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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit unlawful access to the payment system of the Bureau of the Fiscal Service within the Department of the Treasury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. STEVENS introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit unlawful access to the payment system of the Bureau of the Fiscal Service within the Department of the Treasury, 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 “Taxpayer Data Protec-
5 tion Act”.

1 **SEC. 2. LIMITATION ON ACCESS TO PAYMENT SYSTEM OF**
2 **BUREAU OF THE FISCAL SERVICE.**

3 Section 321 of title 31, United States Code, is
4 amended by adding at the end the following:

5 “(e)(1) The Secretary may not allow any individual
6 to use, exercise administrative control over, or otherwise
7 access any Department of the Treasury public money re-
8 ceipt or payment system (including any payment system
9 of the Bureau of the Fiscal Service (or any successor
10 thereof)), or any data from any such system, unless—

11 “(A) such individual is an officer, employee, or
12 contractor of the Department of the Treasury—

13 “(i) who is otherwise eligible to access such
14 system or data;

15 “(ii) whose most recent performance rating
16 was at the fully successful level or higher (or
17 the equivalent thereof); and

18 “(iii) who, as of the date of such access,
19 with respect to such an officer or employee has
20 occupied a position in the civil service (as that
21 term is defined in section 2101 of title 5), or
22 with respect to such a contractor has been per-
23 forming under a contract with the Department,
24 for a period of at least one year; or

25 “(B) in the case of an individual not described
26 in subparagraph (A)—

1 “(i) such individual holds a security clear-
2 ance at the appropriate level with respect to
3 such system or data and such clearance was
4 granted pursuant to the procedures established
5 under section 801 of the National Security Act
6 of 1947 (50 U.S.C. 3161));

7 “(ii) such individual’s access to such sys-
8 tem or data, or use thereof, does not constitute
9 a violation of section 208 of title 18 (deter-
10 mined after the application of paragraph (2));

11 “(iii) such individual is not a special Gov-
12 ernment employee (as defined in section 202 of
13 title 18);

14 “(iv) such individual’s current continuous
15 service in the civil service (as that term is de-
16 fined in section 2101 of title 5) as of the date
17 of such access is for a period of at least 1 year;

18 “(v) such individual has completed any re-
19 quired training or compliance procedures with
20 respect to privacy laws and cybersecurity and
21 national security regulations and best practices;
22 and

23 “(vi) has signed a written ethics agreement
24 with either the Department of the Treasury or
25 the Office of Government Ethics.

1 “(2)(A) Any individual who accesses any system
2 or data described in paragraph (1) who is not other-
3 wise an officer or employee of the executive branch
4 of the United States Government shall be treated as
5 an employee of the executive branch of the United
6 States Government for purposes of section 208 of
7 title 18.

8 “(B) For purposes of such section 208, exercise
9 of administrative control or stopping, canceling, ad-
10 justing, holding, rejecting, changing, or otherwise
11 impacting any payment or data in any Department
12 of the Treasury public money receipt or payment
13 system (including any payment system of the Bu-
14 reau of the Fiscal Service (or any successor there-
15 of)), shall be considered personal and substantial
16 participation as a Government officer or employee in
17 a particular matter.

18 “(3) The Inspector General of the Department
19 of the Treasury shall investigate, and submit a re-
20 port to Congress on such investigation, each in-
21 stance of unauthorized use or other access of any
22 payment system described in paragraph (1). Any
23 such report shall be submitted not later than 30
24 days after any such instance and shall include—

1 “(A) a detailed description of the unau-
2 thorized use or access, including any actions the
3 individual carried out;

4 “(B) a risk assessment of any threat to
5 privacy, national security, cybersecurity, or the
6 integrity of the applicable system as a result of
7 such unauthorized use or access; and

8 “(C) a detailed description of any stopped
9 payments during the unauthorized use or ac-
10 cess.”.