

Advancing Equity in Year 2 of the Biden Administration

Tracey Ross



WE STAND ON THE SHOULDERS OF GIANTS.

The wins that emerged from the Civil Rights Movement fundamentally transformed our country by prohibiting discrimination based on race, color, religion, sex, and national origin. With those legal barriers removed, a new generation found that while equality gives everyone the same rights, it does not repair the harm that was already done or address systemic racism. If equality allows everyone to ride on the bus in any seat they choose, equity ensures there are enough bus routes where people need them. As a result, a new movement emerged to ensure all people can live in a society where they can participate, prosper, and reach their full potential. For more than 20 years, the equity movement has set the standard for not only fair treatment, but for repairing harm and ensuring better outcomes for all. Now we find ourselves at another critical moment.

In January 2021, on the heels of a historic movement for racial and social justice, President Biden took office and issued an executive order making equity and racial justice “the responsibility of the whole of our government,” becoming the first president to embrace this movement.¹ Since this time, the administration has made important steps to advance equity, issuing numerous executive orders and passing transformative recovery bills to invest in communities, families, workers, and the planet. Yet there is much more work to be done to realize these goals.

Today, nearly one in three people are economically insecure and unable to attain a basic standard of living. And the barriers that have long harmed people of color—social and economic exclusion, community disinvestment, and government neglect—have been allowed to persist and are hurting more people than ever before, including more than 53 million people of color and 46 million white people.² As the US continues to become more diverse, what happens to people of color will determine the fate of the nation.

Achieving racial equity would strengthen our democracy and make it resilient and strong in the face of challenges. It would also create significant economic opportunities, including the potential to add about \$3 trillion to the economy every year by achieving racial equity in income, according to the National Equity Atlas.³ By contrast, inequities over the past 20 years have cost the nation nearly \$16 trillion.⁴ If any group is excluded, the strength of our country is undermined.

This is more than a moment. Real change takes time, commitment, and unwavering political courage. Our generation’s challenge is to redesign the nation’s laws, policies, regulations, and programs so they effectively serve people of color, and ultimately all, in a multiracial democracy. As the challenges mount and the opposition stiffens, the ambitions of the equity movement must soar. Racial equity is a journey of continuous improvement, and this administration will cement its legacy as champions for all by continuing the work.

President Biden took on the monumental task of being the first administration to name equity as the responsibility of the federal government. The work of this second year must be focused on ensuring efforts to advance equity not only deepen but endure across future administrations. This administration not only has the obligation to continue the work in the face of challenges, but to get it right as the decisions made today will impact the work of the equity movement for years to come.

PolicyLink and Race Forward have joined forces to align strategies and support the federal government in its work to advance racial equity. This work, however, is bigger than our two institutions. We are committed to partnering with equity leaders across the country to work with the federal government to meet the ambitions set out by the racial equity executive order. This brief outlines how the Biden Administration can hold itself accountable to its equity commitments and build on this foundation to ensure the federal government finally serves all people.

A Foundation for Equity

Throughout 2021, President Biden issued a number of executive actions that provide a meaningful foundation for the administration to advance equity. While some orders ushered in swift action, most set the wheels of change in motion and will require deeper commitment, dedicated resources, transparency, and accountability to achieve the desired outcome. For instance, under the Day One executive order on advancing racial equity, agencies were directed to complete equity assessments within six months and submit equity action plans a year later. In the local government context, racial equity assessments are not only deliverables, but tools incorporated into how the government functions. The federal government will need to develop, implement, and continue to strengthen tools for assessing equity, set performance standards for measuring progress toward equity outcomes, and train staff on how to use these tools on past and proposed policies and regulations.

Another example is President Biden's executive order to end the federal government's use of private prisons, which states, "We must ensure that our Nation's incarceration and correctional systems are prioritizing rehabilitation and redemption."⁵ As of December 16, 2021, the Bureau of Prisons reported that 157,477 people were in its custody⁶—only 9 percent of the federal prison population are in private facilities, some of which have already found ways to circumvent the order.⁷ This is still just a fraction of the country's prison population, which is nearly 2.3 million people.⁸ Mass incarceration has resulted in nearly one in three people—a disproportionate number of whom are people of color—having some sort of a criminal record, creating barriers to employment, housing, and education.⁹ If there is a desire to improve our justice system, this would require investing in a new vision of public safety focused on addressing the root causes of harm and violence and funding essential needs that help families thrive.

These actions set an important North Star that can only be attained through transformative policies. Below is an overview of key executive actions the Biden Administration has taken to advance equity and the sorts of actions needed to begin meeting their stated goals.

Actions to Advance the Biden Administration’s Equity Agenda

Executive Action	Summary	Desired Outcome	Actions Needed
<u>Racial Equity in Federal Government</u>	Directs the federal government to develop a comprehensive approach to advancing equity for all with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation, and disability.	Agencies are better equipped to develop policies and programs that deliver resources and benefits equitably to all.	<ul style="list-style-type: none"> • Provide clarity and guidance to ensure standard application of Racial Equity Impact Assessments across the government. • Develop strategic plans and goals for flagship initiatives then pilot actions to improve equity outcomes. • Ensure transparency and codify the lessons learned to ensure continuity across leadership transitions, and adjust programs, policies, and processes as needed.
<u>Gender and Sexual Orientation</u>	Directs the administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and seeks to fully enforce laws that prohibit such discrimination.	All people experience systematic, fair, just, and impartial treatment regardless of gender or sexual orientation.	The administration should continue to urge the Senate to pass the <u>Equality Act</u> , which would create sweeping protections for LGBTQ people in housing, education, health care, and more.
<u>Equitable Pandemic Response</u>	Addresses the disproportionate impact of Covid-19 on communities of color and other underserved populations.	Advance health equity and address the impacts from the pandemic on the hardest-hit communities.	<ul style="list-style-type: none"> • Expand health-care coverage and invest in community health interventions. • Clear the nearly <u>\$16 billion in rent debt</u> accrued due to the pandemic to prevent mass eviction, which would directly harm economically vulnerable families and our economy.
Immigration	On Day One, Biden reversed the <u>Muslim ban</u> ; required the census count <u>undocumented people</u> ; <u>reaffirmed DACA</u> ; ceased expansion of <u>immigration enforcement</u> ; and halted construction of the <u>border wall</u> .	Increased safety and stability for immigrant populations in the United States.	The administration needs to reaffirm its commitment to a pathway to citizenship for DACA holders, long-term residents, and essential workers.

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Fair Housing	Directs the Department of Housing and Urban Development to address racially discriminatory federal housing policies and enforce federal civil rights and fair housing laws.	End housing discrimination and provide redress to those who have experienced housing discrimination.	<ul style="list-style-type: none"> The administration should clarify that all agencies involved in community development (USDA, EPA, Treasury) are subject to the Affirmatively Furthering Fair Housing mandate. HUD should provide funding to support state and local grantees to engage communities, conduct data analysis, and complete plans.
End Use of Private Prisons	Directs the Department of Justice to end its use of private prisons due to poor conditions in the facilities.	Ensure that the nation's incarceration and correctional systems are prioritizing rehabilitation and redemption.	Support existing legislation including the BREATHE Act , the Community Emergency Response Act , and the Counseling Not Criminalization in Schools Act .
Tribal Sovereignty	Reaffirms the federal government's "commitment to tribal sovereignty and consultation," and declares the government will consult with tribes on policies that affect them.	Strengthen the nation-to-nation relationship between the United States and tribal nations.	<ul style="list-style-type: none"> The US government honors its treaties with tribal nations. Adopt a standard of free, prior, and informed consent across agencies, which would allow tribes to give or withhold consent to a project affecting their territories. Efforts to improve safety in tribal nations should primarily focus on community-centered responses given the high rates of police violence against Indigenous people.
Environmental Justice	Calls on agencies to center the climate crisis and creates the Justice40 Initiative to ensure 40 percent of relevant federal investments benefit disadvantaged communities.	Investments in a clean economy create good jobs for disadvantaged communities and ensure historically overburdened communities are healthy and thriving.	<ul style="list-style-type: none"> Apply Justice40 goals to competitive grants through the Infrastructure Investment and Jobs Act. Continue to urge passage of the Environmental Justice for All Act.

Executive Action	Summary	Desired Outcome	Actions Needed
Combat AAPI Hate	Condemns xenophobic language used in relation to the pandemic and calls on DOJ to collect data on hate crimes and harassment directed at Asian Americans and Pacific Islanders.	All Asian Americans and Pacific Islanders are treated with dignity and equity.	The administration should prioritize community-centered responses and services to improve safety for Asian Americans and Pacific Islanders.
Close the Racial Wealth Gap	Announcement to expand access to homeownership and small business ownership in communities of color and disadvantaged communities.	Overcome and redress systemic racism and discrimination that has undermined and diminished the wealth of Black families.	<ul style="list-style-type: none"> • Baby Bonds would increase assets base for future use, such as putting a down payment on a home, financing education without debt, or starting a small business. • Reparations are needed for stolen labor and stolen land and the ongoing exclusion of people of color from wealth-building systems like housing.
Educational and Economic Equity	Three executive orders were issued on educational equity, excellence, and economic opportunity for Black Americans , Hispanics , and Native Americans .	Remedy entrenched disparities in education and economic opportunity in communities of color.	Issue an executive order to cancel federal student loan debt, which disproportionately affects people of color.

These executive actions are an important starting point, but there is much work to do to ensure the government achieves meaningful equity outcomes. The Biden Administration will need to advance bold policies that don't tinker around the edges of our challenges but enable all people to participate in an equitable economy, live in communities of opportunity, and thrive in a just society. This also requires federal leaders to continuously examine whether the government as structured can implement the changes being fought for, to ensure the success of any new policies.

Creating the Enabling Infrastructure for Equity

Since the founding of our democracy, the principles of liberty and equity have been woven into the fabric of our nation—from the Declaration of Independence asserting that “all men are created equal” to the US Constitution enabling our leaders to improve upon the country’s design and ensure all people have equal protection under the law. The reality is that despite its founding promises, our democracy has not adequately served all people.

The business of designing our nation is not complete and requires us to transform the federal government’s legal and regulatory framework so that it works for everyone. That is the work of our generation—to ensure our country lives up to its highest ideals and in doing so make our democracy and economy stronger. Below are key components of a racial equity governing agenda.

Equity and Impact Assessments

To achieve results, the administration should make significant investment in staff capacity and needed tools for the longer term work ahead. To support these goals, PolicyLink released *For Love of Country: A Path for the Federal Government to Advance Racial Equity*, providing resources, tools, and a blueprint for federal agency leaders to implement the executive order.¹⁰ Recently, Race Forward released *Advancing Racial Equity: An Introductory Framework for Federal Agencies* drawing from the rich experience of local and state government racial equity leaders in the Government Alliance on Race and Equity.¹¹ Today, PolicyLink and Race Forward are working with agencies to pilot these tools. However, the executive order covered the first year of this work only. The administration and agencies need to continue the work and deepen their understanding of the efficacy and consequences of their actions, and how they will operationalize equity tools in their daily work.

Embedding Equity in Government

Meaningful and lasting change will require the federal government to make a long-term investment in the knowledge, skills, and abilities of staff. The racial equity executive order has set the expectation for a whole-of-government approach. Now, the federal government needs to improve the readiness of its workforce. Such action is greater than imparting knowledge. Instead, it is essential in creating a culture where advancing racial equity will thrive. Federal agencies looking to build the knowledge, skills, and mindsets required for racial equity might take several steps, including:¹²

1. **Investing in building staff knowledge** of racial equity, such as the current state of critical outcomes, the opportunity that equity represents, and the historical role of the agency in shaping racial equity.
2. **Conducting capability-building sessions** to equip staff with the tools needed to do the work (e.g., collaborating with equity leaders or using equity assessment tools).
3. **Fostering genuine engagement with racial equity work**, including ongoing training and frequent communication to reinforce the rationale for, and benefits of, this work.
4. **Implementing mechanisms to monitor and course-correct**, such as identifying shared results, creating dashboards to monitor key performance indicators, and building mechanisms to get feedback from agency staff.

Racial Equity Scoring

A crucial element in the evolution of our multiracial democracy is lawmakers' obligation to know how their proposed legislation will advance or impede racial equity. The Racial Equity Scoring Initiative, a partnership of PolicyLink and the Urban Institute, seeks to ensure our democracy works for all by designing a scoring system to measure racial equity impacts in federal legislation. This work has started with research on the capability of racial scoring, identifying the tools already at our disposal, and examining what it will take to score federal legislation for racial equity. To have a whole-of-government approach to racial equity, Congress needs tools to help them prioritize legislation that remediates inequitable outcomes and ensures equity is baked into our policies even before federal agencies must implement them. Racial equity scoring can build on budget-scoring precedents and the field of equity assessment. Our goal is to design, develop, and draw on existing analytical approaches to move

toward a model, similar to a Congressional Budget Office score, where policies could be robustly assessed for equity impacts. If effectively designed, scoring legislation for racial equity impact can:

- enable policymakers to vote their values;
- help the public hold policymakers accountable to racial equity; and
- ensure major policy decisions can be shaped by constraints established by congressional rules or the priorities of key legislators.

Policy and Program Implementation

From the Great Society programs to the War on Poverty, our country has demonstrated it is capable of implementing transformative, bold solutions that meet the scale of our challenges. However, while these programs significantly alleviated poverty, we have never eliminated it. Instead, elected officials have spent decades chipping away at the social safety net. Our country must invest in people and champion bold policies such as those contained in the Build Back Better Act. The Infrastructure Investment and Jobs Act, also known as the bipartisan infrastructure law, represents the most significant investment in our nation's infrastructure in decades and can serve as a down payment on a more equitable future for all. This is also an opportunity to ensure policy implementation prioritizes equitable outcomes.

Achieving equity requires intentional planning and a sharp focus on delivering measurable benefits to those most impacted. To meet the urgency and potential of this moment, policymakers must ensure recovery resources are used to support the hardest-hit workers, businesses, and communities and commit to building an equitable economy. PolicyLink developed the document *10 Priorities for Advancing Economic and Racial Equity through Federal Investments* to provide guidance and support to local policymakers committed to advancing an equitable recovery, such as investing in the power and capacity of marginalized communities to advance equitable policies over the long term and tracking disaggregated data to ensure progress toward population-level impact.¹³

Legal Guidance on Equity

Despite our formal constitutional commitment to equal protection under the law, we have failed to achieve racial equity—failed to close the racial wealth gap, to mitigate environmental harm in Black and Brown neighborhoods, to ensure health equity, to repair the harm of redlining and discriminatory banking practices, and failed to correct the discriminatory effects of gerrymandering, to name a few. When people and communities impacted by systemic racism only have litigation as a recourse for racial harms—forced to prove discriminatory intent to benefit from constitutional protection or prove at minimum disproportionate or disparate impact under civil rights legislation in often complex court cases—we set ourselves up for this failure.

The equity impact and assessment process is a first and crucial step to flip this script and ensure that administrative rule making drives leaders to center equity proactively when developing and implementing federal policies. This places the burden where it belongs, on the institution of government that has the power and responsibility to close racial equity gaps. In the longer term, to achieve a full equity vision we need a comprehensive approach combining policymaking, implementation, and cultural change. Through a rigorous understanding of history and effective use of data, we can demonstrate the patterns of systemic racism undermining our constitutional values, and we can build the legal and policy strategies that support this agenda necessary for our collective success.

This moment calls for a robust national conversation on equality and equity from the legal to the operational and support for a legal framework that removes barriers, enables and institutionalizes proper interpretations of current law, and supports and advances policies for equity.

Policy Priorities

While the federal government has a responsibility to all people, equity is not a zero-sum game. Intentional investments in the communities most negatively impacted by systemic racism have benefits that cascade out, improving the lives of all struggling people as well as regional economies and the nation as a whole. The following policy domains—highlighting harm reduction and systems-level interventions—are critical for building a more equitable society.

Advancing an Equitable Economy

Our economy is broken. Despite increased productivity, wages have remained stagnant in the face of rising costs while our policies have facilitated wealth accumulation for a largely white elite. Today, one in three people are economically insecure, where a short-term illness, loss of income, or emergency expense could be insurmountable. A disproportionate number of the economically insecure are people of color because of a history and current reality of systemic racism, but our economy works for very few people of any background. Such inequality hinders economic growth and undermines the strength of our nation.

Federal leaders must advance a new policy framework to create an equitable economy where prosperity is broadly shared and working-class people and people of color have good jobs, dignified and rising standards of living, and increased voice, power, and ownership. Such policies include:

- raising the minimum wage to \$15, which would immediately help workers as would the Protecting the Right to Organize Act, which would expand "various labor protections related to employees' rights to organize and collectively bargain in the workplace" and was passed by the House in 2021;¹⁴
- creating a Federal Job Guarantee, which would establish the legal right to a quality job on projects that meet long-neglected community needs;¹⁵
- canceling student debt, which would free millions from exorbitant financial burdens and help decrease the racial wealth gap;¹⁶ and
- transforming monetary, fiscal, and regulatory policies to ensure the equitable flow of money to workers, low-income communities, and communities of color.

Creating Communities of Opportunity

Opportunity should not be random in America. And yet, in the US, your zip code determines your life outcomes. Our nation's history of racial segregation and discrimination has built communities across the country that sustain and exacerbate racial inequity and injustice. As the architect and enforcer of these past policies, the federal government must play a central role in addressing the legacy of racial segregation and disinvestment that disproportionately harms low-income communities of color. Recently, PolicyLink and the Urban Institute partnered to release the report *A Blueprint for the Next Generation of Federal Place-Based Policy* which aims to help federal agency officials, congressional staff, and policy advocates design a next generation of place-based policies and programs that catalyze lasting improvements for the benefit of current and future residents.¹⁷ In addition to comprehensive, place-based approaches, there are a number of policies the Biden Administration should champion to ensure we are creating communities of opportunity, including:

- creating 12 million new, nonmarket social housing units that prioritize community ownership and control;¹⁸
- securing safe and affordable drinking water and equitable infrastructure systems for all;¹⁹ and
- investing in reliable and affordable transportation options that connect people to jobs, schools, health care, and other opportunities.²⁰

Building a Just Society

A just society is one that fosters civic engagement and ensures safety and accountability for all. However, for decades, these principles have been chipped away. Today, voter suppression, gerrymandering, and misinformation campaigns are undermining the very strength of our democracy. The Biden Administration must work with congressional leaders to ensure passage of the For the People Act, which would establish automatic voter registration, expand early voting, ensure more transparency in campaign financing, and limit partisan drawing of congressional districts, among other provisions.²¹

Our country's criminal justice system has also undermined the well-being of its citizens, particularly Black people. Massive investments in policing and incarceration over the past three generations has destabilized communities, separated families, and ensnared generations of children in the school-to-prison pipeline. The Biden Administration should support efforts to divest taxpayer dollars away from failed punitive responses and toward investments in a new vision of public safety. This includes supporting:

- a “people’s process” that engages organizers and activists directly impacted by the ‘94 Crime Bill to create a new vision for safety;²²
- the BREATHE Act, which offers a new framework for public safety;²³
- the Community Emergency Response Act to support community-based interventions to emergencies;²⁴ and
- the Counseling Not Criminalization in Schools Act, which would prohibit the use of federal funds to increase police presence in schools and help schools hire more counselors, social workers, and other behavioral health personnel.²⁵

Conclusion

We are just at the beginning of a multiyear journey to achieve equity. With the work underway to bring a whole-of-government equity agenda to life, federal leaders have already demonstrated that they are up for the task. And the federal government doesn't need to go it alone. Equity leaders across the country—from the local to the national level—are ready and willing to partner and seize this opportunity for change. This is our moment. We are ready to complete the next critical miles of the equity movement and make sure our country lives up to its highest ideals. We know a new nation is possible, one worthy of our multiracial democracy, and we are committed to being a driving force toward that future. We've never been met with such an opportune moment to win on equity, and federal leaders have the power to set a new course for our country for generations to come.

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