

110TH CONGRESS  
2D SESSION

# H. R. 5170

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, 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 “Department of Home-  
5       land Security Component Privacy Officer Act of 2008”.

1 **SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN**  
2 **EACH COMPONENT OF DEPARTMENT OF**  
3 **HOMELAND SECURITY.**

4 (a) IN GENERAL.—Subtitle C of title II of the Home-  
5 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-  
6 ed by inserting after section 222 the following new section:

7 **“SEC. 222A. PRIVACY OFFICIALS.**

8 **“(a) DESIGNATION.—**

9 **“(1) IN GENERAL.—**For each component of the  
10 Department under paragraph (2), the Secretary  
11 shall designate a full-time privacy official, who shall  
12 report directly to the senior official appointed under  
13 section 222. Each such official shall have primary  
14 responsibility for privacy policy at that official’s  
15 component.

16 **“(2) COMPONENTS.—**The components of the  
17 Department referred to in this subparagraph are as  
18 follows:

19 **“(A) The Transportation Security Admin-**  
20 **istration.**

21 **“(B) The Bureau of Citizenship and Immi-**  
22 **gration Services.**

23 **“(C) Customs and Border Protection.**

24 **“(D) Immigration and Customs Enforce-**  
25 **ment.**

1                   “(E) The Federal Emergency Management  
2                   Agency.

3                   “(F) The Coast Guard.

4                   “(G) The Directorate of Science and Tech-  
5                   nology.

6                   “(H) The Office of Intelligence and Anal-  
7                   ysis.

8                   “(I) The Directorate for National Protec-  
9                   tion and Programs.

10               “(b) RESPONSIBILITIES.—Each privacy official des-  
11               ignated under subsection (a) shall have the following re-  
12               sponsibilities with respect to the component of the Depart-  
13               ment for which that official is responsible:

14               “(1) Advising the head of that component on  
15               privacy considerations when any law, regulation,  
16               program, policy, procedure, or guideline is proposed,  
17               developed, or implemented.

18               “(2) Assuring that the use of technologies sus-  
19               tain or enhance privacy protections relating to the  
20               use, collection, and disclosure of personal informa-  
21               tion within the component.

22               “(3) Assuring that personal information con-  
23               tained in Privacy Act systems of records is handled  
24               in full compliance with section 552a of title 5,  
25               United States Code.

1           “(4) Conducting privacy impact assessments, in  
2           conjunction with and under the direction of the sen-  
3           ior official appointed under section 522, for any new  
4           or substantially changed program or technology that  
5           collects, maintains, or disseminates personally identi-  
6           fiable information within the official’s component.

7           “(5) Conducting privacy impact assessments, in  
8           conjunction with and under the direction of the sen-  
9           ior official appointed under section 522, for pro-  
10          posed rulemakings and regulations within the com-  
11          ponent.

12          “(6) Conducting supervision of programs, regu-  
13          lations, policies, procedures, or guidelines to ensure  
14          the protection of privacy and, where necessary, pro-  
15          mulgating guidelines and conducting oversight to en-  
16          sure the protection of privacy.

17          “(7) Providing the senior official appointed  
18          under section 222 with written materials and infor-  
19          mation regarding the relevant activities of the com-  
20          ponent or office that are needed by the senior offi-  
21          cial to successfully prepare the reports the senior of-  
22          ficial submits to Congress.

23          “(c) ROLE OF COMPONENT HEADS.—The head of a  
24          component identified in subsection (a)(2) shall ensure that

1 the privacy official designated under subsection (a) for  
2 that component—

3 “(1) has the information, material, and re-  
4 sources necessary to fulfill the responsibilities of  
5 such official under this section;

6 “(2) is advised of proposed policy changes and  
7 the development of new programs, rules, regulations,  
8 procedures, or guidelines during the planning stage  
9 and is included in the decision-making process; and

10 “(3) is given access to material and personnel  
11 the privacy official deems necessary to carry out the  
12 official’s responsibilities.”.

13 (b) CLERICAL AMENDMENT.—The table of contents  
14 in section 1(b) of such Act is amended by inserting after  
15 the item related to section 222 the following new item:

“222A. Privacy officials.”.

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