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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To ensure the equitable treatment of individuals affected by recent data breaches at the Office of Personnel Management, to provide for the enhanced security of Federal information systems, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To ensure the equitable treatment of individuals affected by recent data breaches at the Office of Personnel Management, to provide for the enhanced security of Federal information systems, 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 “OPM Data Breach  
5       Victims Parity Act of 2015”.

1   **SEC. 2. SERVICES PROVIDED TO INDIVIDUALS AFFECTED**  
2                   **BY OPM DATA BREACH.**

3           (a) DURATION OF SERVICES.—Any service made  
4 available to affected individuals by the Office of Personnel  
5 Management as a result of an OPM data breach shall be  
6 available to such individuals for a period of 3 years regard-  
7 less of whether the individual was affected by the OPM  
8 data breach described in paragraph (1) or paragraph (2)  
9 of subsection (c).

10          (b) REPORT.—Not less than 6 months after the date  
11 of enactment of this Act, and every 6 months thereafter  
12 for a period of 3 years, the United States Computer Emer-  
13 gency Readiness Team and the Federal Bureau of Inves-  
14 tigation shall provide briefings to Congress on an assess-  
15 ment of the impact of the OPM data breaches on affected  
16 individuals and recommend legislative changes as nec-  
17 essary.

18          (c) DEFINITION OF AFFECTED INDIVIDUAL.—In this  
19 section, the term “affected individual” means any indi-  
20 vidual whose personally identifiable information was com-  
21 promised during—

22               (1) the data breach of personnel records of cur-  
23 rent and former Federal employees, at a network  
24 maintained by the Department of the Interior, that  
25 was announced by the Office of Personnel Manage-  
26 ment on June 4, 2015; or

1           (2) the data breach of systems of the Office of  
2       Personnel Management containing information re-  
3       lated to the background investigations of current,  
4       former, and prospective Federal employees, and of  
5       other individuals, that was announced by the Office  
6       of Personnel Management on July 9, 2015.

7   **SEC. 3. FINANCIAL EDUCATION AND COUNSELING SERV-**  
8                   **ICES THROUGH EMPLOYEE ASSISTANCE PRO-**  
9                   **GRAM.**

10       (a) FINANCIAL EDUCATION AND COUNSELING SERV-  
11   ICES.—Any agency may provide employees, through an  
12   Employee Assistance Program, financial education and  
13   counseling services.

14       (b) CONTENT OF SERVICES.—The services provided  
15   pursuant to subsection (a) may include—

16           (1) information on the availability of credit  
17       monitoring and related services (such as credit  
18       freezes); and

19           (2) education on identify theft and best prac-  
20       tices for deterring identity theft.

21       (c) EMPLOYEE AWARENESS.—An agency providing  
22   services pursuant to this section shall make a good faith  
23   effort to ensure that the employees of such agency are  
24   aware of the availability of such services.

25       (d) DEFINITIONS.—In this section:

1           (1) AGENCY.—The terms “agency” has the  
2           meaning given the term Executive agency in section  
3           105 of title 5, United States Code.

4           (2) EMPLOYEE ASSISTANCE PROGRAM.—The  
5           term “Employee Assistance Program” means an  
6           Employee Assistance Program established pursuant  
7           to Executive Order 12564 (5 U.S.C. 7301 note).

8   **SEC. 4. DATA PROTECTION REQUIREMENT.**

9           Not later than 30 days after the date of enactment  
10          of this Act, the Director of the Office of Personnel Man-  
11          agement shall encrypt, mask, or take other similar actions  
12          to protect all personally identifiable information elicited,  
13          collected, stored, or maintained in connection with Inter-  
14          net Web sites and information technology or an informa-  
15          tion system developed, administered, or otherwise used by  
16          the Office of Personnel Management.

17   **SEC. 5. PRIVACY BREACH REQUIREMENTS.**

18          (a) INFORMATION SECURITY AMENDMENT.—Sub-  
19          chapter II of chapter 35 of title 44, United States Code,  
20          is amended by adding at the end the following:

21   **“§ 3559. Privacy breach requirements**

22          “The Director of the Office of Management and  
23          Budget shall establish and oversee policies and procedures  
24          for agencies to follow in the event of a breach of informa-  
25          tion technology or information system involving the disclo-

1 sure of personally identifiable information, including re-  
2 quirements for—

3 “(1) not later than 72 hours after the agency  
4 discovers such a breach, or discovers evidence that  
5 reasonably indicates such a breach has occurred, the  
6 agency shall make reasonable effort to notify the in-  
7 dividuals whose personally identifiable information  
8 could be compromised as a result of such breach;  
9 and

10 “(2) any additional actions that the Director  
11 finds necessary and appropriate, including data  
12 breach analysis, fraud resolution services, identity  
13 theft insurance, and credit protection or monitoring  
14 services.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16 The table of sections for subchapter II of chapter 35 of  
17 title 44, United States Code, is amended by adding at the  
18 end the following:

“3559. Privacy breach requirements.”.

19 **SEC. 6. AGENCY DISCRETION TO SECURE INFORMATION**  
20 **TECHNOLOGY AND INFORMATION SYSTEMS.**

21 (a) AMENDMENT.—Section 3554 of title 44, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new subsection:

24 “(f) AGENCY DISCRETION.—The head of each agency  
25 has the sole and exclusive authority, with respect to any

1 information technology or information system under the  
2 control of such agency—

3 “(1) to take any action the agency determines  
4 to be necessary to reduce or eliminate security weak-  
5 ness and risk, including to protect the information  
6 contained in the information technology or informa-  
7 tion system; and

8 “(2) to take any action the agency determines  
9 to be necessary to reduce or eliminate future secu-  
10 rity weakness and risk, including to protect the in-  
11 formation contained in the information technology or  
12 information system.”.

13 **SEC. 7. REPEAL OF NATIONAL HISTORICAL PUBLICATIONS**  
14 **AND RECORDS COMMISSION.**

15 Chapter 25 of title 44, United States Code, and the  
16 table of sections relating to such chapter, is repealed.