

DEPARTMENT OF HOMELAND SECURITY CHIEF DATA  
 OFFICER AUTHORIZATION ACT

SEPTEMBER 4, 2018.—Committed to the Committee of the Whole House on the State  
 of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,  
 submitted the following

R E P O R T

[To accompany H.R. 6447]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6447) to amend the Homeland Security Act of 2002 to establish the position of Chief Data Officer of the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Department of Homeland Security Chief Data Officer Authorization Act”.

**SEC. 2. CHIEF DATA OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.**

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended by adding at the end the following new subsection:

**“(c) CHIEF DATA OFFICER.—**

“(1) **IN GENERAL.**—The Secretary, in consultation with the Chief Information Officer, shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) of the Department as the Chief Data Officer of the Department.

“(2) **QUALIFICATIONS.**—The Chief Data Officer shall possess demonstrated training and experience in the management, governance, generation, collection, protection, analysis, use, and sharing of data, including the protection and de-identification of personally identifiable information.

“(3) **FUNCTIONS.**—The Chief Data Officer shall be responsible for the following:

“(A) Ensuring that the Department conforms with data management best practices recognized across industry and the Federal Government.

“(B) Coordinating the organization and integration of data across the Department for improved interoperability, analysis, and decision-making.

“(C) Reviewing the impact of the infrastructure of the Department regarding data integrity and interoperability.

“(D) Coordinating the release of data for public use following appropriate privacy reviews within the Department, as coordinated with the Chief Privacy Officer.

“(E) Promoting the use of modern data systems to improve Department operations.

“(F) Coordinating the storage of Department records in accordance with the National Archives and Records Administration’s General Records Schedules.

“(G) Overseeing, in coordination with the Chief Privacy Officer of the Department, as appropriate, the Department’s compliance with the following responsibilities:

“(i) Issuing guidelines ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information).

“(ii) Establishing administrative mechanisms that allow affected persons to seek and obtain correction of information maintained and disseminated by relevant components of the Department that does not comply with the Department’s guidelines.

“(iii) Reporting to the Director of the Office of Management and Budget about the number and nature of complaints received by relevant components of the Department regarding the accuracy of information disseminated and how such complaints were handled by such components.

“(H) Coordinating with appropriate officials of the Department, including the Chief Privacy Officer, component privacy officers, component Chief Data Officers, and program managers, regarding the use of data within their respective components and under their authorities.

“(I) Serving as the liaison to other Federal agencies and the Office of Management and Budget on data and the best way to use existing Department data for statistical purposes.

“(4) **COMPONENT CHIEF DATA OFFICERS.**—The heads of each operational component of the Department, in consultation with the Chief Data Officer of the Department and the Chief Information Officer of such component, shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) from each such component of the Department as the Chief Data Officer of their respective component. Each such component Chief Data Officer shall—

“(A) have the qualifications described under subsection (c)(2); and

“(B) coordinate with and assist the Chief Data Officer of the Department in the implementation of the functions specified in subparagraphs (A) through (F) of paragraph (3) for their respective component.

“(5) **REPORTS.**—Not later than 180 days after the date of the enactment of this subsection and periodically thereafter as necessary, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate

a report on the implementation of this subsection, including any concerns regarding such implementation.”.

#### PURPOSE AND SUMMARY

The purpose of H.R. 6447 is to amend the Homeland Security Act of 2002 to establish the position of Chief Data Officer of the Department of Homeland Security, and for other purposes.

H.R. 6447 requires the Secretary, in consultation with the Chief Information Officer, to designate a Chief Data Officer of the Department. The Chief Data Officer is responsible for overseeing data management and analytics efforts at the Department and serves as the liaison with other federal agencies regarding the use of Department data. H.R. 6447 also requires the heads of operational components, in consultation with the Chief Data Officer and component Chief Information Officers, to appoint component Chief Data Officers to assist the Chief Data Officer of the Department with data management and analytics efforts within their respective components.

#### BACKGROUND AND NEED FOR LEGISLATION

Organizations like the Department of Homeland Security generate, collect, and maintain vast quantities of data (electronic information) in carrying out their day-to-day operations. In both industry and government, there is growing recognition that data is a valuable resource that can be analyzed and used to help create operational efficiencies and cost savings, drive policy and decision making, and identify and model trends. However, there is also a growing consensus that data continues to be underutilized by organizations as an asset, largely as a result of poor data management and organization practices.

To address these concerns, the private sector and Federal, State, and local governments have increasingly begun appointing Chief Data Officers, or equivalent positions, to their management teams. Generally, Chief Data Officers are tasked with overseeing policies to manage, organize, and format data in order to better carry out data manipulation and analysis for improved business value and policy insight. While an organization's Chief Information Officer oversees and maintains the systems that produce data, Chief Data Officers are given the responsibility of managing and utilizing such data.

The importance of data in today's world makes Chief Data Officers at the Department and its operational components integral to providing the Department with the capacity and tools for making data-driven decisions. Within the Department, U.S. Immigration and Customs Enforcement and the Federal Emergency Management Agency have each already appointed component Chief Data Officers. H.R. 6447 allows the Chief Data Officer of the Department to coordinate component data efforts and prevent them from becoming siloed as Chief Data Officers proliferate both internally at the Department's components and across the federal government.

## HEARINGS

None. The Committee met with officials from the Department who provided information that helped the Committee develop an understanding of the need for this legislation.

## COMMITTEE CONSIDERATION

The Committee met on July 24, 2018, to consider H.R. 6447, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The Committee adopted H.R. 6447, as amended, by unanimous consent.

The following amendments were offered:

An amendment offered by MR. LANGEVIN (#1); Page 2, beginning line 7, strike “The Chief Information Officer shall” and insert “The Secretary, in consultation with the Chief Information Officer, shall”.; was AGREED TO, by unanimous consent.

An amendment offered by MR. LANGEVIN (#2); Page 4, beginning line 5, strike “of the Department shall” and insert “of the Department, in consultation with the Chief Data Officer of the Department and the Chief Information Officer of such component, shall”.; was AGREED TO, by unanimous consent.

An amendment offered by MRS. DEMINGS (#3); Page 3, beginning line 16, insert the following:

“(G) Overseeing, in coordination with the Chief Privacy Officer of the Department, as appropriate, the Department’s compliance with the following responsibilities:

“(i) Issuing guidelines ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information).

“(ii) Establishing administrative mechanisms that allow affected persons to seek and obtain correction of information maintained and disseminated by relevant components of the Department that does not comply with the Department’s guidelines.

“(iii) Reporting to the Director of the Office of Management and Budget about the number and nature of complaints received by relevant components of the Department regarding the accuracy of information disseminated and how such complaints were handled by such components.”.; was AGREED TO, by unanimous consent.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 6447.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 6447, the Department of Homeland Security Chief Data Officer Authorization Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 6447 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This bill requires the Secretary to appoint a Chief Data Officer of the Department and the heads of the Department's operational components to appoint Chief Data Officers within their respective components. The bill also requires the Secretary to submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate no later than 180 days after its enactment, and periodically thereafter if necessary, on the Department's implementation of the requirements of the bill.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 6447 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

## FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

## PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 6447 does not preempt any State, local, or Tribal law.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 6447 would require no directed rule makings.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

This section provides that this bill may be cited as the “Department of Homeland Security Chief Data Officer Authorization Act”.

*Sec. 2. Chief Data Officer of the Department of Homeland Security*

This section establishes a new Subsection (c) under Section 703 of the Homeland Security Act as follows:

Subsection (c)(1) requires the Secretary of the Department, in consultation with the Chief Information Officer, to designate a career appointee of the Department, defined in Section 3132 of Title 5 United States Code, as the Chief Data Officer of the Department. The Committee expects the Secretary to utilize the Chief Information Officer’s expertise and recommendations in designating a qualified career appointee within the Department as the Chief Data Officer.

Subsection (c)(2) requires that any appointee to a position of Chief Data Officer in the Department be qualified for the position with prior data management and analytics-related training and experience. While the background and experience of an individual appointed to Chief Data Officer in the Department may vary, the Committee expects such individual to be qualified for the position

as demonstrated by appropriate experience and training relating to the functions of the Chief Data Officer listed under Subsection (c)(3).

Subsection (c)(3) establishes that the responsibilities of the Chief Data Officer of the Department shall include:

- coordinating the management, governance, and improved operational use of data at the Department;
- coordinating, as appropriate, the release of data for public use, in accordance with appropriate privacy reviews;
- coordinating with the appropriate officials in the Department on the use of data;
- overseeing, in coordination with the Chief Privacy Officer, as appropriate, the Department's compliance with the responsibilities under Section 515 of the Treasury and General Appropriations Act for Fiscal Year 2001; and
- serving as the liaison with other federal agencies on data use.

The Committee intends that the Chief Data Officer's responsibilities include a focus on implementing policies, plans, and activities that improve data management, governance, and utilization at the Department. The Committee expects the Chief Data Officer to serve as the lead official for coordinating the use of data with relevant officials across the Department to improve government transparency, create operational efficiencies, improve policy insight, achieve cost savings, map and identify trends, and achieve data interoperability across systems. The Chief Data Officer is also the Department's lead external liaison on data use, including with other federal agencies and the U.S. Office of Management and Budget. The Committee intends that any policies, plans, and activities implemented by the Chief Data Officer under this bill shall be carried out pursuant to applicable privacy and statistics laws.

Subsection (c)(4) requires the heads of each operational component at the Department to appoint, in consultation with the Chief Data Officer and Chief Information Officer of their respective component, a Chief Data Officer of their respective component. Component Chief Data Officers shall be career appointees within the Department who meet the qualifications under Subsection (c)(2). The component Chief Data Officers are responsible for coordinating with and assisting the Chief Data Officer of the Department in data management and analytics efforts within their respective components. The Committee intends for the heads of each operational component to consult with the Chief Data Officer of the Department and Chief Information Officer of their respective component to determine the appropriate role and organizational placement of their component Chief Data Officer.

Subsection (c)(5) requires the Department to submit a report 180 days after the enactment of this bill, and periodically thereafter if necessary, regarding the Department's implementation of the requirements of this bill. The Committee expects this report to measure the Department's progress in appointing the Chief Data Officer of the Department and the component Chief Data Officers and to determine if further authorities are needed for Chief Data Officers at the Department to carry out the responsibilities under this bill.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

**TITLE VII—MANAGEMENT**

\* \* \* \* \*

**SEC. 703. CHIEF INFORMATION OFFICER.**

(a) **IN GENERAL.**—The Chief Information Officer shall report to the Secretary, or to another official of the Department, as the Secretary may direct.

(b) **GEOSPATIAL INFORMATION FUNCTIONS.**—

(1) **DEFINITIONS.**—As used in this subsection:

(A) **GEOSPATIAL INFORMATION.**—The term “geospatial information” means graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the earth and any information related thereto, including surveys, maps, charts, remote sensing data, and images.

(B) **GEOSPATIAL TECHNOLOGY.**—The term “geospatial technology” means any technology utilized by analysts, specialists, surveyors, photogrammetrists, hydrographers, geodesists, cartographers, architects, or engineers for the collection, storage, retrieval, or dissemination of geospatial information, including—

- (i) global satellite surveillance systems;
- (ii) global position systems;
- (iii) geographic information systems;
- (iv) mapping equipment;
- (v) geocoding technology; and
- (vi) remote sensing devices.

(2) **OFFICE OF GEOSPATIAL MANAGEMENT.**—

(A) **ESTABLISHMENT.**—The Office of Geospatial Management is established within the Office of the Chief Information Officer.

(B) **GEOSPATIAL INFORMATION OFFICER.**—

(i) **APPOINTMENT.**—The Office of Geospatial Management shall be administered by the Geospatial Information Officer, who shall be appointed by the Secretary and serve under the direction of the Chief Information Officer.

(ii) **FUNCTIONS.**—The Geospatial Information Officer shall assist the Chief Information Officer in carrying out all functions under this section and in coordinating the geospatial information needs of the Department.

(C) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

(i) providing such geospatial information as may be necessary to implement the critical infrastructure protection programs;

(ii) providing leadership and coordination in meeting the geospatial information requirements of those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure protection, and other functions of the Department; and

(iii) coordinating with users of geospatial information within the Department to assure interoperability and prevent unnecessary duplication.

(D) RESPONSIBILITIES.—In carrying out this subsection, the responsibilities of the Chief Information Officer shall include—

(i) coordinating the geospatial information needs and activities of the Department;

(ii) implementing standards, as adopted by the Director of the Office of Management and Budget under the processes established under section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), to facilitate the interoperability of geospatial information pertaining to homeland security among all users of such information within—

(I) the Department;

(II) State and local government; and

(III) the private sector;

(iii) coordinating with the Federal Geographic Data Committee and carrying out the responsibilities of the Department pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906; and

(iv) making recommendations to the Secretary and the Executive Director of the Office for State and Local Government Coordination and Preparedness on awarding grants to—

(I) fund the creation of geospatial data; and

(II) execute information sharing agreements regarding geospatial data with State, local, and tribal governments.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each fiscal year.

(c) CHIEF DATA OFFICER.—

(1) *IN GENERAL.*—The Secretary, in consultation with the Chief Information Officer, shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) of the Department as the Chief Data Officer of the Department.

(2) *QUALIFICATIONS.*—The Chief Data Officer shall possess demonstrated training and experience in the management, governance, generation, collection, protection, analysis, use, and

sharing of data, including the protection and de-identification of personally identifiable information.

(3) *FUNCTIONS.*—The Chief Data Officer shall be responsible for the following:

(A) Ensuring that the Department conforms with data management best practices recognized across industry and the Federal Government.

(B) Coordinating the organization and integration of data across the Department for improved interoperability, analysis, and decision-making.

(C) Reviewing the impact of the infrastructure of the Department regarding data integrity and interoperability.

(D) Coordinating the release of data for public use following appropriate privacy reviews within the Department, as coordinated with the Chief Privacy Officer.

(E) Promoting the use of modern data systems to improve Department operations.

(F) Coordinating the storage of Department records in accordance with the National Archives and Records Administration's General Records Schedules.

(G) Overseeing, in coordination with the Chief Privacy Officer of the Department, as appropriate, the Department's compliance with the following responsibilities:

(i) Issuing guidelines ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information).

(ii) Establishing administrative mechanisms that allow affected persons to seek and obtain correction of information maintained and disseminated by relevant components of the Department that does not comply with the Department's guidelines.

(iii) Reporting to the Director of the Office of Management and Budget about the number and nature of complaints received by relevant components of the Department regarding the accuracy of information disseminated and how such complaints were handled by such components.

(H) Coordinating with appropriate officials of the Department, including the Chief Privacy Officer, component privacy officers, component Chief Data Officers, and program managers, regarding the use of data within their respective components and under their authorities.

(I) Serving as the liaison to other Federal agencies and the Office of Management and Budget on data and the best way to use existing Department data for statistical purposes.

(4) *COMPONENT CHIEF DATA OFFICERS.*—The heads of each operational component of the Department, in consultation with the Chief Data Officer of the Department and the Chief Information Officer of such component, shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) from each such component of the Department as the Chief Data Officer of their respective component. Each such component Chief Data Officer shall—

(A) have the qualifications described under subsection (c)(2); and

(B) coordinate with and assist the Chief Data Officer of the Department in the implementation of the functions specified in subparagraphs (A) through (F) of paragraph (3) for their respective component.

(5) *REPORTS.*—Not later than 180 days after the date of the enactment of this subsection and periodically thereafter as necessary, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection, including any concerns regarding such implementation.

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