116TH CONGRESS
1ST SESSION

H. R. 4713

To amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on __________________________

A BILL

To amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes.

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 Office of Civil Rights and Civil Liberties Authorization Act”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.

(a) IN GENERAL.—Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended—

(1) in the section heading, by striking “ESTABLISHMENT OF”; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) IN GENERAL.—There is established within the Department an Office for Civil Rights and Civil Liberties. The head of such Office is the Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary.

“(b) RESPONSIBILITIES.—The Officer for Civil Rights and Civil Liberties shall carry out the following responsibilities:

“(1) Oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department.

“(2) Integrate civil rights and civil liberties into all programs and activities of the Department.

“(3) Conduct civil rights and civil liberties impact assessments, as appropriate.

“(4) Conduct periodic reviews of policies and activities of the Department.
“(5) Provide policy advice, recommendations, and other technical assistance to the Secretary and to heads of components, directorates, and offices and other personnel within the Department.

“(6) Review, assess, and investigate complaints, including complaints filed by members of the public, and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

“(7) Initiate reviews, assessments, and investigations of the administration of the programs and activities by the Department, as the Officer determines necessary.

“(8) Coordinate with the Privacy Officer to ensure that—

“(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

“(B) Congress receives appropriate reports regarding such programs, policies, and procedures.
“(9) Lead the equal employment opportunity programs of the Department, including complaint management and adjudication, and promote workforce diversity and merit system principles.

“(10) Make publicly available through accessible communications channels, including the website of the Department—

“(A) information on the responsibilities and functions of, and how to contact, the Officer; and

“(B) reports that are issued by the Officer upon completion of investigations carried out pursuant to paragraph (6) or (7).

“(11) Engage with individuals and communities whose civil rights and civil liberties may be affected by programs and activities of the Department, including by informing such individuals and communities about redress processes and advising the Secretary and heads of components, directorates, offices, and other personnel within the Department of any concerns raised by such individuals and communities.

“(e) TRANSPARENCY.—

“(1) COMPLAINTS.—In the case of a complaint made concerning allegations of abuses of civil rights
and civil liberties under paragraph (6) of subsection (b), the Officer for Civil Rights and Civil Liberties shall—

“(A) provide to the individual who made the complaint notice of the receipt of such complaint within 30 days of receiving the complaint; and

“(B) inform the complainant of the determination of the Officer regarding the initiation of a review, assessment, or investigation within the Office or a referral to the Inspector General of the Department.

“(2) INVESTIGATIONS.—In the case of an investigation initiated by the Officer pursuant to paragraph (6) or (7) of subsection (b), upon the conclusion of the investigation, the Officer shall produce a report on the investigation which—

“(A) shall include the findings and recommendations of the Officer;

“(B) shall be made publicly available; and

“(C) may include a classified appendix, as the Officer determines appropriate.

“(3) SUBMITTAL TO HEADS OF OPERATIONAL COMPONENTS.—The Officer shall transmit a copy of each report produced under paragraph (2) to the
Secretary and to the relevant head of each relevant component of the Department. 

“(d) COMPONENT CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER.—The head of each of the operational components of the Department shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) from such component as the Officer for Civil Rights and Civil Liberties of that component. The Officer for Civil Rights and Civil Liberties of each such component shall report to the Officer for Civil Rights and Civil Liberties of the Department. 

“(e) ACCESS TO INFORMATION.—The Officer for Civil Rights and Civil Liberties of the Department shall—

“(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the Officer under subsection (b);

“(2) subject to the approval of the Secretary, may, to the extent the Officer determines necessary, issue a subpoena to require the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data or documentary evidence nec-
necessary to the performance of the responsibilities of
the Officer under this section; and

“(3) administer to or take from any person an
oath, affirmation, or affidavit whenever necessary in
the performance of the responsibilities of the Officer
under this section.

“(f) ANNUAL REPORT.—Not later than March 31 of
each year, the Officer for Civil Rights and Civil Liberties
of the Department shall submit directly to the President,
the President of the Senate, the Speaker of the House of
Representatives, and the appropriate committees and sub-
committees of Congress, without any prior comment or
amendment by the Secretary, Deputy Secretary, or any
other officer or employee of the Department, a report on
the implementation of this section during the year pre-
ceeding the year during which the report is submitted.
Each such report shall include, for the year covered by
the report—

“(1) any allegations of abuse described under
subsection (b)(6) and any actions by the Depart-
ment or a component, directorate, or office of the
Department that the Officer identifies as responsive
to such allegations;

“(2) a list of Department programs and activi-
ties for which civil rights and civil liberties impact
assessments were conducted, or policy advice, recommenda-
tions, or other technical assistance was provided;

“(3) any recommendations issued by the Officer to the Secretary or the head of a component, direc-
torate, or office, together with information on the status of the implementation of such recommenda-
tions;

“(4) information on the diversity and equal em-
ployment opportunity activities of the Department, including information on complaint management and adjudication of equal employment opportunity com-
plaints and efforts to ensure compliance throughout the Department with equal employment opportunity requirements;

“(5) a description of any efforts to engage with individuals and communities whose civil rights and civil liberties may be affected by activities carried out by the Department, including public meetings; and

“(6) information on total staffing for the Office of Civil Rights and Civil Liberties, including—

“(A) the number of full-time, part-time and contract support personnel; and
“(B) information on the number of employees whose primary responsibilities include supporting the Officer in carrying out paragraph (9) of subsection (b).”.

(b) CLERICAL AMENDMENT.—The item relating to section 705 in section 1(b) of the Homeland Security Act of 2002 is amended to read as follows:

“Sec. 705. Officer for civil rights and civil liberties.”.