

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5170

*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 "Department of Homeland Security Component Privacy Officer Act of 2008".*

#### SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN EACH COMPONENT OF DEPARTMENT OF HOMELAND SECURITY.

*(a) IN GENERAL.—*Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by inserting after section 222 the following new section:

##### "SEC. 222A. PRIVACY OFFICIALS.

*"(a) DESIGNATION.—*

*"(1) IN GENERAL.—*For each component of the Department under paragraph (2), the Secretary shall, in consultation with the head of the component, designate a full-time privacy official, who shall report directly to the senior official appointed under section 222. Each such component privacy official shall have primary responsibility for its component in implementing the privacy policy for the Department established by the senior official appointed under section 222.

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

*"(A) The Transportation Security Administration.*

*"(B) The Bureau of Citizenship and Immigration Services.*

*"(C) Customs and Border Protection.*

*"(D) Immigration and Customs Enforcement.*

*"(E) The Federal Emergency Management Agency.*

*"(F) The Coast Guard.*

*"(G) The Directorate of Science and Technology.*

*"(H) The Office of Intelligence and Analysis.*

*"(I) The Directorate for National Protection and Programs.*

*"(b) RESPONSIBILITIES.—*Each privacy official designated under subsection (a) shall report directly to both the head of the official's component and the senior official appointed under section 222, and shall have the following responsibilities with respect to the component:

*"(1) Serve as such senior official's main point of contact at the component to implement the*

*polices and directives of such senior official in carrying out section 222.*

*"(2) Advise the head of that component on privacy considerations when any law, regulation, program, policy, procedure, or guideline is proposed, developed, or implemented.*

*"(3) Assure that the use of technologies by the component sustain or enhance privacy protections relating to the use, collection, and disclosure of personal information within the component.*

*"(4) Identify privacy issues related to component programs and apply appropriate privacy policies in accordance with Federal privacy law and Departmental policies developed to ensure that the component protects the privacy of individuals affected by its activities.*

*"(5) Monitor the component's compliance with all applicable Federal privacy laws and regulations, implement corrective, remedial, and preventive actions and notify the senior official appointed under section 222 of privacy issues or non-compliance, whenever necessary.*

*"(6) Ensure that personal information contained in Privacy Act systems of records is handled in full compliance with section 552a of title 5, United States Code.*

*"(7) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices, in conjunction with and under the direction of the senior official appointed under section 222, for any new or substantially changed program or technology that collects, maintains, or disseminates personally identifiable information within the official's component.*

*"(8) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices in conjunction with and under the direction of the senior official appointed under section 222, for proposed rulemakings and regulations within the component.*

*"(9) Conduct supervision of programs, regulations, policies, procedures, or guidelines to ensure the component's protection of privacy and, as necessary, promulgate guidelines and conduct oversight to ensure the protection of privacy.*

*"(10) Implement and monitor privacy training for component employees and contractors in coordination with the senior official appointed under section 222.*

*"(11) Provide the senior official appointed under section 222 with written materials and information regarding the relevant activities of the component, including privacy violations and abuse, that are needed by the senior official to successfully prepare the reports the senior official submits to Congress and prepares on behalf of the Department.*

*"(12) Any other responsibilities assigned by the Secretary or the senior official appointed under section 222.*

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

*"(1) has the information, material, and resources necessary to fulfill the responsibilities of such official under this section;*

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

*"(3) is given access to material and personnel the privacy official deems necessary to carry out the official's responsibilities.*

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

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

*"Sec. 222A. Privacy officials."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Florida (Mr. BILL-RAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this measure and yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5170, the Department of Homeland Security Component Privacy Officer Act of 2008.

The Department's Chief Privacy Officer was the first ever statutorily created Federal Privacy Officer. The creation of this Office served as the "gold standard" for other Federal agencies to follow.

Along those same lines, this bill advances the committee's authorization process by improving DHS and making it the first Federal agency to have statutorily created privacy officers in its component agencies. Hopefully, this will put the Department at the forefront of individual privacy protection.

Under the current structure, the Chief Privacy Officer has to rely on component agencies—such as TSA, Customs and Border Protection and FEMA—for information concerning programs and policy that impact privacy rights. Sometimes this information is shared, sometimes it's not. When it's not, the risk includes spending valuable taxpayer funds on programs that may become stalled or cancelled due to privacy concerns or missteps.

The component agencies are the pulse of the Department of Homeland Security. Most homeland security efforts stem from component agency actions. Privacy officers need to be where the action is happening, not waiting for a phone call after decisions have already been made.

Establishing privacy officers in the component agencies that make up the Department of Homeland Security is the first step in ensuring that privacy protections are in place at the beginning of the process.

Under the leadership of Management, Investigations and Oversight Subcommittee chairman, Mr. CARNEY, this legislation is informed by Government Accountability Office findings, internal discussions with the Department's Office of Privacy, and publications released by the DHS Chief Privacy Officer.

H.R. 5170 requires the component privacy officers to, among other things,

serve as the main point of contact between their component head and the DHS Chief Privacy Officer; draft and review Privacy Impact Assessments and Federal Register notices published by their component; monitor the component's compliance with all applicable Federal privacy laws and regulations; and conduct supervision of programs, regulations, policies, procedures or guidelines to ensure the component's protection of privacy.

As a result, Mr. Speaker, of the committee's oversight and its commitment to the authorization process, this bill would ensure that privacy considerations are integrated into the decision-making process at all of the DHS components.

I urge my colleagues to join me in supporting this legislation that is not only critical to privacy rights, but the security of our country as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5170, the Department of Homeland Security Component Privacy Officer Act, sponsored by my committee colleague, Chris Carney.

H.R. 5170 would direct the Secretary of Homeland Security to designate a full-time privacy official within components of the Department. These components include the Transportation Security Administration, Citizenship and Immigration Services, Customs and Border Protection, Immigration and Customs Enforcement, FEMA, the Coast Guard, the Science and Technology Directorate, the Office of Intelligence and Analysis, and NPPD.

The bill provides that each component privacy official will report directly to the Department's Chief Privacy Officer. Each component privacy officer shall have primary responsibility for implementing the Department's privacy policy within its component.

The bill provides for a dual direct report relationship to both the privacy official's component head and the Department's Chief Privacy Officer in carrying out his or her duties.

I think we all can agree that protecting the privacy of our Nation's citizens is of great importance, and that privacy considerations should be integrated into the decision-making process at all DHS components.

□ 1230

I am pleased that the Department has already recognized the importance of privacy protection. In November, 2007, Secretary Chertoff signed a DHS memorandum entitled Designation of Component Level Privacy Officers. This memorandum calls for the designation of full-time component privacy officers at CBP, ICE, FEMA, the Bureau of Citizen and Immigration Services, the Office of Intelligence and Analysis, and the Science and Technology Directorate. Both TSA, US-

VISIT, and the Bureau of Citizen and Immigration Services had their own privacy officials for some time.

H.R. 5170 takes the additional step of statutorily mandating component privacy officials. The approach this bill takes certainly has much merit, though I hope that we can address some of the Department's concerns about the impacts the bill's mandates may have on the ability of the next Secretary to manage the administration of the Department as the legislative process moves on.

Mr. Speaker, having said that, I intend to support H.R. 5170 and encourage all our colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time, and if the gentleman from Florida has no speakers, then I am prepared to close after the gentleman closes.

Mr. BILIRAKIS. Mr. Speaker, before I yield back the balance of my time, I just want to emphasize how important I believe it is for the House to consider both an authorization and appropriations bill for the Department of Homeland Security this year. Every Republican member of the Committee on Homeland Security has signed a letter to the Speaker, Speaker PELOSI, urging her to bring the fiscal year 2009 DHS Appropriations bill, which the Appropriations Committee has already approved, to the floor immediately. And I will add that the chairman has done an outstanding job. We would respectfully renew that request today.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, public trust in the Department's ability to protect personal privacy rights is abysmally low.

Recently, the Department's Inspector General determined that the Science and Technology Directorate's ADVISE program should be cancelled due to privacy concerns. This determination was made after the Department had spent \$42 billion on the program. We also learned that the chief privacy officer was not brought into the process until almost 2 years after the system had been deployed.

This bill would put a privacy officer in the Science and Technology Directorate. Moreover, the Automated Targeting System, which is a Customs and Border Protection program, has been heavily criticized by privacy advocates. Again, this was a program that was operated for some time in the dark without proper safeguards and departmental oversight. Under this bill CBP would get a privacy officer too.

Quite frankly, Mr. Speaker, there has been a litany of DHS programs that have been cancelled, delayed, or discontinued due to privacy concerns. Almost all of these were the products of Department Component Agencies that do not have a privacy officer within their ranks.

H.R. 5170 will ensure that privacy protections and appropriate safeguards are part and parcel of how each component develops its policies and programs.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5170, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5983) to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5983

*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 "Homeland Security Network Defense and Accountability Act of 2008".

#### SEC. 2. AUTHORITY OF CHIEF INFORMATION OFFICER; QUALIFICATIONS FOR APPOINTMENT.

Section 703(a) of the Homeland Security Act of 2002 (6 U.S.C. 343(a)) is amended—

(1) by inserting before the first sentence the following:

"(1) AUTHORITIES AND DUTIES.—The Secretary shall delegate to the Chief Information Officer such authority necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, funding, and systems of the Department relating to the management of information and information infrastructure for the Department, including the management of all related mission applications, information resources, and personnel.

"(2) LINE AUTHORITY.—"; and

(2) by adding at the end the following new paragraphs:

"(3) QUALIFICATIONS FOR APPOINTMENT.—An individual may not be appointed as Chief Information Officer unless the individual has—

"(A) demonstrated ability in and knowledge of information technology and information security; and