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the county and State committees shall be in addition to the number of members of such committee, hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right of interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting crop and practices, (b) soil-building crops and practices.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

William H. Rehnquist, of Virginia, to be Chief Justice of the United States; and

Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs:

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

By Mrs. HAWKINS (for herself, Mr. LAXALT, and Mr. HECHT):

S. 2758. A bill to authorize the exchange of certain lands in the States of Nevada and Florida; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS from the Committee on Rules and Administration:

S. 2759. An original bill relating to telephone services for Senators; placed on the calendar

By Mr. DANFORTH from the Committee on Commerce, Science, and Transportation:

S. 2760. An original bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; placed on the calendar.

By Mr. MOYNIHAN:

S. 2761. A bill to amend the Tariff Schedules of the United States to temporarily suspend the duties imposed on doll wig yarns; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2762. A bill to amend the Job Training Partnership Act to establish a Literacy Training Demonstration Program to serve individuals most in need of literacy skills who are not presently being served; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 2763. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Relations.

By Mr. DeCONCINI (for himself, Mr. D'AMATO, Mr. CHILES, Mr. MOYNIHAN, Mrs. HAWKINS, and Mr. DIXON):

S. 2764. A bill to authorize appropriations for fiscal year 1987 for increased activities to interdict and control drug trafficking and to control drug abuse, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. STAFFORD, Mr. CHAFFEE, Mr. MITCHELL, Mr. ROTH, and Mr. DURENBERGER):

S.J. Res. 399. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DeCONCINI, and Mr. MOYNIHAN):

S.J. Res. 400. Joint resolution designating the month of September 1986 as "National Back to School-Back Off Drugs Month"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. QUAYLE, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BURDICK, Mr. HOLLINGS, Mr. DIXON, Mr. SASSER, Mr. ZORINSKY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. LAUTENBERG, Mr. DeCONCINI, Mr. BOSCHWITZ, Mr. CHILES, Mr. CHAFFEE, and Mr. HATCH):

S.J. Res. 401. Joint resolution to designate the week of October 12, 1986, through October 18, 1986, as National Job Skills Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 480. Resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Harry E. Claiborne; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 481. Resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Harry E. Claiborne; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

COMPUTER MATCHING AND PRIVACY PROTECTION ACT

Mr. COHEN, Mr. President, today I am introducing the Computer Matching and Privacy Protection Act of 1986 to ensure that the Government adequately respects the rights of individual citizens when conducting computer matching programs. I am pleased that Senator LEVIN is joining me as a co-sponsor of this legislation.

Over the past few years, I have become increasingly concerned over the widespread use of computer matching by Federal and State government agencies. In matching programs, agencies routinely exchange and cross-check information from two or more data bases to find individuals common to both. Most often, matching programs are performed to detect fraud, abuse, or overpayments in Government programs. The Department of Education has, for example, cross-checked its lists of delinquent student loans with lists of Federal employees to determine whether any student loan defaulters work for the Federal Government, and soon each State agency administering AFDC, food stamp, and other welfare benefit programs will be matching their lists of applicants and recipients with Internal Revenue Service files to search for unreported assets or earnings. A single matching program could exchange the records of thousands of citizens at one time.

Although most citizens do not even know what computer matching is, the expansion of matching programs over the past few years has been staggering. The Office of Technology Assessment recently estimated that the number of computer matches performed by the Federal Government tripled between 1980 and 1984, with over 2 billion separate records being exchanged during this period. Many of these matches involved very personal information, such as income and employment data, on individual citizens.

Mr. President, the Federal Government would be remiss if it did not take full advantage of advanced technology to ensure that it is spending tax dollars wisely. In many instances, computer matching is a useful, efficient tool to protect the integrity of Government programs. In our pursuit of efficiency, however, we cannot become insensitive to the fundamental rights of our citizens. What is today seen as an ally against fraud and waste could

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grow into an enemy of the very liberties that we profess to cherish most.

Computer matching programs, unless properly conducted and controlled, can pose serious threats to the privacy and due process rights of individuals whose records are matched. Since 1982, the Subcommittee on Oversight of Government Management, which I chair, has extensively investigated computer matching by Government agencies. The subcommittee's hearings and investigation revealed tremendous potential for abuse in computer matching programs because there are no mandatory rules for agencies to follow when performing matches, little protection for the persons whose records are matched, and little oversight of how these programs are conducted.

In matching programs, individuals can have crucial government benefits reduced or terminated solely on the basis of unverified information produced by a computer match—information that can be out-of-date, misleading, or just plain wrong. Citizens can be—and have been in the past—placed in the difficult position of having to defend themselves against information that has never even been reviewed by a human being for its accuracy. Anyone who has ever done battle with a computer for a billing error or some other problem knows how frustrating it can be to prove that the computer made a mistake. Much more than simple frustration is at stake when essential Government assistance, such as AFDC or food stamps, can be cut off because of faulty computer matching results.

There is now very little oversight of matching programs to determine how they are being conducted. Without vigilant oversight and strict procedures for agencies to follow, the powerful tool of the computer can be easily abused. Unchecked disclosures and exchanges of personal records could result in "fishing expeditions" by overzealous government officials who may be insensitive to the privacy and confidentiality rights of citizens. Loose oversight and matching requirements could also expose sensitive personal records to computer security risks or other abuses of data.

The legislation I am introducing today attempts to strike the proper balance between the legitimate needs of government efficiency and personal privacy.

First, the bill requires Federal agencies to enter into written agreements before disclosing records for use in matching programs. These written agreements are required for matching programs between Federal agencies or between Federal and State government agencies. The legislation specifies several elements that must be addressed in these agreements, such as procedures agencies must follow in securing records used in matches and conditions governing return and destruction of data after a match has

been completed. The agreements must also include certain prohibitions on what agencies can do with data used in matching, such as prohibitions on re-disclosing the information and creating new, permanent files about persons who are identified as "hits" in computer matches. These agreements will force agencies participating in matches to establish and observe basic safeguards on information that they exchange. The agreements will also provide an important audit trail of how matches are performed, thus facilitating oversight of matching by the Office of Management and Budget, the Congress, and agencies themselves.

My legislation also remedies the lack of attention paid to the privacy implications of matches by establishing Data Integrity Boards in each agency subject to the Privacy Act of 1974. These Boards, which would consist of senior officials and staff, would serve as the principal policymakers and overseers of the agency's implementation of the Privacy Act. In addition to advising agency personnel on privacy issues, the boards are given responsibility to review, approve, and maintain the matching agreements required by this act, and to annually review all matches in which the agency has participated. Those boards, which are modeled after the Department of Defense's Defense Privacy Board, should enhance privacy as a priority of each agency.

Finally, my legislation ensures basic due process protections of individuals whose records are matched. Specifically, it prohibits agencies from reducing, suspending, or terminating Federal financial assistance on the basis of information produced by a matching program without first verifying the information for accuracy, providing notice to the individual involved, and providing individuals with an opportunity to refute the information produced by the computer match. These basic elements are not only principles of fairness, but are also good management practices for agencies to follow.

Mr. President, we cannot—nor would we want to—reverse the trends of computerization in our society. We must, however, pay adequate attention to the individual's side of the equation when reducing fraud in Government. We must take care not to allow the beast of technology to overtake the values of our democracy.

I look forward to working with Government managers and citizen groups in developing this legislation to strike the most appropriate balance between Government efficiency and personal privacy.

I ask unanimous consent that the text of the Computer Matching and Privacy Protection Act of 1986 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Matching and Privacy Protection Act of 1986".

SEC. 2. MATCHING AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (11),

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; or", and

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

"(13) to a matching agency or a non-Federal matching entity pursuant to a written matching agreement under subsection (o) of this section."

(b) MATCHING AGREEMENTS.—Section 552a of title 5, United States Code, is amended—

(1) by redesignating subsections (o), (p), and (q) as subsections (p), (q), and (r), respectively, and

(2) by inserting after subsection (n) the following new subsection:

"(o) MATCHING AGREEMENTS.—At least 30 days prior to disclosing any record to a matching agency or non-Federal matching entity for use in a computer matching program or front-end eligibility verification program, a source agency and the matching agency or non-Federal matching entity shall enter into a written agreement specifying—

"(1) the justification, purpose, and legal authority for conducting the program;

"(2) a description of the records that will be matched, including the data elements that will be matched, and the projected starting and completion dates of the matching program;

"(3) that individuals whose records are matched will be notified of such matching program or front-end eligibility verification program and the procedures for providing such notice;

"(4) that information produced by matching programs or front-end eligibility verification programs will be verified and the method of such verification;

"(5) that records created by such program shall be retained only so long as an investigation, either criminal or administrative, is active, and procedures for destroying such records created by the program;

"(6) safeguards to ensure administrative, technical, and physical security of the records matched and the results of such programs;

"(7) prohibitions on the duplication or re-disclosure of records provided by the source agency within or outside the matching agency or non-Federal matching entity conducting the matching program or front-end eligibility verification program, unless authorized by the source agency;

"(8) prohibitions on the extraction or compilation of data on individuals who are not identified as a result of the matching program or front-end eligibility verification program;

"(9) terms and conditions governing the use of the records provided by the source agency for use in a matching program or front-end eligibility verification program, such as procedures governing return to source agency or destruction of records used in such program; and

"(10) information on any reliability assessments that have been conducted on the records that will be matched."

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SEC. 3. NOTICE OF MATCHING PROGRAMS OR FRONT-END ELIGIBILITY VERIFICATION PROGRAMS.

(a) NOTICE IN FEDERAL REGISTER.—Subsection (e) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and

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

"(12) with respect to any establishment or revision of a matching program or front-end eligibility verification program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision."

(b) REPORT TO CONGRESS AND OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—Subsection (p) of section 552a of title 5, United States Code, as redesignated by section 2(b)(1) of this Act, is amended by striking out "system of records" and inserting in lieu thereof "system of records, matching program, or front-end eligibility verification program".

(2) CLERICAL AMENDMENT.—The heading of such subsection (p) is amended by inserting "or Programs" after "systems".

SEC. 4. DATA INTEGRITY BOARD.

Section 552a of title 5, United States Code, as amended by section 2(b)(1) of this Act, is amended by adding at the end thereof the following new subsection:

"(S)(1) DATA INTEGRITY BOARDS.—Every agency shall establish a Data Integrity Board to oversee and coordinate the agency's implementation of this section.

"(2) Each Data Integrity Board shall consist of senior officials designated by the head of the agency, including the senior official responsible for agency administration, the senior official designated under section 3506(b) of title 44, United States Code, and any senior official designated by the head of the agency as responsible for implementation of this section.

"(3) Each Data Integrity Board shall perform the following functions:

"(A) serve as the principal policymaker and overseer of the agency's implementation of this section;

"(B) develop, review, and coordinate privacy training programs for the agency's personnel;

"(C) review, approve, and maintain all written agreements for disclosure of agency records for matching programs of front-end eligibility verification programs to ensure compliance with subsection (o), and all relevant statutes, regulations, and guidelines;

"(D) annually review all matching programs and front-end eligibility verification programs in which the agency has participated during the year, either as a source agency or matching agency, to determine compliance with applicable laws, regulations, and agency agreements;

"(E) annually review all recurring matching programs in which the agency has participated during the year, either as a source agency or matching agency, continued justification for such disclosures, and compliance with applicable laws, regulations, and agency agreements;

"(F) compile an annual report to the head of the agency, the Office of Management and Budget, and the Congress on the matches in which the agency has participated as a source agency or matching agency;

"(G) receive information on the accuracy and reliability of records provided by the source agency for use in matching programs or front-end eligibility verification programs;

"(H) provide interpretation and guidance to agency components and personnel on the requirements of this section; and

"(I) review agency recordkeeping and disposal policies and practices to assure compliance with this section.

"(4) Each Data Integrity Board shall maintain such staff as necessary to carry out its functions specified by this subsection. Such staff includes persons designated by the head of the agency as responsible for implementation of this section."

SEC. 5. VERIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, in order to protect any individual whose records are used in matching programs or front-end eligibility verification programs, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to such individual, or take other adverse action against such individual as a result of information produced by such programs, until such agency or entity has independently verified such information. Such independent verification may be from third-party sources or the individual whose records are matched.

(b) INDEPENDENT VERIFICATION.—Independent verification required by subsection (a) of this section shall relate to—

(1) the amount of the asset or income involved.

(2) whether such individual actually has or had access to such asset or income for such individual's own use, and

(3) the period or periods when the individual actually had such asset or income.

(c) OPPORTUNITY TO REFUTE INFORMATION.—Notwithstanding any other provision of law, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to any individual described in subsection (a), or take other adverse action against such individual as a result of information produced by a matching program or a front-end eligibility verification program, until such agency or entity has provided such individual an opportunity to refute the information produced by such program.

(d) NOTICE OF DECISION.—Notwithstanding any other provision of law, in all cases involving denial, reduction, suspension, or termination of Federal financial assistance as a result of information produced by a computer matching program or front-end eligibility verification program, an individual shall be provided with notice of the findings of the matching agency or non-Federal matching entity made on the basis of verified information, of the adverse action to be taken, and information on the right to appear and any opportunity for a hearing.

(e) SANCTIONS.—Notwithstanding any other provision of law, no source agency may disclose any record or system of records to a matching agency or non-Federal matching entity for a matching program or front-end eligibility verification program if such source agency has reason to believe that the requirements of this section and any matching agreement entered into pursuant to section 552a(o) of title 5, United States Code, are not being met by such matching agency or entity.

(f) DEFINITIONS.—For purposes of this section—

(1) The terms "matching program", "front-end eligibility verification program", "matching agency", "non-Federal matching entity", "record", and "source agency" shall have the meanings given to such terms by section 522a(a) of title 5, United States Code.

(2) The term "Federal financial assistance" means any assistance provided through a Federal grant, loan, or contract of insurance or guaranty.

SEC. 6. DEFINITIONS.

Subsection (a) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6),

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(8) the term 'matching program' means any computerized comparison of two or more automated systems of records or a system of records with a set of non-Federal records to identify individuals common to two or more of the systems of record or unique to one of the systems or record, but such term does not include—

"(A) matches done to produce a statistical record; or

"(B) matches performed by an agency in which no records or systems of records are disclosed to other agencies or non-Federal entities;

"(9) the term 'front-end eligibility verification program' means the certification of accuracy of information supplied by an applicant for Federal financial assistance (as defined in section 5(e)(2) of the Computer Matching and Privacy Protection Act of 1986) by matching such information against a computerized data base;

"(10) the term 'matching agency' means the agency performing a matching program;

"(11) the term 'source agency' means the agency which discloses records from a system of record to be used in a matching program or a front-end eligibility verification program; and

"(12) the term 'non-Federal matching entity' means any State or local government, or agency thereof, which acts as a matching or source agency for matching programs or front-end eligibility verification programs involving Federal Government data."

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

SCHOOL-BASED ADOLESCENT HEALTH ACT

● Mr. SIMON. Mr. President, adolescents are probably the most medically underserved population in the country, and in low-income areas this is especially true. Illinois, Minnesota, Maryland, and 13 other States have made health care for youth a priority. These States have supported the decision of local school boards to establish health clinics providing a full range of services in high schools.

Through school-based clinics these States have had success in diagnosing and addressing a range of health and social problems of adolescents, such as malnutrition, poor eyesight, handicaps, undiagnosed disease, and teen pregnancy. About 50 such clinics exist and about 60 more are in the works—but many more than this are needed, and those that exist need and deserve our support. I am introducing a bill which would amend the public Health Service Act to establish school-based adolescent health services demonstration projects. A similar bill has been introduced in the House by Representatives WAXMAN, MILLER, and ATKINS.