

110TH CONGRESS
2D SESSION

H. R. 5170

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Component Privacy Officer Act of 2008”.

4 **SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN**
5 **EACH COMPONENT OF DEPARTMENT OF**
6 **HOMELAND SECURITY.**

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

10 **“SEC. 222A. PRIVACY OFFICIALS.**

11 “(a) DESIGNATION.—

12 “(1) IN GENERAL.—For each component of the
13 Department under paragraph (2), the Secretary
14 shall, in consultation with the head of the compo-
15 nent, designate a full-time privacy official, who shall
16 report directly to the senior official appointed under
17 section 222. Each such component privacy official
18 shall have primary responsibility for its component
19 in implementing the privacy policy for the Depart-
20 ment established by the senior official appointed
21 under section 222.

22 “(2) COMPONENTS.—The components of the
23 Department referred to in this subparagraph are as
24 follows:

25 “(A) The Transportation Security Admin-
26 istration.

1 “(B) The Bureau of Citizenship and Immi-
2 gration Services.

3 “(C) Customs and Border Protection.

4 “(D) Immigration and Customs Enforce-
5 ment.

6 “(E) The Federal Emergency Management
7 Agency.

8 “(F) The Coast Guard.

9 “(G) The Directorate of Science and Tech-
10 nology.

11 “(H) The Office of Intelligence and Anal-
12 ysis.

13 “(I) The Directorate for National Protec-
14 tion and Programs.

15 “(b) RESPONSIBILITIES.—Each privacy official des-
16 ignated under subsection (a) shall report directly to both
17 the head of the official’s component and the senior official
18 appointed under section 222, and shall have the following
19 responsibilities with respect to the component:

20 “(1) Serve as such senior official’s main point
21 of contact at the component to implement the policies
22 and directives of such senior official in carrying out
23 section 222.

24 “(2) Advise the head of that component on pri-
25 vacy considerations when any law, regulation, pro-

1 gram, policy, procedure, or guideline is proposed, de-
2 veloped, or implemented.

3 “(3) Assure that the use of technologies by the
4 component sustain or enhance privacy protections
5 relating to the use, collection, and disclosure of per-
6 sonal information within the component.

7 “(4) Identify privacy issues related to compo-
8 nent programs and apply appropriate privacy poli-
9 cies in accordance with Federal privacy law and De-
10 partmental policies developed to ensure that the
11 component protects the privacy of individuals af-
12 fected by its activities.

13 “(5) Monitor the component’s compliance with
14 all applicable Federal privacy laws and regulations,
15 implement corrective, remedial, and preventive ac-
16 tions and notify the senior official appointed under
17 section 222 of privacy issues or non-compliance,
18 whenever necessary.

19 “(6) Ensure that personal information con-
20 tained in Privacy Act systems of records is handled
21 in full compliance with section 552a of title 5,
22 United States Code.

23 “(7) Assist in drafting and reviewing privacy
24 impact assessments, privacy threshold assessments,
25 and system of records notices, in conjunction with

1 and under the direction of the senior official ap-
2 pointed under section 222, for any new or substan-
3 tially changed program or technology that collects,
4 maintains, or disseminates personally identifiable in-
5 formation within the official's component.

6 “(8) Assist in drafting and reviewing privacy
7 impact assessments, privacy threshold assessments,
8 and system of records notices in conjunction with
9 and under the direction of the senior official ap-
10 pointed under section 222, for proposed rulemakings
11 and regulations within the component.

12 “(9) Conduct supervision of programs, regula-
13 tions, policies, procedures, or guidelines to ensure
14 the component's protection of privacy and, as nec-
15 essary, promulgate guidelines and conduct oversight
16 to ensure the protection of privacy.

17 “(10) Implement and monitor privacy training
18 for component employees and contractors in coordi-
19 nation with the senior official appointed under sec-
20 tion 222.

21 “(11) Provide the senior official appointed
22 under section 222 with written materials and infor-
23 mation regarding the relevant activities of the com-
24 ponent, including privacy violations and abuse, that
25 are needed by the senior official to successfully pre-

1 pare the reports the senior official submits to Con-
2 gress and prepares on behalf of the Department.

3 “(12) Any other responsibilities assigned by the
4 Secretary or the senior official appointed under sec-
5 tion 222.

6 “(c) **ROLE OF COMPONENT HEADS.**—The head of a
7 component identified in subsection (a)(2) shall ensure that
8 the privacy official designated under subsection (a) for
9 that component—

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

13 “(2) is advised of proposed policy changes and
14 the development of new programs, rules, regulations,
15 procedures, or guidelines during the planning stage
16 and is included in the decision-making process; and

17 “(3) is given access to material and personnel
18 the privacy official deems necessary to carry out the
19 official’s responsibilities.

20 “(d) **LIMITATION.**—Nothing in this section shall be
21 considered to abrogate the role and responsibilities of the
22 senior official appointed under section 222.”.

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

“Sec. 222A. Privacy officials.”.

Passed the House of Representatives July 30, 2008.

Attest: LORRAINE C. MILLER,
Clerk.