AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 847
OFFERED BY MS. STEVENS OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Promoting Digital Privacy Technologies Act”.

4 SEC. 2. DEFINITIONS.

In this Act:

(1) PERSONAL DATA.—The term “personal data” means information that identifies, is linked to, or is reasonably linkable to, an individual or a consumer device, including derived data that can be used to identify an individual or consumer device.

(2) PRIVACY ENHANCING TECHNOLOGY.—The term “privacy enhancing technology”—

(A) means any software solution, technical processes, or other technological means of enhancing the privacy and confidentiality of an individual’s personal data in data or sets of data; and

(B) may include—
(i) techniques for facilitating computation or analysis on personal data while maintaining the confidentiality of that data;

(ii) techniques for safeguarding personal data contained within large datasets;

(iii) techniques for giving individuals’ control over the dissemination and use of personal data;

(iv) techniques for generating synthetic data; and

(v) any other technology or approach that reduces the risk of re-identification, including when combined with other information, to provide for reasonable privacy and confidentiality protections.

SEC. 3. NATIONAL SCIENCE FOUNDATION SUPPORT OF RESEARCH ON PRIVACY ENHANCING TECHNOLOGY.

The Director of the National Science Foundation, in consultation with other relevant Federal agencies (as determined by the Director), shall support merit-reviewed and competitively awarded research on privacy enhancing technologies, which may include—
(1) fundamental research on technologies for de-identification, pseudonymization, anonymization, or obfuscation of personal data in data sets while maintaining fairness, accuracy, and efficiency;

(2) fundamental research on algorithms and other similar mathematical tools used to protect individual privacy when collecting, storing, sharing, or aggregating data;

(3) fundamental research on technologies that promote data minimization in data collection, sharing, and analytics that takes into account the trade-offs between the data minimization goals and the informational goals of data collection;

(4) research awards on privacy enhancing technologies coordinated with other relevant Federal agencies and programs;

(5) supporting education and workforce training research and development activities, including retraining and upskilling of the existing workforce, to grow the number of privacy enhancing technology researchers and practitioners;

(6) development of freely available privacy enhancing technology software libraries, platforms, and applications; and
(7) fundamental research on techniques that may undermine the protections provided by privacy enhancing technologies, the limitations of the protections provided by privacy enhancing technologies, and the trade-offs between privacy and utility required for their deployment.

SEC. 4. INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.

Subparagraph (D) of section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

“(D) privacy and confidentiality, including privacy enhancing technologies;”.

SEC. 5. COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.

(a) In General.—The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, the Federal Trade Commission, and the heads of other Federal agencies, as appropriate, to accelerate the development, deployment, and adoption of privacy enhancing technologies.
(b) OUTREACH.—The Director of the National Institute of Standards and Technology shall conduct outreach to—

(1) receive input from private, public, and academic stakeholders on the development of privacy enhancing technologies; and

(2) facilitate and support ongoing public and private sector engagement to create and disseminate voluntary, consensus-based technical standards, best practices, guidelines, methodologies, procedures, and processes to cost-effectively ensure the integration of privacy enhancing technologies in data collection, sharing, and analytics performed by the public and private sectors.

SEC. 6. REPORT ON PRIVACY ENHANCING TECHNOLOGY RESEARCH.

Not later than 3 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the heads of other Federal agencies, as appropriate, submit to the Committee on Commerce, Science, and Transportation of the Senate, the
Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives, a report containing—

(1) the progress of research on privacy enhancing technologies;

(2) the progress of the development of voluntary resources described under section 5(b)(2); and

(3) any policy recommendations that could facilitate and improve communication and coordination between the private sector and relevant Federal agencies for the implementation of privacy enhancing technologies.