To amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2005

Mr. THOMPSON of Mississippi (for himself, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Ms. NORTON, Mr. MARKEY, Mr. LANGEVIN, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes.

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 “Privacy Officer With Enhanced Rights Act of 2005” or the “POWER Act”.


SEC. 2. AUTHORITIES OF THE PRIVACY OFFICER OF THE

DEPARTMENT OF HOMELAND SECURITY.


(1) by inserting before the first sentence the following: “(a) APPOINTMENT AND RESPONSIBILITIES.—”; and

(2) by adding at the end the following:

“(b) AUTHORITY TO INVESTIGATE.—

“(1) IN GENERAL.—The senior official appointed under this section is specifically authorized—

“(A) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to which the senior official has responsibilities under this section;

“(B) to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official’s judgment, necessary or desirable;

“(C) to require by subpoena the production, by persons other than Federal agencies, of all information, documents, reports, answers,
records, accounts, papers, and other data and
documentary evidence necessary to performance
of the functions of the senior official under this
section;

“(D) to administer to or take from any
person an oath, affirmation, or affidavit, when-
ever necessary to performance of the functions
of the senior official under this section; and

“(E) to take any other action that may be
taken by the Inspector General of the Depart-
ment, as necessary to require employees of the
Department to produce documents and answer
questions relevant to performance of the func-
tions of the senior official under this section.

“(2) ENFORCEMENT OF SUBPOENAS.— Any
subpoena issued under paragraph (1)(C) shall, in
the case of contumacy or refusal to obey, be enforce-
able by order of any appropriate United States dis-
trict court.

“(3) EFFECT OF OATHS, ETC.—Any oath, affir-
mation, or affidavit administered or taken under
paragraph (1)(D) by or before an employee of the
Privacy Office designated for that purpose by the
senior official appointed under subsection (a) shall
have the same force and effect as if administered or
taken by or before an officer having a seal of office.

“(c) TERM OF OFFICE.—The term of appointment of
a senior official under subsection (a) shall be 5 years.

“(d) REPORTS TO CONGRESS.—The senior official
appointed under subsection (a) shall submit reports di-
rectly to the Congress regarding performance of the re-
sponsibilities of the senior official under this section, with-
out any prior comment or amendment by the Secretary,
Deputy Secretary, or any other officer or employee of the
Department or the Office of Management and Budget.”.