

Team Equity Action Plan Analysis: *Department of Justice, Department of Homeland Security, and United States Agency for International Development*

The Equity Action Plans proposed by the Department of Justice (DOJ), Department of Homeland Security (DHS), and United States Agency for International Development (USAID) are the focus for this analysis. Each agency's action plan provides an array of technical and practical solutions that address salient forms of inequity within their respective domains. This analysis seeks to illustrate how each Agency's offered solutions are insufficient in their ability to drive transformative change within each organization. While the action items presented are stepping stones towards procedural and recognition equity, they do not set a new precedent for an equitable (re)distribution of resources and power across the country.

Overlapping Conceptualization of Equity across Agencies

Leach et. al define equity as "ensuring that everyone has what they need for wellbeing in a given context, implying 'more for those who need it.'" In the context of federal agencies, a significant knowledge inequity is acknowledged for agency stakeholders (e.g. grant recipients and partner organizations): there is a lack of easily accessible information that could improve public engagement and satisfaction with agency services. For instance, the DOJ prioritized improving access to its funding opportunities, DHS sought to improve access to humanitarian legal protections, and USAID aims to provide greater access to capacity-building tools through its WorkwithUSAID website. All the plans mention expanding access to language translation to better communicate with those with limited English proficiency (LEPs). Each of these actions connects resource accessibility with equity however, this connection edges delicately on conflation between the two terms. While expanding access to information about federal resources is imperative for equity, this expansion *alone* does not ensure the stakeholders with the most need will know how to use this information to its maximum benefit.

Moreover, each agency uses similar terminology to define stakeholders, directing their actions specifically at historically underserved or marginalized communities. The use of this umbrella term is likely in response to the equity definition offered by Executive Order 13895 which considers equity's stakeholders to include "individuals who belong to underserved communities." While application of the umbrella term is understandable given the breadth of stakeholders served by the agencies, their action steps indicate less focus on directly improving the conditions of the underserved or legitimating individual or collective rights, and more concerned with identifying organizations and institutions who support marginalized communities (presumably because they are in a stronger position to provide aid). Furthermore, obfuscated language is present throughout all the plans. The jargon and explorative voice employed detract from each document's clarity. This is presumably to provide the agency with more maneuverability and room for interpretation in the execution of each of the action items.

Contrasting Conceptualizations of Equity across Agencies

Given the differing scopes and purviews of each Agency, different conceptualizations of equity's definition and operationalization are expected. The following sections highlight particularities across each department that illustrate how organizational context alters the mechanisms available to advance equity.

Department of Homeland Security

As one of the newest and largest federal departments, the Department of Homeland Security (DHS) approached Executive Order 13985 by recognizing historic inequities surrounding many of its operations and proposing reforms to those operations. Notably, the DHS Equity Action Plan excluded many of its

high-profile agencies including the Federal Emergency Management Agency (FEMA) and Immigration and Customs Enforcement (ICE). Significant portions of the DHS plan are devoted to reform proposals concerning the DHS agencies the public interacts with the most, specifically the Transportation Security Administration (TSA) and the US Citizenship and Immigration Services (USCIS). Of the three agencies analyzed here, DHS' plan arguably does the best of further integrating equity because it contextualizes barriers to equity and occasionally accepts blame for them, and it offers action items which are the most relevant to the average citizen.

Before exploring the individual merits of the action items in DHS' Plan, it is worthwhile to consider the ideological and political context in which the department was created. The decade following the September 11, 2001 terrorist attacks was characterized by "neoconservative" aspirations of an expansive surveillance state, military adventurism in the Middle East, and pervasive paranoia. Furthermore, one could argue that the inclusion of the term "homeland" in the department's name precludes a fuller integration of equity into DHS policy. "Homeland" denotes nativism and imbues a sense of exclusive ownership over who has a right to exist in the United States. It creates an "othering" of those deemed to be a threat to national security, no matter how tenuous or questionable the justification may be. This is evidenced by the deployment of DHS agents in unmarked vehicles abducting protestors in Portland, Oregon in 2020. Although DHS espouses many worthwhile actions in its Equity Action Plan, the extent to which it as an agency is committed to equity may run contrary to its fundamental nature.

However, despite the questionable essence of DHS' mission, it does propose a number of practical improvements to its operations to improve equity for "underserved populations" which it primarily defines in terms of class, gender, occupation, ethnicity, and identity. The seven action items are:

1. *Applying for Naturalization*
2. *Accessing Humanitarian Protection during Immigration Processing*
3. *Bidding on a DHS Contract*
4. *Countering Domestic Violent Extremism and Targeted Violence*
5. *Filing Complaints and Seeking Redress in DHS Programs and Activities*
6. *Airport Screening*
7. *Access to Trusted Traveler Programs*

In the action items pertaining to naturalization and immigration processing, DHS claims it will offer expanded resources to individuals with limited English proficiency and "disabled" peoples. DHS promises considerable reforms to TSA airport screening processes for LGBTQI+ individuals by offering non-binary gender selections and "improved machine algorithms". It will also make similar reforms to the TSA PreCheck program to be more considerate of LGBTQI+ individuals. DHS also promises to make its grant selection and disbursement process more equitable by improving engagement and outreach efforts to members of underserved communities. However, perhaps most surprising among its action items is the substantial discussion of the relationship between underserved communities and domestic violent extremism (DVE). DHS explicitly acknowledges that members of underserved communities (specifically those of Asian American, Native Hawaiian, and Pacific Islander descent, Jews, and African Americans) are often targeted by DVE and is committing more resources to prevent those attacks.

Department of Justice

The Department of Justice defines equity as "equal justice under the law," connecting its equality-centric definition to the Department's origin after the Civil War to "secure the civil rights established by the

13th, 14th, and 15th Amendment.” DOJ declares they have always been a participant in the fight for equal rights, despite providing any evidence to the contrary. Its plan focuses on the following five items:

1. Federal Financial Assistance
2. Improving Access to Grants
3. Language Access
4. Stakeholder Engagement
5. Procurement and Contracting

Of the five Equity Action Plan items, four of them (Federal Financial Assistance, Improving Access to Grants, Stakeholder Engagement, Procurement and Contracting) deal more with procedural matters than increasing the accessibility to specific resources, while one (Language Access) deals with distributional equity. Connecting with the DOJ’s implied definition of equity, the action items all deal with matters that if improved will further the end goal of equal justice under the law.

All five imply an increase in access to DOJ resources for historically marginalized groups, however, all historical contextualization is considerably vague throughout the document. Furthermore, there is no implicit apology for previous harm caused to U.S. citizens who were denied access to DOJ services due to their identity. The DOJ seeks to integrate "equity considerations" into its programming and funding structures. Nonetheless, it primarily presents its equity issues as opportunity gaps versus systemic denials of federal rights and legal protections.

It must be noted, the DOJ is the only plan evaluated that outlined an implementation timeline. Dividing certain actions between the short and long term, but not providing explicit year markers, they list what could be done as soon as possible and which items will take more dedicated work to be fulfilled.

United States Agency for International Development

The United States Agency for International Development’s (USAID) definition of equity is framed around democratizing its procurement and development policies and practices. With partners operating in over 100 countries, USAID’s “values-based approach” to foreign assistance seeks to become consistent in embedding diversity, equity, inclusion, and accessibility (DEIA) into service provision and partner development strategies. The agency prioritized 5 recommended action items:

1. *Continued development of the WorkwithUSAID platform*
2. *Enhanced implementation of USAID’s nondiscrimination for beneficiaries policy, development and implementation of an Independent Accountability Mechanism, and advancement of Title VI protections*
3. *Lowered internal and external barriers for USAID awards, to include reduction of acquisition and assistance administrative burdens that negatively affect partner capacity*
4. *Designation of an Inclusive Development (ID) Advisor at each Mission and procurement of inclusive development support mechanisms managed through the Agency’s ID Hub*
5. *Implementation of a consistent approach to incorporate racial and ethnic equity and diversity into policy, planning, and learning*

The geographic expansiveness of USAID’s stakeholders requires a conceptualization of equity that accounts for vast cultural, political, and ethnic variation. This variation may provide some indication of why none of USAID’s Missions currently address equity issues: with so many differing identities, there are likely conflicting perceptions of equity. USAID-funded projects range from maternal health and education to food security and conflict prevention. Some USAID partners operate in conflict-torn or

impoverished nations often exploited to advance neoliberal aims. Nonetheless, USAID does not contextualize the neocolonial roots of the humanitarian crises which produce the necessity of the Agency's capital infusions abroad in the first place.

USAID presents its problems as procedural gaps that inhibit its commitment to "the protection of human rights and nondiscrimination for recipients of USAID services." Its proposal to designate Inclusive Development (ID) Advisors at its Missions and provide programming through its ID Hub are an expansion of a model already used by several of its partnering organizations. This expansion, while likely well-intended, risks imposing an American model of global development on stakeholders rather than inviting co-development of programming that could holistically capture differences in local need.

Notably, USAID recognizes its failure to create an accountable environment that legitimates and redresses partners' claims of harm due to USAID programming. Its action items provide steps towards improving this environment, however, no explicit recognition of specific instances of harm caused by USAID are included in the plan. The Agency alludes to its responsibility but does not apologize for its previous harm.

Conclusion

In summary, we recognize the variation in equity definitions and action items discussed are constrained by each agency's organizational culture. There are several limitations within each plan that we believe prevent the transformational change needed to achieve truly equitable policy. These limitations range from the legalese employed by the DOJ to the potentially anti-democratic nature of DHS. There is no attempt to challenge existing power relations, simply to elevate equality with an eye turned to equity in the future. The action items presented in each agency's plan mostly offer practical reforms to existing processes but fall short of addressing the often troubled history of the agency. The agencies are still in the initial phase of identifying barriers to equity, evident by their need for greater data collection. All in all, the plans lack specificity in equity's operationalization and strong timelines for implementation, creating concern about each agency's commitment to equity once the Biden Administration concludes.