

# United States Senate

WASHINGTON, DC 20510

March 13, 2025

The Honorable Kristi Noem  
Secretary  
Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

Dear Secretary Noem:

We have heard troubling reports that the U.S. Department of Homeland Security (DHS) is planning to issue reduction in force (RIF) notices to significant numbers of Civil Rights and Civil Liberties (CRCL) staff. We strongly oppose any such actions, which would be contrary to the law and Congressional intent.

On February 11, 2025, President Trump issued Executive Order (EO) 14210, “Implementing the President's ‘Department of Government Efficiency’ Workforce Optimization Initiative,” which requires all Agency Heads to “promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with applicable law, and to separate from Federal service temporary employees and reemployed annuitants working in areas that will likely be subject to the RIFs.” The EO also states “All offices that perform functions not mandated by statute or other law shall be prioritized in the RIFs.”

To be clear, the DHS Civil Rights and Civil Liberties (CRCL) Office is fulfilling statutorily-required missions, and the CRCL Officer is a statutorily-required position that the Secretary must fully support with sufficient personnel and resources.

From the establishment of DHS, Congress’s intent was clear—given the Department’s impacts on the lives of everyone in the United States, including DHS’s own employees, it is essential that there be an Office responsible for oversight of how DHS’s work impacted civil rights and civil liberties, starting with policy development and continuing through implementation and oversight. This Congressional intent has been central as DHS has developed over time and its mission sets have evolved. Not only does CRCL implement DHS’s equal employment opportunity and accessibility responsibilities, it sets policies, provides training, and oversees the implementation of processes related to interactions between the Department and the public where civil rights and liberties might be at risk. A few examples of this critical work include the provision of religious accommodations at TSA checkpoints, implementation of guard rails on use of biometrics in identity verification, and protecting U.S. persons’ rights throughout DHS’s intelligence activities.

To that end, Congress established in the *Homeland Security Act of 2002* and the *the Intelligence Reform and Terrorism Prevention Act of 2004*, that it is a Departmental mission to “ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and

programs aimed at securing the homeland.”<sup>1</sup> To ensure this mission was properly implemented, Congress established a Presidentially appointed DHS CRCL Officer to:

- (1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;
- (2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, the Officer;
- (3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;
- (4) 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;
- (5) 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; and
- (6) investigate complaints 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.<sup>2</sup>

Further, in the *Intelligence Reform and Terrorism Prevention Act of 2004*, Congress mandated that the CRCL Officer:<sup>3</sup>

- (1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;
- (2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such

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<sup>1</sup> 6 U.S.C. § 111(b)(1)(G)

<sup>2</sup> 6 U.S.C. § 113(d)(3); 6 U.S.C. § 345; 6 U.S.C. § 142

<sup>3</sup> 42 U.S.C. § 2000ee-1

department, agency, or element is adequately considering privacy and civil liberties in its actions;

(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established--

(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

(C) that there are adequate guidelines and oversight to properly confine its use.

In that Act, Congress required the CRCL Officer, in addition to the Privacy Officer to:<sup>4</sup>

(1) report directly to the head of the department, agency, or element concerned; and

(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

Moreover, Congress also required that “[t]he head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer-

(1) has the information, material, and resources necessary to fulfill the functions of such officer;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) *is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.* [italics added.]

Congress has also made its intent clear by appropriating funding for the CRCL Office since 2004. The FY2023 Continuing Appropriations Act, for example, specifically funded the CRCL Office and made additional requirements for the Office related to both the Women, Peace, and Security Act and 287(g) agreements.

This Office implements or ensures DHS compliance with multiple laws enacted by Congress. These include:

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<sup>4</sup> Id.

- Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended by section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which “prohibits discrimination on the basis of disability in programs or activities conducted by Executive agencies.”<sup>5</sup>
- Title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments) (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these Title IX regulations.<sup>6</sup>
- The provisions of Title VI of the Civil Rights Act of 1964, as amended (prohibiting discrimination in federally supported activities on the basis of race, color, or national origin);<sup>7</sup>
- Title IX of the Education Amendments of 1972, as amended (prohibiting discrimination in federally supported education programs or activities on the basis of sex);<sup>8</sup>
- The Rehabilitation Act of 1973, as amended (prohibiting discrimination in federally supported activities and federal employment on the basis of disability);<sup>9</sup>
- The Age Discrimination Act of 1975, as amended (prohibiting discrimination in federally supported activities on the basis of age);<sup>10</sup>

DHS is essential to the security of the American people. The CRCL Office allows DHS’s operators on the frontlines to carry out diverse missions—such as protecting our aviation systems and combatting the scourge of fentanyl—by ensuring operators have the best advice, guidance, and training. CRCL helps DHS accomplish its mission while abiding by the Constitution and laws of the United States.

A decision to eliminate the CRCL office or make significant reductions in CRCL staff will jeopardize DHS’s ability to comply with statutory requirements and to protect the civil rights and

<sup>5</sup> 6 CFR pt. 15; [Pub. L. 107-296](#), 116 Stat. 2135 ([6 U.S.C. 1 et seq.](#)); [5 U.S.C. 301](#); [29 U.S.C. 794](#).

<sup>6</sup> 6 C.F.R. pt. 17; [Pub. L. 107-296](#), 116 Stat. 2135 ([6 U.S.C. 1 et seq.](#)); [5 U.S.C. 301](#); [20 U.S.C. 1681](#), [1682](#), [1683](#), [1685](#), [1686](#), [1687](#), [1688](#).

<sup>7</sup> 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 (Oct. 26, 2012); DHS Delegation 3095: Delegation to the Officer for Civil Rights and Civil Liberties for Matters Involving Civil Rights, Civil Liberties, and Equal Employment Opportunity (June 5, 2003); DHS Delegation 3500: Operational Roles and Responsibilities of the Officer for Civil Rights and Civil Liberties & the Office of Chief Counsel (May 19, 2004); DHS Delegation 19001: Delegation to the Deputy Office for Civil Rights and Civil Liberties Programs and Compliance (Feb. 28, 2008)


<sup>8</sup> Id

<sup>9</sup> Id

<sup>10</sup> Id

civil liberties of the American people. If you move forward, your actions will be in direct conflict with Congress's intent when establishing CRCL. If you plan to make any cuts, you must immediately inform us regarding how you will ensure DHS will continue to meet statutory requirements and how CRCL will carry out its statutorily required mission.

Sincerely,



Gary C. Peters  
United States Senator  
Ranking Member, Committee  
on Homeland Security and  
Governmental Affairs



Richard J. Durbin  
United States Senator  
Ranking Member, Senate  
Committee on the Judiciary