 “(ii) electronic device usage;

1 “(iii) the contents of communications
 2 of an individual with other individuals;
 3 “(iv) communications metadata;
 4 “(v) network system traffic;
 5 “(vi) web browsing history;
 6 “(vii) social media history;
 7 “(viii) media consumption;
 8 “(ix) health;
 9 “(x) purchase history;
 10 “(xi) personal finances or credit;
 11 “(xii) education;
 12 “(xiii) work history;
 13 “(xiv) interests;
 14 “(xv) biometrics;
 15 “(xvi) identifiable characteristics of
 16 protected classes;
 17 “(xvii) criminal history;
 18 “(xviii) court records, including civil
 19 cases; and
 20 “(xix) the family members or friends
 21 of an individual.

22 “(4) REPORT PUBLICATION.—

23 “(A) IN GENERAL.—Each agency shall
 24 make the report submitted under paragraph (1)
 25 available to the public on the website of the

agency in a machine-readable, open format and without restrictions on reuse, except for an annex described in subparagraph (B).

“(B) ANNEX.—A report under subparagraph (A) shall include in an annex any necessary information that is properly classified pursuant to an Executive order.”.

SEC. 4. CHIEF DATA OFFICER COUNCIL.

Section 3520A of title 44 is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(6) study agency data purchasing habits.”;

and

(2) in subsection (d)—

(A) by inserting “, in consultation with the Federal Privacy Council, or any successor thereto, and the Chief Acquisition Officer Council,” after “The Council”;

(B) by striking “the Committee on Oversight and Government Reform of the House of Representatives” and inserting “the Committee

1 on Oversight and Accountability of the House
2 of Representatives”; and

3 (C) by inserting “, including recommenda-
4 tions specified in section 3(e) of the Purchased
5 Data Inventory Act” after “the work of the
6 Council”.

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