

110TH CONGRESS  
2D SESSION

# H. R. 5170

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IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

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

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## AN ACT

To amend the Homeland Security Act of 2002 to provide  
for a privacy official within each component of the De-  
partment 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.*