

AMENDMENT TO H.R. 624
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

Page 12, strike line 19 and all that follows through
page 13, line 2, and insert the following:

1 “(7) PRIVACY AND CIVIL LIBERTIES POLICIES
2 AND PROCEDURES.—

3 “(A) PROCEDURES.—The President shall
4 designate an officer or employee of the Federal
5 Government who shall report directly to the
6 President and who, in consultation with the
7 Secretary of Homeland Security, the Director of
8 National Intelligence, and privacy and civil lib-
9 erties stakeholders, shall establish policies and
10 procedures governing the retention, use, and
11 disclosure of communications, records, system
12 traffic, or other information associated with
13 specific persons by officers, employees, and
14 agents of the Federal Government in accord-
15 ance with this section. Such policies and proce-
16 dures shall—

17 “(i) minimize the impact on privacy
18 and civil liberties, consistent with the need
19 to mitigate cyber threats;

1 “(ii) reasonably limit the retention,
2 use, and disclosure of communications,
3 records, system traffic, or other informa-
4 tion associated with specific persons con-
5 sistent with the need to carry out the re-
6 sponsibilities of this section, including es-
7 tablishing a process for the timely redac-
8 tion and destruction of communications,
9 records, system traffic, or other informa-
10 tion that is received pursuant to this sec-
11 tion that does not reasonably appear to be
12 related to protecting against cyber threats
13 and mitigating cyber threats;

14 “(iii) require reasonable efforts to re-
15 move information that can be used to iden-
16 tify a specific individual, using automated
17 means if technically feasible, upon initial
18 receipt of the information;

19 “(iv) include requirements to safe-
20 guard communications, records, system
21 traffic, or other information that can be
22 used to identify specific persons from un-
23 authorized access or acquisition; and

24 “(v) protect the confidentiality of dis-
25 closed communications, records, system

1 traffic, or other information associated
2 with specific persons to the greatest extent
3 practicable and require recipients of such
4 information to be informed that the com-
5 munications, records, system traffic, or
6 other information disclosed may only be
7 used for protecting information systems
8 against cyber threats, mitigating cyber
9 threats, or law enforcement purposes when
10 the information is evidence of a crime that
11 has been, is being, or is about to be com-
12 mitted, as specified by the officer or em-
13 ployee designated by the President under
14 this paragraph.

15 “(B) ANNUAL REVIEWS.—

16 “(i) REVIEWS.—The officer or em-
17 ployee designated under subparagraph (A)
18 shall annually review the policies and pro-
19 cedures established under subparagraph
20 (A) to determine how well the Federal
21 Government is complying with such policies
22 and procedures.

23 “(ii) REPORTS.—The officer or em-
24 ployee designated under subparagraph (A)
25 shall annually submit to Congress a report

1 containing the results of each annual re-
2 view required under clause (i).

3 “(iii) FORM.—Each report required
4 under clause (ii) shall be submitted in un-
5 classified form, but may contain a classi-
6 fied annex.

Page 26, after line 7, insert the following new sub-
section:

7 (c) PRIVACY AND CIVIL LIBERTIES POLICIES AND
8 PROCEDURES.—Not later than 60 days after the date of
9 the enactment of this Act, the President shall designate
10 an officer or employee of the Federal Government under
11 section 1104(b)(7)(A) of the National Security Act of
12 1947 (as added by subsection (a)) and such officer or em-
13 ployee shall establish the policies and procedures required
14 under such section.

