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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

To amend the Homeland Security Act of 2002 to require a Department of Homeland Security-wide policy for public communications, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on

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# A BILL

To amend the Homeland Security Act of 2002 to require a Department of Homeland Security-wide policy for public communications, 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 Communications, Accuracy, Neutrality, Disclosure, Oversight, and Review Act” or the “DHS CANDOR Act”.

### SEC. 2. DHS PUBLIC COMMUNICATIONS POLICY.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

**“SEC. 890E. PUBLIC COMMUNICATIONS POLICY.**

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Secretary shall issue a Department-wide policy for the purpose of ensuring Department personnel engaged in public-facing communication improve information quality by maximizing accuracy, utility, objectivity, and integrity. Such policy shall establish standards for all public-facing materials to—

“(1) be accurate, objective, and reliable;

“(2) avoid misleading, partisan, unauthorized, speculative, or unsupported statements;

“(3) support rapid correction or clarification if the Department disseminates inaccurate or incomplete information; and

“(4) undergo review procedures for the legal compliance with the requirements specified in subsection (b).

“(b) LEGAL REQUIREMENTS SPECIFIED.—The legal requirements specified in this subsection are the following:

“(1) Section 515 of the Consolidated Appropriations Act, 2001 (Public Law 106–554) (commonly referred to as the ‘Data Quality Act’ or the ‘Information Quality Act’) and any other relevant Federal data integrity requirement.

“(2) Sections 7321 through 7326 of title 5, United States Code (commonly referred to as the ‘Hatch Act’) and part 734 of title 5, Code of Federal Regulations.

“(3) Sections 552 and 552a of title 5, United States Code.

“(4) Civil rights and civil liberties protections.

“(5) Applicable ethics rules.

“(c) COMPONENT PUBLIC COMMUNICATIONS POLICIES.—Not earlier than 30 days after the Secretary issues the Department-wide policy pursuant to subsection (a), the heads of Department components may develop component specific policies that align with such Department-wide policy. Such heads shall submit to the Office of Public Affairs and the Office of the General Counsel such component policies for review and certification of such alignment. Such heads may issue such component specific policies after receiving from each of such Offices confirmation of such alignment.

“(d) USE OF PERSONAL SOCIAL MEDIA ACCOUNTS.—When referencing Department activities on personal accounts, Department personnel—

“(1) may not—

“(A) represent personal views as Department positions;

“(B) disclose non-public information; or

“(C) misuse official titles, insignia, or internal information; and

“(2) shall avoid presenting personal social media posts as official communications from the Department.

“(e) AUTHORIZATION AND OVERSIGHT.—

“(1) IN GENERAL.—The Assistant Secretary for the Office of Public Affairs of the Department shall serve as the oversight authority for all Department use of social media for public communication, including Department component accounts. All such accounts shall satisfy the following criteria:

“(A) Be established only on platforms approved by the Department.

“(B) Be established for official, mission related purposes.

“(C) Be operated by a designated account manager responsible for the account’s security and activity.

“(D) Be—

“(i) approved for use by the Assistant Secretary for the Office of Public Affairs, the Chief Information Officer, and the General Counsel before launch; and

“(ii) archived upon closure.

“(2) CONTENT WORKFLOW AND PUBLICATION PROCESS.—The Office of Public Affairs, in conjunction with the Office of the General Counsel, shall establish procedures to ensure that, before publication, social media posts satisfy the requirements of this section.

“(f) PUBLICATION.—The Assistant Secretary for the Office of Public Affairs shall maintain a list of all current Department social media accounts, including office and Department component social media accounts, on a public-facing website of the Department.

“(g) RECORDS MANAGEMENT.—Records retention and disposition schedules for official social media accounts shall adhere to all Department and National Archives and Records Administration requirements.

“(h) TRAINING.—

“(1) ANNUAL TRAINING.—All Department personnel shall receive annual training, as well as a post-training assessment, to verify understanding of key concepts on the acceptable uses of personal and official social media accounts, including relating to the following:

“(A) Mass communication principles.

“(B) Applicable ethics rules.

“(C) Applicable laws and regulations, including the legal requirements specified in subsection (b).

“(D) Department-wide policy.

“(E) Department component-specific policies, if applicable.

“(2) NEW EMPLOYEE TRAINING.—All Department personnel engaged in public-facing communications or responsible for managing official social media accounts shall complete social media and public communications training within 30 days of onboarding and before engaging in any such communications.

“(3) COMPONENT TRAINING REQUIREMENTS.—The head of each Department component shall track and monitor the completion of required Department and any component social media training by all employees of such component, and report to the Assistant Secretary for the Office of Public Affairs completion rates of such training. The head of any component with a component specific training shall submit to the Assistant Secretary up-to-date copies of such component’s social media training curriculum.

“(i) INCIDENT REPORTING AND ENFORCEMENT.—The head of each Department component shall establish a process for timely reporting, review, and remediation of suspected misuse of official or personal social media accounts. Failure to comply with the requirements of this section shall constitute a violation of Department policy for purposes of personnel accountability, including disciplinary action.

“(j) INSPECTOR GENERAL REVIEW.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, the Inspector General of the Department shall—

“(A) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate

an audit of the Department’s compliance with the requirements specified in this section; and

“(B) issue, as appropriate, recommendations to the Secretary to improve the quality, utility, objectivity, and integrity of public-facing materials disseminated by the public affairs offices of the Department.

“(2) PERIODIC MONITORING.—The Office of the Inspector General shall conduct periodic audits of official social media accounts and submit to Congress an annual report summarizing compliance, misuse incidents, corrective actions, and trends under this section.

“(k) DEFINITIONS.—

“(1) PUBLIC FACING MATERIAL.—The term ‘public-facing material’—

“(A) includes any—

“(i) written, audio, or video products, including a press release, a speech, talking points, a fact sheet, testimony, a letter, a report, a billboard, and a broadcast, that is posted on social media or otherwise distributed to the press for the purposes of informing the general public; and

“(ii) content authored, shared, or otherwise disseminated by Department personnel in a manner reasonably perceived as representing the Department, including posts, comments, likes, shares, and other forms of digital engagement undertaken through official social media accounts; and

“(B) does not include—

“(i) any regulatory publication;

“(ii) any agency guidance document; or

“(iii) any product that satisfies the definition of ‘agency action’ (as such term is defined in section 551(13) of title 5, United States Code).

“(2) SOCIAL MEDIA.—The term ‘social media’—

“(A) means the sphere of websites, applications, and web-based tools that connect users to engage in dialogue, share information and media, collaborate, and interact; and

“(B) includes many different forms, including web-based communities and hosted services, social networking sites, video and photo sharing sites, blogs, virtual worlds, social bookmarking, broadcast or pushtext messaging services, and other emerging technologies.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 890D the following new item:

“Sec. 890E. Public communications policy.”.

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