



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Equity Action Plan (as of January 20, 2022)

(1) **Executive Summary**

- **Agency Name and Mission:**

The Privacy and Civil Liberties Oversight Board (PCLOB) is an independent agency within the executive branch. The PCLOB's mission is to ensure that the federal government's efforts to protect the nation from terrorism are appropriately balanced with the need to protect privacy and civil liberties. PCLOB conducts oversight and provides advice regarding legislation, regulations, policies, procedures, and activities related to counterterrorism. The PCLOB is not a regulatory agency, does not issue or implement policies that impact the public, and does not provide programs, benefits, or services to the public.

- **Summary of Action Plan:**

PCLOB is committed to making equity considerations a core component of the agency's decision-making framework and will continue to evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with stakeholders and historically underserved communities. PCLOB's small size, specific mission, and limited direct engagement with the American public present some challenges the agency will work to overcome to fully implement Executive Order 13985.

Despite such challenges, PCLOB is committed to affirmatively advancing equity, civil rights, racial justice, and equal opportunity for all. Such a commitment is continually in progress both in our society and also at PCLOB. PCLOB will continually develop its priorities around advancing equity for all and will keep the public timely informed.

The PCLOB Equity Action Plan identifies four actions the agency will undertake to advance equity and make it a core component of agency management and policymaking. The PCLOB Equity Team will be responsible for overseeing implementation of these actions and will report on a quarterly basis to the Chair (or remaining Board Members in the absence of a Chair) on the status of their implementation.

- I. **Increase agency procurement and contracting opportunities to historically underserved communities** - To further promote equity goals, PCLOB will increase its efforts to identify small, disadvantaged businesses as potential vendors and encourage these businesses, when possible, to submit proposals for contracted services.

- II. **Increase stakeholder engagement to support mission activities** - PCLOB will proactively seek to identify more opportunities to engage stakeholders from underserved communities, especially those individuals who may be impacted by government activities subject to PCLOB oversight.
- III. **Increase access to PCLOB public events** - PCLOB will work to expand its reach to underserved communities through enhanced awareness of the agency's mission and its advice and oversight projects, and invitation to its public events.
- IV. **Consider equity issues in PCLOB's oversight projects** - PCLOB will consider proactively incorporating equity concerns in its current and future advice and oversight activities.

(2) **Summary of Accomplishments**

Since the issuance of Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, PCLOB formed the agency's Equity Team. The Equity Team will provide oversight of and maintain accountability for new agency equity initiatives. The Team is comprised of the following individuals:

- Acting Executive Director (Lead),
- Acting General Counsel,
- Chief Financial Officer/Senior Procurement Executive,
- Chief Human Capital Officer,
- Legislative and Public Affairs Officer,
- Accountant, and
- Attorney-Advisor.

The following PCLOB Equity Action Plan has been reviewed and approved by the PCLOB Board Members, who are committed to enhancing equity across the agency and throughout its engagements with the public.

PCLOB EQUITY ACTION PLAN

The PCLOB's Equity Action Plan outlines four actions the agency will undertake to meaningfully address the barriers and opportunities identified through the agency's previous equity assessment. The actions, listed in order of intended priority, are discussed in detail below, including the rationale for selection, metrics to evaluate success, and a high-level overview of proposed implementation.

The actions listed below are plans we currently anticipate to support PCLOB's commitment to advancing equity for all and implementing Executive Order 13985. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is continually in progress both in our society and also at PCLOB. While this document represents a snapshot of the current plan at PCLOB, the agency anticipates continually developing its priorities around advancing equity for all and implementing Executive Order 13985. This development will take various forms and PCLOB will commit to regularly assessing its progress to implement these and other diversity, equity, inclusion, and accessibility measures, keeping the public timely informed of PCLOB's commitment to advancing equity for all.

I. Increase Agency Procurement and Contracting Opportunities to Historically Underserved Communities

A. Barrier to Equitable Outcome(s)

One potential barrier to advancing equity through procurement and contracting opportunities exists due to the specific nature of PCLOB's mission, which often involves classified work and/or performance in the agency's Sensitive Compartmented Information Facility (SCIF). Considerable resources are required for contractors to compete for work in a SCIF. Accordingly, many historically underserved communities, represented in this context by disadvantaged businesses, may not be able to compete for contract opportunities at PCLOB because they are often small and lack the financial resources necessary to operate in a classified environment.

Other existing factors, which include the agency's small size as well as its strategic goals, also limit contract opportunities for disadvantaged businesses. Due to the agency's small size, the total number of contracts awarded each year are minimal, averaging about twenty per year or five per quarter. Additionally, as part of its strategic plan, PCLOB has been working to reduce the overall number of contracts and minimize contract spending whenever possible.

B. Action and Intended Impact on Barrier

To mitigate the potential barriers historically underserved communities may face in competing for available contract opportunities, PCLOB will work with the agency's procurement service provider to perform necessary market research to identify disadvantaged businesses suitable for meeting PCLOB's unique requirements. To further promote equity goals, the PCLOB will increase its efforts to market contract service opportunities to disadvantaged businesses.

The agency prioritizes the expansion of procurement and contracting opportunities for disadvantaged businesses because procurement activities represent the agency's primary interaction with the public. Increasing outreach and potential contracting opportunities to disadvantaged businesses will aid in reducing the existing barriers due to PCLOB's unique requirements and limited procurement opportunities.

C. Tracking Progress

The PCLOB Office of the Chief Financial Officer (OCFO) monitors the number of contracts awarded to disadvantaged businesses to routinely evaluate successes realized (or not realized), with the goal of achieving a higher percentage awarded to disadvantaged businesses whenever feasible. The results will be incorporated into the quarterly PCLOB Equity Team briefing.

D. Accountability

The PCLOB OCFO will ensure accountability in implementing this action by monitoring the types of businesses agency contracts are awarded to and regularly assessing whether the contracts assigned to historically underserved communities, represented by disadvantaged businesses, align with the success metrics identified above. Further, PCLOB's Equity Team will regularly consult the OCFO and this Equity Action Plan to ensure the commitments contained therein are honored.

As noted above, PCLOB has a very specific mission and does not provide programs, benefits, or services to the public. Accordingly, PCLOB does not intend to communicate agency progress in implementing this Equity Action Plan to external stakeholders. However, in support of its mission, the PCLOB will evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with stakeholders potentially impacted by the government activities PCLOB oversees, including

community-based, civil rights, privacy, and civil liberties organizations, and access to PCLOB's public events, as discussed below.

II. Increase Stakeholder Engagement to Support Mission Activities

A. Barrier to Equitable Outcome(s)

Stakeholders are potentially anyone impacted by the government counterterrorism programs the PCLOB reviews pursuant to its oversight or advice functions. Consultations conducted with PCLOB's external stakeholders can facilitate the agency's oversight and advice functions, and explicit engagement with stakeholders from historically underserved communities would aid in advancing equity in the PCLOB's mission work. However, many of PCLOB's projects are conducted at the classified level, eliminating the possibility of publicly engaging with stakeholders from historically underserved communities. The ratio of classified to unclassified mission work performed by the agency varies over time as well, presenting further challenges to the full implementation of this planned action.

B. Action and Intended Impact on Barrier

To reduce the barrier of limited stakeholder engagement supporting PCLOB's mission activities, the agency will proactively seek to identify more opportunities to engage stakeholders potentially impacted by government activities subject to oversight by the PCLOB (to the extent consistent with the protection of classified information), to better inform PCLOB's assessment of potential privacy and civil liberties implications of certain government counterterrorism activities.

The Board prioritized this action because stakeholder engagement supporting the Board's mission is one of the few ways the Board can meaningfully interact with the public. More frequent engagement with privacy, civil liberties, and civil rights organizations that could potentially better inform PCLOB's oversight work and provide additional educational or training opportunities for PCLOB staff were also considered in the prioritization of this equity action.

C. Tracking Progress

In both the near and long-term, PCLOB will evaluate success implementing this action by assessing whether the agency has increased its engagement with outside stakeholders, to the greatest extent possible, throughout its mission-related work. The findings will be incorporated into the quarterly PCLOB Equity Team briefing.

D. Accountability

Because the PCLOB has a very specific mission and does not provide programs, benefits, or services to the public, the stakeholder engagement referenced may differ from the stakeholder engagement envisioned by E.O. 13985. However, the PCLOB will ensure accountability in implementing this action by focusing on (1) enhanced engagement with stakeholders potentially impacted by government counterterrorism activities subject to PCLOB oversight, consistent with the protection of classified information, and (2) more frequent engagement with the privacy, civil rights, and civil liberties community either regarding a specific ongoing oversight project or as an educational or training opportunity for PCLOB staff. Further, PCLOB's Equity Team will regularly consult this Equity Action Plan to ensure the commitments contained therein are honored.

III. Increase Access to PCLOB Public Events

A. Barrier to Equitable Outcome(s)

With expanded access to PCLOB's public events, individuals from historically underserved communities may learn about the PCLOB and its work to enhance privacy and civil liberties in federal government efforts to protect the nation from terrorism. However, due to the agency's small size and specific mission, often of a classified nature, the PCLOB is not widely known outside of the National Capitol Region and heavily relies on its website and social media to publicize upcoming public events. PCLOB's limited outreach may unintentionally restrict access to and participation by individuals from historically underserved communities in PCLOB's public events, presenting another potential barrier to equitable access.

B. Action and Intended Impact on Barrier

To reduce access barriers to attending PCLOB public events, the agency will consider partnerships with entities (e.g., colleges and universities, law schools, and professional associations) that serve historically underserved communities to expand PCLOB's reach through enhanced awareness of the agency's mission and events. Expansion of awareness about the PCLOB and its activities could draw more individuals from historically underserved communities to public events and could potentially increase awareness about recruiting and hiring opportunities to individuals from historically underserved communities.

This action was prioritized because public events are one of the ways the public can engage with the agency. Promoting increased engagement and participation from historically underserved communities expands PCLOB's reach and public awareness of the agency's work.

C. Tracking Progress

In the near-term, PCLOB will evaluate success in implementing this action on a quarterly basis, assessing the development of new partnerships with colleges and universities, law schools, and professional associations that serve historically underserved communities in order to enhance awareness about the agency and its mission. Findings will be incorporated into the quarterly PCLOB Equity Team briefing.

D. Accountability

As noted above, the PCLOB has a very specific mission and does not provide programs, benefits, or services to the public. Accordingly, the PCLOB has not consulted with stakeholders in the process of the agency's equity assessment and planning approach. However, in support of its mission, the PCLOB will evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with stakeholders potentially impacted by the government activities PCLOB oversees, including community-based, civil rights, privacy, and civil liberties organizations, and access to PCLOB's public events. Further, PCLOB's Equity Team will regularly consult this Equity Action Plan to ensure the commitments contained therein are honored.

IV. Consider Equity Issues in PCLOB's Projects

A. Barrier to Equitable Outcome(s)

While the Board's mission requires it to balance the value of counterterrorism activities with privacy and civil liberties interests, the Board historically has not deliberately addressed equity issues in the exercise of its oversight or advice functions. Therefore, an opportunity for new consideration of equity issues in PCLOB's current and future advice and oversight projects exists. Specifically, PCLOB could consider equity issues as it continues work on existing projects or as selection criterion for potential future projects.

B. Action and Intended Impact on Barrier

To remedy this barrier, the Board will proactively consider equity issues in its current and future advice and oversight projects, as appropriate. PCLOB considers this action a priority because advice and oversight projects are the primary ways the agency accomplishes its mission. Accordingly, considering equity in the exercise of its official mandate is the most direct way the PCLOB can ensure advancing equity is a core part of agency operations.

C. Tracking Progress

In the short-term, the agency will assess inclusion of equity considerations in ongoing projects. In the long-term, the PCLOB will assess inclusion of equity-related considerations in its new projects.

D. Accountability

PCLOB will ensure accountability in considering equity in its projects by tracking final PCLOB products and periodically assessing whether those products reflect consideration of equity issues. The Board will consult with PCLOB's Equity Team and its Equity Action Plan to ensure equity considerations help to inform advice and oversight functions, as appropriate.

Further, the PCLOB will consider notifying agencies subject to PCLOB's oversight that PCLOB may evaluate equity considerations in its current and future advice and oversight projects, when appropriate. This may also secondarily potentially prompt those agencies to consider equity issues in the development and implementation of their own counterterrorism efforts.