

116TH CONGRESS
2D SESSION

H. R. 5678

To amend the Homeland Security Act of 2002 relating to the responsibilities and functions of Chief Privacy Officer of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2020

Mr. VAN DREW (for himself and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 relating to the responsibilities and functions of Chief Privacy Officer 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 “Privacy Office En-
5 hancement Act”.

1 **SEC. 2. RESPONSIBILITIES AND FUNCTIONS OF CHIEF PRI-**
2 **VACY OFFICER.**

3 (a) IN GENERAL.—Section 222 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 142) is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph
7 (1)—

8 (i) by inserting “to be the Chief Pri-
9 vacy Officer of the Department,” after “in
10 the Department,”; and

11 (ii) by striking “to the Secretary, to
12 assume” and inserting “to the Secretary.
13 Such official shall have”;

14 (B) in paragraph (5)(B), by striking
15 “and” at the end; and

16 (C) by striking paragraph (6) and insert-
17 ing the following new paragraphs:

18 “(6) developing guidance to assist components
19 of the Department in developing privacy policies and
20 practices;

21 “(7) establishing a mechanism to ensure such
22 components are in compliance with Federal, regu-
23 latory, statutory, and Department privacy require-
24 ments, mandates, directives, and policies;

25 “(8) working with the Chief Information Officer
26 of the Department to identify methods for managing

1 and overseeing the records, management policies,
2 and procedures of the Department;

3 “(9) working with components and offices of
4 the Department to ensure that information sharing
5 activities incorporate privacy protections;

6 “(10) serving as the Chief FOIA Officer of the
7 Department for purposes of subsection (j) of section
8 552 of title 5, United States Code (popularly known
9 as the Freedom of Information Act), to manage and
10 process requests related to such section;

11 “(11) developing guidance on procedures to be
12 followed by individuals making requests for informa-
13 tion under such section 552;

14 “(12) overseeing the management and proc-
15 essing of requests for information under such section
16 552 within Department Headquarters and relevant
17 Department component offices;

18 “(13) providing component heads with input on
19 the management of their respective FOIA offices, in-
20 cluding recruiting and hiring component FOIA offi-
21 cers, budget formulation, and organizational place-
22 ment within each such component;

23 “(14) identifying and eliminating unnecessary
24 and duplicative actions taken by the Department in

1 the course of processing requests for information
2 under such section 552;

3 “(15) preparing an annual report to Congress
4 that includes—

5 “(A) a description of the activities of the
6 Department that affect privacy during the fiscal
7 year covered by the report, including complaints
8 of privacy violations, implementation of section
9 552a of title 5, United States Code (popularly
10 known as the Privacy Act of 1974), internal
11 controls, and other matters; and

12 “(B) the number of new technology pro-
13 grams implemented in the Department during
14 the fiscal year covered by the report, the num-
15 ber of such programs that the Chief Privacy Of-
16 ficer has evaluated to ensure that privacy pro-
17 tections are considered and implemented, the
18 number of such programs that effectively imple-
19 mented privacy protections into new technology
20 programs, and an explanation of why any new
21 programs did not effectively implement privacy
22 protections; and

23 “(16) carrying out such other responsibilities as
24 the Secretary determines are appropriate, consistent
25 with this section.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-
4 standing subsection (a)(10), the Secretary may reassign
5 the functions related to managing and processing requests
6 for information under section 552 of title 5, United States
7 Code, to another officer within the Department, consistent
8 with requirements of such section.”.

○