

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

CBP DIRECTIVE NO. 2130-009A

DATE: July 27, 2010

ORIGINATING OFFICE: C:DCR

SUPERSEDES: CBPD 2130-009, 12/16/2008

REVIEW DATE: July 2013

**Roles and Responsibilities for U.S. Customs and Border Protection
Equal Opportunity Activities and Functions**

1. **PURPOSE.** This directive establishes policy and assigns responsibility for the management of equal opportunity, diversity and inclusions and civil liberties related activities and functions within U.S. Customs and Border Protection (CBP).

2. **POLICY.** CBP shall treat all individuals in a non-discriminatory manner, without regard to their protected status under federal law, regulation, Executive Order, or policy. CBP is committed to ensuring that all individuals are afforded an equal opportunity to fully participate in CBP programs and activities without consideration of unlawful factors.

3. **AUTHORITIES**

3.1 The Civil Rights Act of 1964, as amended.

3.2 Rehabilitation Act of 1973, as amended.

3.3 Equal Pay Act of 1963.

3.4 Age Discrimination in Employment Act of 1967, as amended.

3.5 Americans with Disabilities Act of 1990, as amended.

3.6 Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

3.7 The Homeland Security Act of 2002, as amended, Pub. L. 107-296 (November 25, 2002), codified in Title 6, U.S. Code.

3.8 Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, Department of Homeland Security Delegation 7010.3 (May 11, 2006).

4. **RESPONSIBILITIES.**

4.1 The Office of Diversity and Civil Rights (DCR), located within the Office of the Commissioner, is responsible for developing, establishing, and administering all CBP policies,

implementation guidelines, standards, and programs necessary to ensure compliance with Federal civil rights and civil liberties laws, executive orders, and relevant Federal policies

4.2 DCR will review and approve any and all CBP policies, regulations, procedures, pre-complaint external correspondence, training curricula and materials, and pre-complaint external communications and publications related to civil rights and civil liberties issues/matters prior to internal or external dissemination and use or release within or outside CBP. Once a formal complaint is filed, the Office of the Chief Counsel is the designated Agency Representative responsible for all correspondence, communications, and litigation filings. These issues may include, but are not limited to:

- complaints/issues regarding alleged discriminatory treatment of former or current employees, applicants for employment, and members of the traveling public or trade community;
- workforce diversity and public outreach;
- allegations of racial profiling;
- treatment of adult detainees and unaccompanied minors;
- requests to provide reasonable accommodations to employees, applicants, and members of the public with disabilities;
- federally funded programs or activities sponsored or conducted by CBP; and
- accessibility to electronic and information technology systems.

4.3 All CBP offices will collaborate and coordinate with DCR to enable DCR to carry out its responsibilities, as described herein, on behalf of CBP.

5. PROCEDURES. DCR will develop and promulgate such procedures as may be necessary to implement this directive.

6.1 The procedures set forth in this directive are for U.S. Customs and Border Protection internal use only and create no private rights, benefits, or privileges for any private person or party. This directive does not create a private right of appeal, claim, complaint, or other cause of action on the part of any person.

6.2 Consistent with Federal law, nothing in this directive shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States. In addition, this directive does not create any greater protection than otherwise is currently available under Federal law.



Commissioner
U.S. Customs and Border Protection