

DIRECTIVE

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

I. Purpose

This Directive establishes the authorities and responsibilities for the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL).

II. Scope

This Directive applies to all activities of CRCL, and to all organizational elements in their interactions with CRCL.

III. Authorities

- A. Title 5, United States Code (U.S.C.), App. 3 § 8I, IG Act/IRTPA;
- B. Title 6, U.S.C., Section 113, "Other Officers";
- C. Title 6, U.S.C., Section 142, "Privacy Officer";
- D. Title 6, U.S.C., Section 111, "Executive Department; Mission";
- E. Title 6, U.S.C., Section 345, "Establishment of the Officer for Civil Rights and Civil Liberties";
- F. Title 42, U.S.C., Section 2000ee-1, "Privacy and civil liberties officers";
- G. Title 6, U.S.C., Section 124h, "Department of Homeland Security State, Local, and Regional Fusion Center Initiative";
- H. Title 6, U.S.C., Section 124i, "Homeland Sec. Info. Sharing Fellows Program";
- I. Title 6, U.S.C., Section 1138(d), "Privacy and civil rights and civil liberties issues";
- J. Title 6, U.S.C., Section 1168(d), "Privacy and civil rights and civil liberties issues";

- K. Title 6, U.S.C., Section 1185(d), "Privacy and civil rights and civil liberties issues";
- L. Public Law 110-53, N. Border R.R. Passenger Report, § 1523, 9/11 Comm'n Act;
- M. Title 29, U.S.C., Section 791 et seq., Rehabilitation Act of 1973;
- N. Title 29, U.S.C. Section 206(d), Equal Pay Act of 1963, as amended;
- O. Title 20, U.S.C., Sections 1681-1688, Title IX of the Education Acts of 1972;
- P. Title 42, U.S.C., Sections 2000d-2000d-7, Title VI of the Civil Rights Act of 1964;
- Q. Title 42, U.S.C., Section 2000e et seq., Title VII of the Civil Rights Act of 1964, as amended;
- R. Title 29, U.S.C., Section 794, "Nondiscrimination under Fed. grants & programs";
- S. Title 29, U.S.C., Section 794d, "Electronic and Information Technology";
- T. Title 29, U.S.C., Section 621 et seq, Age Discrimination in Emp't Act of 1967;
- U. Title 29, U.S.C., Section 206(d), "Prohibition on sex discrimination";
- V. Title 38, U.S.C., Section 4214, "Employment within the Federal Government";
- W. Title 42, U.S.C., Section 2000ff, Genetic Info. Nondiscrimination Act of 2008;
- X. Title 42, U.S.C., Section 2000ee-3, "Fed. Agency Data Mining Reporting Act of 2007";
- Y. Public Law 107-174, No FEAR Act;
- Z. Title 28, U.S.C., Section 651, "Authorization of Alternative Dispute Resolution";
- AA. 36 U.S.C. § 106, Appropriations Act 2005, Constitution Day training requirement;
- BB. Public Law 110-53, Interagency Threat Assessment and Coordination Group, § 521, 9/11 Commission Act;
- CC. Executive Order (E.O.) 13152 (May 2, 2000);

- DD. E.O. 13087 (May 28, 1998);
- EE. E.O. 11478, 34 Fed. Reg. 12,985 (Aug. 12, 1969), “Equal Employ’t Opportunity in the Fed. Gov’t,” as amended by E.O. 12106 (Dec. 28, 1978);
- FF. E.O. 12898 (Feb. 11, 1994), “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations”;
- GG. E.O. 13160 (June 23, 2000), “Ensuring Equal Opportunity in Federally Conducted Education and Training Programs”;
- HH. E.O. 13163 (July 26, 2000), “Increasing the Opportunity for Individuals With Disabilities To Be Employed in the Federal Government”;
- II. E.O. 13164 (July 26, 2000), “Establishing Procedures to Facilitate the Provision of Reasonable Accommodation”;
- JJ. E.O. 13166 (Aug. 11, 2000), “Improving Access to Services for Persons with Limited English Proficiency”;
- KK. E.O. 13256 (Feb. 12, 2002), “President’s Board of Advisors on Historically Black Colleges and Universities”;
- LL. E.O. 13270 (July 3, 2002), “Tribal Colleges and Universities”;
- MM. E.O. 13347 (July 22, 2004), “Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities”;
- NN. E.O. 13515 (Oct. 14, 2009), “Increasing participation of Asian Americans and Pacific Islanders and federal programs”;
- OO. Public Law 110-161, Division E, Title VI, § 525, Consolidated Appropriations Act of 2008;
- PP. Equal Employ’t Opportunity Comm’n (EEOC) Mgmt. Directive-110 (Nov. 1999);
- QQ. EEOC Mgmt. Directive-715 (Oct. 2003);
- RR. Title 5, Code of Federal Regulation (C.F.R.), Part 720, “Affirmative Employ’t Programs”;
- SS. Title 6, C.F.R., Part 15, “Enforcement of Nondiscrimination on the Basis of Disability in the Programs or Activities Conducted by the Dep’t of Homeland Sec.”;
- TT. Title 6, C.F.R., Part 17, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance”;
- UU. Title 29, C.F.R., Part 1614, “Fed. Sector Equal Employ’t Opportunity”;

VV. Title 29, C.F.R., Part 1615, “Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the EEOC and in Accessibility of Commission Elec. and Info. Tech.”;

WW. Title 36, C.F.R., Part 1194, “Elec. and Info. Tech. Accessibility Standards”;

XX. DHS Delegation #19000, “From Officer to Deputy Officer for EEO to perform functions as directed”;

YY. DHS Delegation #19001, “From the Officer to the Deputy Officer for Programs and Compliance to perform functions with respect to complaints filed under Section 504 of the Rehabilitation Act of 1973”;

ZZ. DHS Delegation #19003, “Delegation to the Officer for Civil Rights and Civil Liberties for Matters Involving Civil Rights and Civil Liberties, Including Equal Employment Opportunity and Workplace Diversity”;

AAA. Civil Rights and Civil Liberties Cross-Component Coordination Taskforce Guidance (Aug. 10, 2010);

BBB. Memorandum: Designation of Single Contact Officer Under EO 13107 – Implementation of Human Rights Treaties (Approved by Secretary Chertoff, September 22, 2006);

CCC. Memorandum: Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (designating CRCL Officer as Chair of Council, November 19, 2009).

IV. Responsibilities

A. The **Officer for Civil Rights and Civil Liberties** ensures that DHS complies with all relevant civil rights and civil liberties laws, regulations, executive orders, DHS delegations, and other controlling authority, and for promoting the robust protection of civil rights and civil liberties in training, policy, and implementation, so that DHS does not diminish the civil rights or civil liberties of persons as it carries out the Homeland Security missions.

B. **DHS Component heads** collaborate with CRCL for their shared, related, and inter-dependent duties to ensure that DHS complies with all relevant civil rights and civil liberties laws, regulations, executive orders, DHS delegations, and other controlling authority, and promote the robust protection of civil rights and civil liberties in training, policy, and implementation, so that DHS does not diminish the civil rights or civil liberties of persons as it carries out the Homeland Security missions.

V. Policy and Requirements

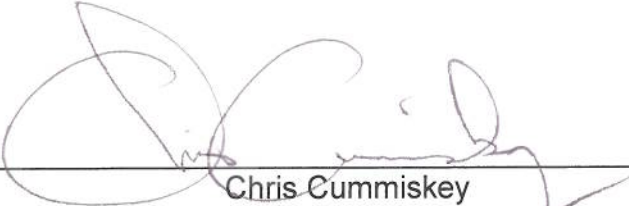
A. As stated above, CRCL directs, oversees, and coordinates the protection and promotion of the civil rights and civil liberties of members of the public in all


Department activities. CRCL is the foundational DHS organization through which Department-wide civil rights and civil liberties activities and protections are coordinated and overseen.

- B. CRCL conducts programs and activities to investigate, review, promote, and support civil rights and civil liberties relating to members of the public.
- C. CRCL makes policy and operational recommendations to Components to support and improve the Department's protection of civil rights and civil liberties.
- D. CRCL engages with the public to support and improve the Department's protection of civil rights and civil liberties.
- E. CRCL directs, oversees, and coordinates the Department's Equal Employment Opportunity (EEO) complaint system for DHS employees and applicants for employment.
- F. CRCL promotes EEO, and partners with the Office of the Chief Human Capital Officer (OCHCO), to promote workplace diversity and inclusion (including for people with disabilities) and merit system principles across the Department.
- G. CRCL manages all aspects of the EEO program for DHS Headquarters employees and applicants.
- H. CRCL shares responsibility with Office of the Chief Information Officer (OCIO) over the Office of Accessible Systems & Technology (OAST), which guides and supports all Components in removing barriers to information access and employment of qualified individuals with disabilities per Section 508 of the Rehabilitation Act of 1973 (as amended).

VI. Questions

Questions regarding this Directive may be directed to the Office for Civil Rights and Civil Liberties.


Chris Cummiskey
Acting Under Secretary for Management


Date