

## **Legislative Policy Brief**

### *Civil Rights Liability Transparency and Public Accountability Act*

#### **Executive Summary**

Public institutions across the United States routinely use taxpayer dollars to settle civil rights claims—including cases involving sexual harassment, discrimination, retaliation, and excessive force—without disclosing the nature of the violation, the identity or position of repeat offenders, or the financial cost to the public. This policy brief proposes creating a federal Civil Rights Liability Disclosure framework modeled after existing EEO reporting systems to ensure systemic transparency, reduce institutional misconduct, and promote public accountability.

#### **Policy Problem**

There is no national requirement for public agencies to disclose civil rights settlements in a standardized, disaggregated, or searchable format. As a result, systemic misconduct is obscured, fiscal oversight is limited, and public trust continues to erode.

#### **Policy Proposal**

Establish a biennial Civil Rights Liability Disclosure requirement applicable to public employers receiving federal funds. Reports shall include:

- Number and dollar amount of settlements or judgments
- Type of alleged violation and protected class involved
- Officer/employee role and employment action taken post-resolution
- Defense costs (internal and external legal fees)

#### **Legislative Action Needed**

- Authorize the EEOC and DOJ to implement and enforce reporting rules
- Condition eligibility for select federal funding and law enforcement accreditation on compliance
- Create a public online database for aggregated, anonymized reporting
- Support a model state-level Public Civil Rights Settlement Disclosure Act

#### **Expected Outcomes**

- Enhance public access to civil rights liability data
- Detect repeat offenders and agency-level trends
- Incentivize early intervention and cultural reform
- Promote fiscal responsibility and public trust

**EXECUTIVE OFFICE OF THE PRESIDENT**

**WASHINGTON, D.C.**

**EXECUTIVE ORDER  
PROMOTING TRANSPARENCY IN CIVIL RIGHTS  
SETTLEMENTS INVOLVING PUBLIC ENTITIES**

**Signed:** \_\_\_\_\_

President of the United States

Date: \_\_\_\_\_

# MODEL EXECUTIVE ORDER

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## **PROMOTING TRANSPARENCY IN CIVIL RIGHTS SETTLEMENTS INVOLVING PUBLIC ENTITIES**

### **PREAMBLE**

Across the United States, public entities—particularly law enforcement and other government institutions—spend billions of taxpayer dollars each year quietly to settle lawsuits involving civil rights violations. These cases include allegations of sexual harassment, racial and gender discrimination, retaliation, excessive force, and other forms of workplace and constitutional misconduct. Yet, there is no standardized federal mechanism to track, disclose, or analyze these settlements, even when public funds are used to pay them. This lack of transparency conceals patterns of abuse, shields repeat offenders, and weakens public confidence in the integrity of democratic institutions.

Multiple federal oversight bodies, including the Government Accountability Office (GAO), the U.S. Commission on Civil Rights, and independent inspectors general, have identified the absence of civil rights settlement reporting as a structural blind spot in our system of public accountability. Survivors, whistleblowers, and public interest advocates have long called for reform. But in the absence of mandated reporting, the public remains largely unaware of our institutions' financial and human costs.

This Executive Order responds to that call by directing the development and implementation of a nationwide Civil Rights Liability Disclosure Program. Through standardized data collection, biennial reporting, and robust public access, this Order lays

the foundation for greater accountability, stronger whistleblower protections, and a renewed commitment to the values of transparency and equal protection under the law.

### **Section 1. Purpose.**

Transparency and accountability are the cornerstones of democratic governance. Public trust is undermined when civil rights violations committed within public institutions, including law enforcement and government entities, are resolved through settlements or judgments without public disclosure. Taxpayer dollars fund these resolutions, yet the underlying misconduct's scope, frequency, and nature are frequently shielded from public view. This Executive Order mandates standardized federal reporting of civil rights-related liabilities, including those resolved under federal, state, and local laws, to promote accountability, inform policy, and restore confidence in the public institutions we entrust to serve the people.

### **Section 2. Definitions.**

- a. "Covered Entity" means any executive agency, department, or subdivision thereof, including law enforcement and correctional entities, with 100 or more employees. This definition includes state, local, territorial, and tribal governments that receive federal funding to the extent consistent with applicable law and tribal sovereignty.
- b. "Civil Rights-Related Settlement or Judgment" includes any resolution of a claim, complaint, or lawsuit involving allegations of violations of:
  - i. Federal civil rights statutes, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, and 42 U.S.C. § 1983;
  - ii. State and local human rights statutes (e.g., NYSHRL, NYCHRL, FEHA, IHRA);

- iii. Related common law torts where the underlying conduct pertains to discrimination, harassment, retaliation, or abuse of power, including but not limited to negligent supervision, intentional infliction of emotional distress, defamation, assault, and battery.

### **Section 3. Reporting Requirements.**

- a. Beginning in the Fiscal Year 2026, all Covered Entities shall prepare and submit a biennial Civil Rights Liability Disclosure Report to the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Justice (DOJ) Civil Rights Division.
- b. These reports shall include, in aggregate and anonymized form:
  - i. The total number and dollar amount of all settlements or judgments involving civil rights-related allegations under federal, state, or local law;
  - ii. The type of violation alleged (e.g., sexual harassment, retaliation, racial or gender-based discrimination, disability-based discrimination, or excessive force);
  - iii. The protected class categories of the complainant(s) (e.g., sex, race, national origin, disability, age, LGBTQ+ status);
  - iv. The role, rank, job title, or command of the alleged perpetrator(s), categorized and anonymized;
  - v. Whether the alleged perpetrator(s) were subject to any post-resolution employment action (e.g., discipline, transfer, promotion, resignation);
  - vi. Estimated defense costs and legal fees associated with each matter, including internal counsel hours and external litigation expenditures.

#### **Section 4. Whistleblower Protections.**

- a. The Attorney General, in consultation with the Equal Employment Opportunity Commission (EEOC), shall issue regulations and model policies requiring covered entities to adopt and implement enforceable whistleblower protections. These protections shall include:
  - i. Prohibition against retaliation for employees who report civil rights violations, participate in investigations or litigation, or disclose settlements involving such violations;
  - ii. Internal complaint mechanisms that ensure confidentiality and impartial investigation;
  - iii. Anti-retaliation provisions that include progressive discipline for violators and remedies for affected employees;
  - iv. Training and annual reporting requirements on whistleblower activity and agency response.
- b. Entities that fail to adopt or enforce adequate whistleblower protections may be deemed noncompliant under this Order and shall be subject to corrective measures, including mandatory technical assistance, enhanced oversight, and funding conditions. The Attorney General, in coordination with the EEOC and the Civil Rights Liability Oversight Task Force, shall determine appropriate enforcement actions, which may include:
  - i. Temporary suspension of grant eligibility until compliance is demonstrated;
  - ii. Recertification audits and submission of a corrective action plan;

- iii. Public notice of noncompliance status, where appropriate;
- iv. Other remedial measures deemed necessary to protect whistleblowers and uphold the goals of this Order.

**Section 5. Public Education and Technical Assistance.**

- a. The EEOC, in consultation with the DOJ, shall develop model training materials and guidance for public employers to:
  - i. Comply with reporting requirements;
  - ii. Establish internal safeguards against retaliation;
  - iii. Support survivor confidentiality while promoting institutional transparency.
- b. The Attorney General shall develop a model state legislative framework (“Public Civil Rights Settlement Disclosure Act”) and make it available to governors, attorneys general, and state legislators for voluntary adoption.

**Section 5A. Survivors’ Rights and Trauma-Informed Practices.**

- a. Covered Entities are encouraged to adopt survivor-centered, trauma-informed policies and procedures in all investigations and resolution processes involving civil rights violations.
- b. The Department of Justice, in consultation with the EEOC and relevant trauma experts, shall issue optional guidance for:
  - Ensuring respectful, confidential, and non-retaliatory complaint-handling procedures;
  - Offering access to independent legal support or advocacy services for survivors;

- Providing training to internal investigators, HR officials, and leadership on trauma-informed response protocols;
  - Encouraging post-resolution follow-up and referrals for mental health or peer support services.
- c. Public entities may voluntarily incorporate these standards into collective bargaining agreements, training programs, and policy manuals to reinforce employee dignity, institutional accountability, and workplace safety.

#### **Section 6. Pilot Implementation.**

- a. The program shall launch with a pilot cohort of the 25 largest municipal law enforcement entities by operating budget.
- b. Following an initial 24-month review period, the DOJ and EEOC shall submit a joint report to the President and Congress recommending nationwide expansion and refinement of the program.

#### **Section 7. Public Accessibility.**

- a. The EEOC and DOJ shall jointly develop and maintain a centralized, publicly accessible online database to publish annual summaries of the data reported under this Order. The database shall be searchable, sortable, and updated promptly to allow meaningful access by policymakers, researchers, journalists, and the general public.
- b. Published data shall be presented in aggregate and anonymized form to protect the identities of individual complainants and alleged perpetrators. The reporting shall be disaggregated by violation type, protected class category, agency, and resolution outcome to support pattern recognition and systemic analysis.



- c. The EEOC and DOJ shall issue data visualization tools and interactive dashboards to facilitate public understanding of trends, including repeat agency-level violations, changes in institutional responses, and geographic disparities in civil rights liability.
- d. To enhance transparency and engagement, the database shall include annual implementation scorecards for each Covered Entity, noting compliance status, reporting completeness, and corrective actions, where applicable.
- e. The Attorney General, in consultation with civil rights stakeholders and open government experts, shall conduct a public comment process to ensure accessibility, user interface design, and data integrity standards meet public transparency best practices.
- f. Territorial and tribal jurisdictions are encouraged to participate voluntarily in the Civil Rights Liability Disclosure Program. The EEOC and the DOJ shall provide technical assistance to facilitate inclusion while respecting the legal and sovereign frameworks governing those jurisdictions.

#### **Section 8. Compliance and Enforcement.**

- a. The Office of Management and Budget (OMB), in coordination with the EEOC and DOJ, shall issue implementation guidance no later than 180 days from the date of this Order.
- b. A Joint Civil Rights Liability Oversight Task Force, co-chaired by the EEOC and the DOJ Civil Rights Division, is hereby established to oversee the implementation of this Order. The Task Force shall:
  - Monitor and evaluate compliance with the reporting requirements;
  - Conduct biennial reviews of submitted reports;

- Recommend updates to data categories, reporting formats, or enforcement protocols;
  - Provide annual implementation status updates to the President and Congress.
- c. Compliance with this Executive Order shall be a condition of eligibility for specified categories of federal funding, law enforcement accreditation, and participation in federal grant programs administered by the DOJ or other federal entities.
- d. Covered Entities shall undergo recertification audits every two to four years to maintain eligibility for continued federal funding. These audits shall assess compliance with reporting, whistleblower protection, and transparency standards established under this Order.
- e. Covered Entities found noncompliant may be subject to administrative penalties, funding restrictions, technical assistance mandates, or other enforcement actions deemed appropriate by the Attorney General in consultation with the Task Force.

#### **Section 9. General Provisions.**

- a. Nothing in this Order shall be construed to impair or otherwise affect:
- i. The authority granted by law to an executive department or agency;
  - ii. The functions of the Director of the OMB relating to budgetary, administrative, or legislative proposals.
- b. This Order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

**Section 10. Effective Date.**

This Order shall take effect immediately.

Signed:

President of the United States

Date: [Insert Date]