



Evaluation *for* Progress Report *on the* Biden-Harris Administration

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Introduction

On January 20, 2021, President Biden signed Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.¹ His first executive order on his first day in office, EO 13985 declared “Equal opportunity is the bedrock of American democracy, and our diversity is one of our country’s greatest strengths.” Acknowledging “the unbearable human costs of systemic racism,” the order made an unprecedented commitment to tackle inequality: “Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government.” President Biden required every agency to assess its policies and programs for barriers to Black Americans and other underserved communities, and to develop concrete strategies to deliver resources and benefits equitably.²

No president had ever done this before. By putting equity at the center of his administration, President Biden committed that it would shape the legislation, regulations, federal investments, and agency actions his administration championed. As explained in detail below, that commitment has resulted in meaningful policy changes for Black Americans across economic opportunity, education, health care, criminal justice, housing, the environment, and civil rights protections. Parts of President Biden’s equity agenda, unfortunately, have been blocked by Congress and an ultra-conservative Supreme Court. These barriers are also discussed below.

Appointments that Reflect the Soul of America

President Biden has the most diverse Cabinet in history.³ Vice President Kamala Harris is the first woman, first Black person, and first Asian American person ever to serve in the role. More than half of the current 26 members of the Cabinet are people of color, and half are women; together, those two categories account for almost 70% of Biden’s Cabinet. Biden has also appointed diverse candidates to leadership roles throughout government. High ranking Black appointees in the White House and agencies include:

- ⌚ Vice President Kamala Harris
- ⌚ Lloyd Austin, Secretary of Defense
- ⌚ Marcia Fudge, Secretary of Housing and Urban Development
- ⌚ Michael Regan, Administrator of the Environmental Protection Agency
- ⌚ Linda Thomas-Greenfield, U.N. Ambassador
- ⌚ Shalanda Young, Director of the Office of Management and Budget
- ⌚ Cecilia Rouse, Chair of the White House Council of Economic Advisors (former)

¹ Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 7009 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>. The order defined “equity” as “the consistent and systematic fair, just, and impartial treatment of all individuals.” *Id.* § 2(a).

² Executive Order 13985 also set up an Equitable Data Working Group to improve data collection and analysis to better understand the impact of federal policy across communities. And it revoked divisive Trump Administration orders that attacked diversity training and disputed the history of systemic racism in America. See Executive Order 13950, *Combating Race and Sex Stereotyping*, 85 Fed. Reg. 60683 (Sept. 22, 2020), <https://www.federalregister.gov/documents/2020/09/28/2020-21534/combating-race-and-sex-stereotyping>; Executive Order 13958, Establishing the President’s Advisory 1776 Commission, 85 Fed Reg. 70951 (Nov. 2, 2020), <https://www.federalregister.gov/documents/2020/11/05/2020-24793/establishing-the-presidents-advisory-1776-commission>. Ninety agencies issued Equity Action Plans aimed at improving government services so that all Americans could benefit from them. See <https://www.whitehouse.gov/equity/2022-agency-equity-plans>. In February 2023, President Biden issued a second executive order on equity, calling equity “a multi-generational commitment,” making Equity Action Plans an annual requirement, and charging agencies to do even more to end discrimination and create an America in which everyone can reach their potential. See Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (Feb. 16, 2023), <https://www.federalregister.gov/documents/2023/02/22/2023-03779/further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal>. One year later, the administration released a progress report on its equity work and a set of new Equity Action Plans. See White House Equity Action Plan Progress Report (Feb. 2024), <https://www.whitehouse.gov/wp-content/uploads/2024/02/White-House-Equity-Action-Plan-Progress-Report.pdf>. Equity Action Plans for 2022 and 2023 are available at <https://www.performance.gov/explore/goals/>.

³ See Alana Wise, *Biden Pledged Historic Cabinet Diversity. Here’s How His Nominees Stack Up*, NPR (Feb. 5, 2021), <https://www.npr.org/sections/president-biden-takes-office/2021/02/05/96383795/biden-pledged-historic-cabinet-diversity-heres-how-his-nominees-stack-up>; Alisha Haridasani Gupta, *Fulfilling a Promise: A Cabinet That “Looks Like America”*, N.Y. Times (Jan. 21, 2021), <https://www.nytimes.com/2021/01/21/us/biden-cabinet-diversity-gender-race.html>.

- ⊕ Susan Rice, White House Domestic Policy Advisor (former)
- ⊕ Stephen Benjamin, Senior Advisor to the President and White House Director of Public Engagement
- ⊕ Cedric Richmond, Senior Advisor to the President and White House Director of Public Engagement (former)
- ⊕ Keisha Lance Bottoms, Senior Advisor to the President and White House Director of Public Engagement (former)
- ⊕ Wally Adeyemo, Deputy Secretary of the Treasury
- ⊕ Adrienne Todman, Deputy Secretary of Housing and Urban Development
- ⊕ Don Graves, Deputy Secretary of Commerce
- ⊕ Philip Jefferson, Vice Chair of the Federal Reserve
- ⊕ Lisa Cook, Member of the Federal Reserve Board of Governors
- ⊕ Donald Cravins, Jr., Undersecretary of the Minority Business Development Agency (former)

President Biden's judicial appointments have been historic. He appointed Justice Ketanji Brown Jackson, the first Black woman ever to serve on the U.S. Supreme Court. His judicial appointees have been more than 65% people of color and 65% women.⁴ He has appointed 56 Black judges, including 35 Black women—more than any previous president. He has confirmed 13 Black women to the federal appeals courts—more than every prior president combined.⁵

Investing in Black America and Improving the Economy

With equity at their center, President Biden's policies have significantly expanded Black economic opportunity. His American Rescue Plan produced a historically fast and equitable recovery. The economy has generated 2.6 million jobs for Black workers under the Biden Administration—part of a 14.8 million job boom. Black unemployment dropped to a historic low of 4.7% and has stayed low. Black child poverty was cut in half in a single year, hitting its lowest level on record and improving the lives of over 700,000 Black children. Biden is investing in Black small businesses: he won permanent authorization for the Minority Business Development

Agency and has secured billions in public and private capital for small disadvantaged businesses. The share of Black households owning a business has doubled, and median Black wealth is up 60%.⁶ The administration has also connected 5.5 million Black households to high-speed internet at low or zero cost. It is reconnecting Black neighborhoods that were divided and cut off from economic resources during the creation of the national highway system. And it is investing billions to create good jobs open to Black Americans in the construction, semiconductor, and clean energy industries.

In his Build Back Better plan, Biden proposed additional long-term investments to reduce poverty, support child care, and ensure paid leave for all workers. Although Build Back Better eventually passed as the historic Inflation Reduction Act, these proposals were cut during the process of negotiating with Congress.

Economic Recovery

The COVID-19 pandemic caused whole sectors of the economy to seize up almost overnight and sparked an economic crisis that hit Black Americans disproportionately hard. Unemployment spiked to highs of 14.7% overall and 16.8% for Black workers in 2020.⁷ Over a two-month span in 2020, 22% of all small businesses and 41% of Black-owned businesses closed. An estimated 52 million adults, 21% of the total adult population, applied for unemployment insurance from March to December 2020—including 8.8 million or 28.5% of the Black adult population.⁸

Inheriting this reeling economy and its disparate racial impact, President Biden prioritized bold relief. He pushed the \$1.9 trillion **American Rescue Plan (ARP)** through Congress in March 2021. It produced a faster and more equitable recovery than most observers thought possible.

ARP provided **new Economic Impact Payments** of up to \$1400 per adult and \$1400 per dependent (whether the dependent be a child or adult)—more generous than previous stimulus payments.⁹ The recovery package **extended unemployment insurance** through September 2021 and made the first \$10,200 tax exempt, helping millions of people make ends meet. The administration made **changes to the Paycheck Protection Program**, which provided billions in forgivable loans for small businesses to stay afloat, that allowed more Black-owned businesses and other small businesses

⁴ The White House, *Statement from President Joe Biden On Confirming 175 Federal Judges* (Feb. 1, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/01/statement-from-president-joe-biden-on-confirming-175-federal-judges/>. See also John Gramlich, Pew Research Center, *Most of Biden's Appointed Judges to Date Are Women, Racial or Ethnic Minorities—a First for Any President*, (Dec. 4, 2023), <https://www.pewresearch.org/short-reads/2023/12/04/most-of-bidens-appointed-judges-to-date-are-women-racial-or-ethnic-minorities-a-first-for-any-president/>.

⁵ LCCHR, *Black Lifetime Judges Confirmed During the Biden Administration* (Feb. 1, 2024), <https://civilrights.org/resource/black-lifetime-judges-confirmed-during-the-biden-administration/>. Prior to President Biden taking office, only eight Black women had ever served on the federal courts of appeals.

⁶ Median Black family net worth was \$44,900 in 2022, a 60% increase since 2019. Median White family net worth in 2022 was \$285,000, a 30% increase since 2019. Federal Reserve, *Changes in U.S. Family Finances from 2019 to 2022: Evidence from the Survey of Consumer Finances 14* (Oct. 2023), <https://www.federalreserve.gov/publications/files/scf23.pdf>.

⁷ Bureau of Labor Statistics (BLS), *Unemployment Rate Rises to Record High 14.7 Percent in April 2020*, (May 13, 2020), <https://www.bls.gov/opub/ted/2020/unemployment-rate-rises-to-record-high-14-point-7-percent-in-april-2020.htm>; Khrisopher J. Brooks, *High Unemployment Is Slamming Minorities Particularly Hard*, CBS News (June 5, 2020), <https://www.cbsnews.com/news/high-unemployment-numbers-black-latino-up-through-us-rate-fell/>.

⁸ BLS, *Applying for and Receiving Unemployment Insurance Benefits During the Coronavirus Pandemic* (Sept. 2021), <https://www.bls.gov/opub/mlr/2021/article/applying-for-and-receiving-unemployment-insurance-benefits-during-the-coronavirus-pandemic.htm>.

⁹ See Department of Treasury (Treasury), *Economic Impact Payments*, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-american-families-and-workers/economic-impact-payments>. The CARES Act of 2020 provided stimulus payments of up to \$1,200 per adult and \$500 for each dependent child under 17 years of age. The Tax Relief Act of 2020 provided up to \$600 per adult and \$600 per dependent child. *Id.*

to benefit.¹⁰ ARP increased the Child Tax Credit from up to \$2,000 to up to \$3,000 per dependent child and up to \$3,600 for children under age 6; counted 17-year-olds as eligible dependents for the first time; made the credit fully refundable so that families that owe low or no taxes would still receive it; and issued half the credit up front through monthly payments from July to December 2021. The administration also ramped up outreach, auto-enrolled many families, and partnered with community-based organizations to increase uptake. ARP also tripled the Earned Income Tax Credit for workers without children from \$540 to \$1500, increased the income eligibility ceiling from about \$16,000 to \$21,000, and made workers ages 19–23 and 65 and older eligible for the first time.¹¹ The expanded EITC credit benefited 17 million low-income workers, 2.7 million of them (18%) Black.¹² In addition, ARP significantly expanded the Child and Dependent Care Tax Credit (CDCTC), more than doubling the cap on qualifying child care expenses and making the credit fully refundable.¹³

These and other programs kept workers and families on their feet. They created in 2021 the largest calendar year drop in the Black unemployment rate in almost 40 years, and Black employment already surpassed pre-pandemic levels by 2022—a job recovery process that had taken six years after the 2008 financial crisis.¹⁴

Child Poverty

The Child Tax Credit and other measures in ARP cut Black child poverty in half in a single year—from 16.9% in 2020 to 8.1% in 2021.

Approximately 716,000 Black children were lifted out of poverty.¹⁵ Unfortunately, the tax credits expired at the end of 2021. President Biden proposed to extend the CTC, EITC, and CDCTC in his Build Back Better legislative proposal.¹⁶ With regard to the powerful CTC, he proposed to continue the tax credit's higher value through 2025 and make it permanently refundable. These proposals died in Congress due to the opposition of Senator Joe Manchin (D-WV).¹⁷ As a consequence, Black child poverty rebounded to 17.8% in 2022.¹⁸ President Biden has continued to push for CTC expansion, including in recent tax bill negotiations.

Good Jobs and Labor Rights

Over President Biden's first three years in office, the economy has created 14.8 million jobs, including 2.6 million jobs filled by Black workers.¹⁹ Unemployment hit a record low of 3.4% in April 2023.²⁰ It is currently 3.7% and has been under 4% for two years, the longest stretch at this level in 50 years.²¹ Black unemployment dropped from 9.2% in January 2021 to 5.2% in January 2024, with a record low of 4.7% in April 2023.²² The gap between Black and White unemployment is now the narrowest on record,²³ and the Black and White employment rates are on par.²⁴

Although inflation rose to a high of 9.1% in June 2022, it has dropped precipitously and is now 3.1%.²⁵ Real wages now exceed inflation by a greater margin than before the pandemic—meaning Americans have more purchasing power.²⁶ Real earnings growth has been particularly strong for Black Americans, rising 5.7% from 2019 to 2023.²⁷

- 10 These included creating a 2-week window for only businesses with fewer than 20 employees to apply for funds; setting aside \$1 billion for sole proprietors, independent contractors, and self-employed individuals in low- and moderate-income areas; and eliminating eligibility bars for people who were behind on their student loan payments or who had irrelevant prior convictions; and partnering with Community Development Financial Institutions and Minority Depository Institutions to get the money into business owners' hands. See The White House, *Advancing Equity through the American Rescue Plan* 24 (May 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/05/ADVANCING-EQUITY-THROUGH-THE-AMERICAN-RESCUE-PLAN.pdf>. The Government Accountability Office (GAO) found that the changes increased PPP grants in communities of color. See GAO, *Paycheck Protection Program: Program Changes Increased Lending to the Smallest Businesses and in Underserved Locations* 2 (Sept. 21, 2021) ("By the time PPP closed in June 2021, lending in traditionally underserved counties was proportional to their representation in the overall small business community."), <https://www.gao.gov/products/gao-21-601>.
- 11 Center on Budget and Policy Priorities, *Policy Basics: The Earned Income Tax Credit* (Apr. 28, 2023), <https://www.cbpp.org/research/policy-basics-the-earned-income-tax-credit>.
- 12 Chuck Marr et al., Center on Budget and Policy Priorities, *Congress Should Adopt American Families Plan's Permanent Expansions of Child Tax Credit and EITC, Make Additional Provisions Permanent* (May 24, 2021), <https://www.cbpp.org/research/federal-tax/congress-should-adopt-american-families-plans-permanent-expansions-of-child>.
- 13 Congressional Research Service, *The Child and Dependent Care Tax Credit (CDCTC): Temporary Expansion for 2021 Under the American Rescue Plan Act of 2021 at 2* (May 10. 2021), <https://crsreports.congress.gov/product/pdf/IN/IN11645>.
- 14 The White House, *FACT SHEET: Biden-Harris Report: "Advancing Equity Through the American Rescue Plan"* (May 24, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/24/fact-sheet-biden-harris-report-advancing-equity-through-the-american-rescue-plan>.
- 15 Kalee Burns, Liana Fox & Danielle Wilson, U.S. Census Bureau, *Child Poverty Fell to Record Low 5.2% in 2021* (Sept. 13, 2022) <https://www.census.gov/library/stories/2022/09/record-drop-in-child-poverty.html>.
- 16 The White House, *FACT SHEET: The American Families Plan* (Apr. 28, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan>.
- 17 See Grace Segers, *Joe Manchin Killed the Expanded Child Tax Credit. Democrats Have a New Plan to Revive It.*, The New Republic (July 21, 2022), <https://newrepublic.com/article/167108/democrats-joe-manchin-child-care-tax-credit-bbb>.
- 18 Elisa Minoff, Alex Coccia & Esi Hutchful, Center for the Study of Social Policy, *Child Poverty Doubled Last Year* (Sept. 12, 2023), <https://cssp.org/2023/09/child-poverty-doubled-last-year-we-owe-children-so-much-more>.
- 19 Department of Labor, *Statement by Acting Secretary of Labor Su on January Jobs Report* (Feb. 2, 2024), <https://www.dol.gov/newsroom/releases/osec/osec20240202>.
- 20 BLS, <https://www.bls.gov/opub/ted/2023/unemployment-rate-3-4-percent-in-april-2023.htm>.
- 21 BLS <https://www.bls.gov/news.release/pdf/lempsit.pdf>; Lael Brainard & Julie Su, *Biden Admin Says Rules Must Ensure AI Boom "Does Right by Workers,"* Yahoo! Finance (Jan. 30, 2024), <https://finance.yahoo.com/news/op-ed-biden-admin-says-rules-must-ensure-ai-boom-does-right-by-workers-192912242.html>.
- 22 The White House, *Statement from President Joe Biden on the January Jobs Report* (Feb. 2, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/02/statement-from-president-joe-biden-on-the-january-jobs-report>; BLS, *Employment Situation Summary* (Feb. 2, 2024), <https://www.bls.gov/news.release/lempsit.nr0.htm>; Department of Commerce, News: *Unemployment Is at its Lowest Level in 54 Years* (Feb. 3, 2023), <https://www.commerce.gov/news/blog/2023/02/news-unemployment-its-lowest-level-54-years>.
- 23 *The Gap Between America's Black and White Workers Is Shrinking*, The Economist (Feb. 14, 2024), <https://www.economist.com/united-states/2024/02/14/the-gap-between-americas-black-and-white-workers-is-shrinking>.
- 24 BLS, *Table A-2, Employment Status of the Civilian Population by Race, Sex, and Age* (Jan. 2024) (showing the seasonally adjusted employment-population rate as 60% for both White and Black Americans), <https://www.bls.gov/news.release/lempsit.t02.htm>.
- 25 BLS, *Consumer Price Index Summary* (Feb. 13, 2024), <https://www.bls.gov/news.release/cpi.nr0.htm>.
- 26 Brendan Duke, Center for American Progress, *Workers' Paychecks Are Growing More Quickly Than Prices* (Jan. 3, 2024), <https://www.americanprogress.org/article/workers-paychecks-are-growing-more-quickly-than-prices>; Alicia Adamczyk, *Surprise: Wage Growth Has Actually Outpaced the Crushing Inflation over the Past 2.5 Years*, Fortune (Dec. 12, 2023), <https://fortune.com/2023/12/12/wage-growth-exceeded-inflation-jec-democrats>.
- 27 Treasury, *The Purchasing Power of American Households* (Dec. 14, 2023), https://home.treasury.gov/news/featured-stories/the-purchasing-power-of-american-households#_ftnref4.

President Biden describes himself as the most “pro-union” and “pro-worker” president in history.²⁸ To his credit, he has repeatedly issued statements supporting worker organizing, and he became the first sitting president to walk a picket line when he visited Michigan to support a United Auto Workers strike in September 2023.²⁹ Moreover, Biden has championed the Protecting the Right to Organize (PRO) Act,³⁰ most recently calling for its passage in his 2023 State of the Union Address.³¹ The bill would override so-called “right-to-work laws,” ban union-busting tactics, and penalize employers for retaliating against workers who organize.³² Over 70% of Americans say they support unions, the highest approval rating since 1965.³³ Congress has been a barrier to enacting the PRO Act, however. The bill passed the House when Democrats controlled the chamber in 2021 and it cleared the Democrat-chaired Senate Health, Education, Labor and Pension on an 11–10 party-line vote.³⁴ It did not advance further, however, given Republican opposition and the requirement of 60 votes to overcome a filibuster.

In the face of congressional inaction, President Biden has used his executive power to promote unions, better worker pay, and good working conditions. A new White House Task Force on Worker Organizing and Empowerment, chaired by Vice President Harris, issued a report with 70 action items that the administration has been implementing to advance workers’ rights.³⁵ These actions contributed to 80,000 federal workers joining a union, a 20% increase, in 2022.³⁶

The Department of Labor (DOL) issued a new rule on prevailing wage standards under the Davis-Bacon Act, raising the wages that must be paid in federally funded construction projects.³⁷ This requirement applies to nearly all construction projects funded

by the Bipartisan Infrastructure Law (BIL), the CHIPS and Science Act, and the Inflation Reduction Act (IRA) and will help 1.2 million construction workers who work on federal projects every year. President Biden said at the National Action Network’s annual MLK Day Breakfast last year, “We’re implementing a once-in-a-generation infrastructure law with equity at its center.”³⁸ To that end, DOL also issued a rule requiring the use of project labor agreements—pre-hire collective bargaining agreements—for federally funded construction projects over \$35 million in value.³⁹ The administration has encouraged equity provisions in these agreements to create more opportunities for Black workers and others underrepresented in the construction industry to benefit from these jobs.⁴⁰ DOL’s new Good Job Initiative has partnered with other federal agencies to embed equity incentives and other pro-worker policies in 91 grant programs, including \$181 billion of infrastructure funding.⁴¹

The administration has also invested heavily in Registered Apprenticeships, paid training programs that lead to good jobs in construction and other fields. The administration put \$285 million into Registered Apprenticeships in fiscal year 2023.⁴² Historically, Black workers have been underrepresented in these programs.⁴³ Biden’s administration is trying new strategies to diversify them. As an example, DOL awarded a \$20 million grant to TradesFuture and the National Urban League to get more people from underrepresented communities into Registered Apprenticeships.⁴⁴

Finally, President Biden has taken action to diversify the federal workforce and improve pay equity. In June 2021, he issued Executive Order 14035 on Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce, tasking every agency with removing

28 The White House, FACT SHEET: Ahead of Labor Day, Biden-Harris Administration Announces New Actions to Empower Workers—Building on the President’s Historic Support for Workers and Unions (Sept. 1, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/01/fact-sheet-ahead-of-labor-day-biden-harris-administration-announces-new-actions-to-empower-workers-building-on-the-presidents-historic-support-for-workers-and-unions>.

29 Peter Nicholas, Biden Makes History by Joining Striking Autoworkers on the Picket Line, NBC News (Sept. 26, 2023), <https://www.nbcnews.com/politics/white-house/biden-makes-history-striking-auto-workers-picket-line-rcna117348>.

30 H.R.842, Protecting the Right to Organize Act of 2021, <https://www.congress.gov/bill/117th-congress/house-bill/842>.

31 State of the Union Address (Feb. 7, 2023), <https://www.whitehouse.gov/state-of-the-union-2023>.

32 Celine McNicholas, Margaret Poydock & Lynn Rhinehart, Economic Policy Institute, How the PRO Act Restores Workers’ Right to Unionize (Feb. 4, 2021), <https://www.epi.org/publication/pro-act-problem-solution-chart>.

33 Justin McCarthy, U.S. Approval of Labor Unions at Highest Point Since 1965, Gallup, <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx> (Aug. 30, 2022).

34 S.567, Richard L. Trumka Protecting the Right to Organize Act of 2023, <https://www.congress.gov/bill/118th-congress/senate-bill/567>.

35 White House Task Force on Worker Organizing and Empowerment, Report to the President (Feb. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>.

36 The White House Task Force on Worker Organizing and Empowerment, Update on Implementation of Approved Actions (Mar. 17, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/17/the-white-house-task-force-on-worker-organizing-and-empowermentupdate-on-implementation-of-approved-actions>.

37 DOL, Updating the Davis-Bacon and Related Acts Regulations, 88 Fed. Reg. 57526 (Aug. 23, 2023), <https://www.federalregister.gov/documents/2023/08/23/2023-17221/updating-the-davis-bacon-and-related-acts-regulations>.

38 The White House, Remarks by President Biden at the National Action Network’s Annual MLK Day Breakfast (Jan. 16, 2023), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/01/16/remarks-by-president-biden-at-the-national-action-networks-annual-mlk-day-breakfast>.

39 Federal Acquisition Regulation, Use of Project Labor Agreements for Federal Construction Projects, 88 Fed. Reg. 88708 (Dec. 22, 2023), <https://www.federalregister.gov/documents/2023/12/22/2023-27736/federal-acquisition-regulation-use-of-project-labor-agreements-for-federal-construction-projects>.

40 See DOL Good Jobs Initiative, Project Labor Agreements as Tools for Equity (providing examples of equity-enhancing community workforce agreements, a type of project labor agreement), https://www.dol.gov/sites/dolgov/files/OPA/FactSheets/Project_Labor_Agreements_Can_Be_Effective_Tools_for_Equity.pdf; Aurelia Glass & Karla Walter, Center for American Progress, How Project Labor Agreements and Community Workforce Agreements Are Good for the Biden Administration’s Investment Agenda (July 21, 2023) (providing additional examples), <https://www.americanprogress.org/article/how-project-labor-agreements-and-community-workforce-agreements-are-good-for-the-biden-administrations-investment-agenda>.

41 DOL, Equity Action Plan Update 14 (Jan. 2024), <https://www.dol.gov/sites/dolgov/files/general/equity/DOL-Equity-Action-Plan.pdf>.

42 The White House, FACT SHEET: Ahead of Labor Day, Biden-Harris Administration Announces New Actions to Empower Workers—Building on the President’s Historic Support for Workers and Unions (Sept. 1, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/01/fact-sheet-ahead-of-labor-day-biden-harris-administration-announces-new-actions-to-empower-workers-building-on-the-presidents-historic-support-for-workers-and-unions>.

43 Alex Camardelle, Joint Center for Political and Economic Studies, Five Charts to Understand Black Registered Apprenticeships in the United States (Mar. 20, 2023) <https://jointcenter.org/five-charts-to-understand-black-registered-apprentices-in-the-united-states>.

44 National Urban League, National Urban League and Building Trades Unions Announce Historic Apprenticeship Program With DOL Support (Mar. 6, 2023), <https://nul.org/news/national-urban-league-and-building-trades-unions-announce-historic-apprenticeship-program-dol>.

barriers to federal employment for underserved communities.⁴⁵ In January 2024, the Office of Personnel Management (OPM) issued a final pay equity rule that prohibits the federal government from considering a candidate's salary history when making a salary offer. This rule prevents prior discrimination in the labor market from infecting new employees' wages.⁴⁶ President Biden also used his authority to raise the minimum wage to \$15 for federal employees and federal contractors in January 2022, immediately increasing the earnings of 370,000 people.⁴⁷ This increase is important for Black workers, who make up almost 20% of the federal workforce.⁴⁸ He has repeatedly called on Congress to raise the minimum wage, which has been \$7.25 per hour since 2009, to \$15 for all Americans.

Entrepreneurship

Owning a business is a powerful way to generate wealth. A record 16 million new business applications have been filed since President Biden took office.⁴⁹ Entrepreneurs of color are disproportionately driving this increase. According to the Small Business Administration (SBA), "the share of Black households owning a business has more than doubled, from 5% to 11% between 2019 and 2022," and the number of Black businesses is growing at the fastest rate in 30 years.⁵⁰ As Brookings reported, "Black-owned employer businesses also had the highest percentage increases in employees (7%), revenue (30%), and payroll (27%) in 2021."⁵¹ This is promising growth. At the same time, Black businesses constitute less than 3% of businesses with employees, so more must be done to support their growth.⁵²

President Biden has invested historic resources in promoting Black-owned businesses. He secured permanent authorization for the Minority Business Development Agency, a thirty-year goal of the National Urban League; raised the MBDA's funding; and unanimously confirmed former NUL Executive Vice President Donald Cravins Jr. to be its first undersecretary. Under Biden, the MBDA's Capital Readiness Program has invested \$125 million to nonprofit incubators to help Black entrepreneurs and other underserved entrepreneurs

to launch and grow their businesses.⁵³ These organizations will help the entrepreneurs secure capital from a new \$10 billion capital fund called the State Small Business Credit Initiative (SSBCI)—\$2.5 billion of which is allocated for businesses owned by socially and economically disadvantaged individuals. This public capital is expected to catalyze \$100 billion in private sector investment.⁵⁴

The Department of the Treasury's Emergency Capital Investment Program has also invested more than \$8.5 billion in Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs). These institutions make affordable loans to low- and moderate-income individuals and communities of color that have traditionally lacked financial services. Treasury Secretary Janet Yellen anticipates that the \$8.5 billion will "boost lending to Black and Latino communities by nearly \$140 billion over a decade."⁵⁵ To deepen investments in underserved communities, Vice President Harris launched the Economic Opportunity Coalition, a cohort of companies that set and met a goal of \$1 billion in private commitments to CDFIs and MDIs. In October 2023, the Economic Opportunity Coalition raised its goal to \$3 billion.⁵⁶

In addition, SBA has more than doubled the number, value, and share of its major loans to Black-owned businesses since 2020—providing \$1.3 billion in support in fiscal year 2023.⁵⁷ SBA also implemented a Community Navigators pilot program that has trained 300,000 entrepreneurs and helped small businesses secure \$270 million in funding from state and local grants, bank loans, and other sources. President Biden has proposed new funding to expand the navigators program. Activist litigation, however, is a threat to the SBA's efforts. A federal judge recently enjoined the government from applying a presumption that Black Americans are eligible for the SBA's 8(a) program for small businesses owned by "socially and economically disadvantaged" individuals.⁵⁸

Finally, President Biden is using the federal government's purchasing power—almost \$700 billion annually—to invest billions to small disadvantaged businesses (SDBs), including Black-owned businesses. In June 2021, in commemorating the 100-

⁴⁵ Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, 86 Fed. Reg. 34593 (June 25, 2021), <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>.

⁴⁶ OPM, *OPM Finalizes Regulation to Prohibit Use of Non-Federal Salary History* (Jan. 29, 2024), <https://www.opm.gov/news/releases/2024/01/release-opm-finalizes-regulation-to-prohibit-use-of-non-federal-salary-history>.

⁴⁷ The White House, *Statement by President Joe Biden on \$15 Minimum Wage for Federal Workers and Contractors Going into Effect* (Jan. 28, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/28/statement-by-president-joe-biden-on-15-minimum-wage-for-federal-workers-and-contractors-going-into-effect>.

⁴⁸ GAO, *Federal Workforce: Data Reveal Minor Demographic Changes, 2011–2021* at 5 (Nov. 2023), <https://www.gao.gov/assets/d24105924.pdf>.

⁴⁹ See U.S. Census Bureau, *Business Formation Statistics*, reported at <https://www.census.gov/econ/bfs/current/index.html>.

⁵⁰ Small Business Administration, *New Business Applications Reach Record 16 Million Under Biden-Harris Administration* (Jan. 11, 2024), <https://www.sba.gov/article/2024/01/11/new-business-applications-reach-record-16-million-under-biden-harris-administration>.

⁵¹ Andre Perry, Mannan Donoghue & Hannah Stephens, Brookings Metro, *Closing the Black Employer Gap: Insights from the Latest Data on Black-owned Businesses* (Feb. 15, 2024), <https://www.brookings.edu/articles/closing-the-black-employer-gap-insights-from-the-latest-data-on-black-owned-businesses/>.

⁵² *Id.*

⁵³ MBDA Capital Readiness Program, <https://www.mbda.gov/crp>.

⁵⁴ See resources at Treasury, *State Small Business Credit Initiative*, <https://home.treasury.gov/policy-issues/small-business-programs/state-small-business-credit-initiative-ssbci>; see also Lucas Kreuzer, The Council for Community and Economic Research, *SSBCI 2.0's Implementation across States and Other Jurisdictions* (Aug. 14, 2023), <https://www.c2er.org/2023/08/ssbci-2-0s-implementation-across-states-and-other-jurisdictions>.

⁵⁵ Treasury, *ICYMI: U.S. Treasury Department Announces New Efforts to Expand Economic Opportunity for Underserved Businesses and Communities at Annual Freedman's Bank Forum* (Oct. 27, 2023), <https://home.treasury.gov/news/press-releases/jy1858>.

⁵⁶ Treasury, *Ahead of U.S. Treasury Freedman's Bank Forum, Biden-Harris Administration Announces New Private Sector Commitments to Invest \$3 Billion in Community Lenders Supporting Underserved Small Businesses and Communities* (Oct. 25, 2023) <https://home.treasury.gov/news/press-releases/jy1840>.

⁵⁷ SBA, *SBA Data Show Major Increase in Loans to Black-Owned Businesses under Biden-Harris* (Sept. 21, 2023) <https://www.sba.gov/article/2023/09/21/sba-data-show-major-increase-loans-black-owned-businesses-under-biden-harris>.

⁵⁸ Ultima Servs. Corp. v. U.S. Dep't of Agric., No. 2:20cv41-DCLC-CRW (E.D. Tenn. July 19, 2023), available at <https://storage.courtlistener.com/recap/gov.uscourts.tned.93612/gov.uscourts.tned.93612.86.0.pdf>.

year anniversary of the Tulsa Race Massacre in Tulsa, Oklahoma, President Biden announced a commitment to increase SDBs' share of federal contract dollars by 50% by 2025, which would translate to an additional \$100 billion.⁵⁹ The administration has already increased the share of SDB contracting, awarding a record \$69.9 billion to SDBs in fiscal year 2022.⁶⁰ The success of this initiative is important to closing the racial wealth gap.

Relief for Black Farmers

President Biden's American Rescue Plan included \$5 billion to advance equity in USDA's programs, including \$4 billion in debt relief for Black and other socially disadvantaged farmers and ranchers. The program aimed to remedy decades of discrimination in USDA loan programs and protect the dwindling number of Black farm-owners. However, several White farmers sued (some represented by an organization founded by former President Trump's senior advisor Stephen Miller), alleging reverse discrimination because they could not qualify for the funds. The Biden Administration defended the program, but multiple courts issued nationwide orders deeming it likely unconstitutional and enjoining USDA from implementing it.⁶¹ None of the debt relief could go out, and Black farmers could have ended up with nothing. A legislative fix was needed. Ultimately, the Inflation Reduction Act repealed the program and replaced it with two new funding streams: \$3.1 billion in relief for "distressed" farm loan borrowers whose farms are "at financial risk"; and \$2.2 billion in relief to borrowers who have "experienced discrimination" in federal farm loan programs.⁶² USDA is implementing both programs now.

Reconnecting Communities

In the 20th century, city planners built highways and other infrastructure through Black neighborhoods, cutting them off from resources like grocery stores, health care centers, and employers. As President Biden's Secretary of Transportation has said, the locations were chosen "sometimes to reinforce segregation, sometimes because it was the path of least resistance, almost always because Black neighborhoods and low-income neighborhoods did not have the power to resist or reshape those projects."⁶³ The Biden Administration created a program to remediate that damage. With over \$4 billion in BIL and IRA funding, the Reconnecting

Communities and Neighborhoods is helping to stitch communities back together and connect them to opportunity. The program funds such strategies as moving highways underground, building overpasses and pedestrian walkways, and improving public transit.⁶⁴

Closing the Digital Divide

President Biden set the goal of connecting every American to reliable, high-speed internet by 2030. ARP provided \$20 billion to expand broadband access through capital projects and discounts on monthly services.⁶⁵ The Bipartisan Infrastructure Law provided even more resources. Through the Broadband Equity Access and Development (BEAD) program, Biden is deploying \$42.5 billion to all 50 states to provide broadband to communities with no or slow internet. Through the \$14.2 billion Affordable Connectivity Program (ACP) and the \$3 billion Tribal Broadband Connectivity Program, the administration has provided \$30 monthly subsidies (\$75 on Tribal lands) to Americans most in need. The administration also secured commitments from leading companies to offer internet services for \$30/month, giving ACP enrollees the option to get online for free. ACP has connected 23 million households. A quarter of its participants are African American.⁶⁶ However, ACP funding is scheduled to run out in April 2024, threatening to disconnect 5.5 million Black Americans and millions of others. President Biden has appealed to Congress to appropriate more money for the program.

Child Care & Paid Leave

Access to affordable child care and paid leave are critical pieces of economic security. ARP provided \$39 billion in emergency child care support during the pandemic. This included \$24 billion in stabilization grants that helped 200,000 child care providers stay open. Providers used most of the money to pay their staff. One in five child care workers is a Black woman. The ARP funds supported these frontline workers in serving roughly 9 million children.⁶⁷ The President proposed a much larger investment in his Build Back Better plan to meet the child care crisis at scale: \$225 billion to cap out-of-pocket costs for low- and middle-income families at 7%, improve provider services, and increase wages for child care workers.⁶⁸ Although significant child care funding passed the House of Representatives, it did not advance in the Senate.

59 The White House, *FACT SHEET: Biden-Harris Administration Announces New Actions to Build Black Wealth and Narrow the Racial Wealth Gap* (June 1, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/01/fact-sheet-biden-harris-administration-announces-new-actions-to-build-black-wealth-and-narrow-the-racial-wealth-gap/>.

60 OMB Memo M-24-01, *Increasing the Share of Contract Dollars Awarded to Small Disadvantaged Businesses for Fiscal Year 2024 and in Subsequent FYs* (Oct. 25, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-01-Increasing-the-Share-of-Contract-Dollars-Awarded-to-Small-Disadvantaged-Businesses_Final.pdf.

61 Alan Rappeport, *Climate and Tax Bill Rewrites Embattled Black Farmer Relief Program*, N.Y. Times (Aug. 12, 2021), <https://www.nytimes.com/2022/08/12/business/economy/inflation-reduction-act-black-farmers.html>.

62 Inflation Reduction Act §§ 22006-22007, Pub. L. 117-169 (2022).

63 Mark Walker, *Highways Have Sliced Through City After City. Can the U.S. Undo the Damage?*, N.Y. Times (May 25, 2023), <https://www.nytimes.com/2023/05/25/us/politics/biden-removing-highways.html>.

64 DOT, *Reconnecting Communities and Neighborhoods (RCN) Announcement* (Aug. 24, 2023), <https://www.transportation.gov/grants/lrcnprogram/lcn-announcement>.

65 ARP provided these funds through three programs: the Emergency Broadband Benefit, the Emergency Connectivity Fund, and the Capital Projects Fund. See Adie Tomer & Caroline George, Brookings Metro, *The American Rescue Plan Is the Broadband Down Payment the Country Needs* (June 1, 2021), <https://www.brookings.edu/articles/the-american-rescue-plan-is-the-broadband-down-payment-the-country-needs/#2>.

66 The White House, *FACT SHEET: As Affordable Connectivity Program Hits Milestone of Providing Affordable High-Speed Internet To 23 Million Households Nationwide, Biden-Harris Administration Calls on Congress to Extend Its Funding* (Feb. 6, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/06/fact-sheet-as-affordable-connectivity-program-hits-milestone-of-providing-affordable-high-speed-internet-to-23-million-households-nationwide-biden-harris-administration-calls-on-congress->.

67 The White House, *FACT SHEET: American Rescue Plan Funds Provided a Critical Lifeline to 200,000 Child Care Providers—Helping Millions of Families to Work* (Oct. 21, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/21/fact-sheet-american-rescue-plan-funds-provided-a-critical-lifeline-to-200000-child-care-providers-helping-millions-of-families-to-work>.

68 The White House, *FACT SHEET: The American Families Plan* (Apr. 28, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan>.

Nonetheless, President Biden secured a more than 30% increase in funding under the Child Care and Development Block Grant (CCDBG) program in the 2023 omnibus spending bill, the second largest increase in the program's history.⁶⁹ The CCDBG program provides child care subsidies to families with children under 13, and Black families make up 38% of the beneficiaries. The administration also issued a proposed rule to lower families' child care costs and increase their options in July 2023.⁷⁰

Paid leave is another important protection for workers—particularly Black workers, who experience chronic health conditions at disproportionate levels.⁷¹ President Biden originally proposed 12 weeks of paid family and medical leave in his Build Back Better plan. That proposal was cut to 4 weeks and then eliminated altogether due to the opposition of Senator Joe Manchin.⁷²

Education Access

President Biden secured \$130 billion for school districts to address learning loss caused by the COVID-19 pandemic. He increased funding for Head Start and Title I funding for K-12 schools serving low-income students. He increased the maximum value of Pell grants by \$900, delivered \$7 billion for HBCUs, and has forgiven almost \$138 billion in student loan debt for 3.9 million borrowers. The President has hit roadblocks in Congress's unwillingness to pass his proposals for universal pre-K and community college, Congress's failure to fully fund his Title I and HBCU proposals, and the Supreme Court's striking down his broader student loan forgiveness program. He has vowed to continue pushing for new legislation and to take additional executive action to realize these priorities.

Learning Loss

Exacerbating existing inequities, the COVID-19 pandemic and the break in in-person learning had a disproportionately harmful impact on students in majority-Black schools. They stayed remote longer, had higher absenteeism, fell further behind, and dropped out at higher rates than students on average.⁷³ President Biden's American Rescue Plan provided \$130 billion dollars to help P-12 schools weather the COVID-19 pandemic and respond to learning

loss and related harms. This was the largest one-time investment in schools in American history. Schools used the funds to purchase personal protective equipment and reopen, upgrade their HVAC systems, invest in tutoring, increase summer and after-school learning programming, and hire more staff. As of the end of the 2022–23 school year, there are now 39% more social workers and 30% more nurses in public schools across the country.⁷⁴

Head Start

The Biden Administration secured a one-time \$1 billion funding surge in the American Rescue Plan for Head Start, the early childhood education program that serves low-income children and families.⁷⁵ He also increased Head Start's annual appropriations by \$1.25 billion between fiscal year 2021 and fiscal year 2023.⁷⁶ Twenty-eight percent of Head Start's clients are Black.⁷⁷ Research shows that the program improves social and emotional health for Black children and has long-term educational outcomes.⁷⁸

Title I

Title I of the Elementary and Secondary Education Act of 1965 provides supplementary funding to schools based on their percentage of low-income students. Its purpose is to create educational opportunities for economically disadvantaged students and close the achievement gap. Unfortunately, the program is woefully underfunded. To date, President Biden has secured a 5% increase for Title I, increasing funding by \$1.9 billion since he took office.⁷⁹ Biden has said he wants to triple the program's size. He has faced opposition in Congress—particularly from Republicans who recently proposed cutting Title I by 80%⁸⁰—but the President continues to propose increases in his budget requests.

HBCUs

President Biden has provided more than \$7 billion in funding for HBCUs. This includes \$3.6 billion in COVID-19 economic relief funding, which they used to cover students' costs, keep them enrolled, support staff, and upgrade school infrastructure. It also includes \$1.6 billion in debt forgiveness for federally funded capital

⁶⁹ Alicia Hardy, Center for Law and Social Policy, *CCDBG FY 2023 State-by-State Appropriations Distribution Estimates and Increases* (Jan. 2023) (citing FY23 CCDBG appropriations of \$8 billion, an increase of \$1.9 billion over the FY22 level), <https://www.clasp.org/wp-content/uploads/2023/01/FY-2023-CCDBG-Approps-Increase-Factsheet-January-2023.pdf>.

⁷⁰ Office of Child Care, Administration for Children and Families, Department of Health and Human Services, *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund*, 88 Fed. Reg. 45022 (July 13, 2023), <https://www.federalregister.gov/documents/2023/07/13/2023-14290/improving-child-care-access-affordability-and-stability-in-the-child-care-and-development-fund-ccdf>.

⁷¹ National Partnership for Women and Families, *Paid Family and Medical Leave: A Racial Justice Issue—and Opportunity* (Aug. 2018), <https://nationalpartnership.org/report/paid-family-and-medical-leave-a-racial-justice-issue-and-opportunity>.

⁷² Teaganne Finn, *Supporters of Paid Family Leave 'Disappointed' after Democrats Slash It from Biden's Plan*, NBC News (Oct. 28, 2021), <https://www.nbcnews.com/politics/congress/supporters-paid-family-leave-disappointed-after-democrats-slash-it-biden-n1282636>.

⁷³ Emma Dorn et al., McKinsey, *COVID-19 and Education: The Lingering Effects of Unfinished Learning* (July 27, 2021), <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>.

⁷⁴ The White House, *FACT SHEET: Biden-Harris Administration Highlights Efforts to Support K-12 Education as Students go Back-to-School* (Aug. 28, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/28/fact-sheet-biden-harris-administration-highlights-efforts-to-support-k-12-education-as-students-go-back-to-school>.

⁷⁵ Head Start Early Childhood Learning & Knowledge Center, *FY 2021 American Rescue Plan Funding Increase for Head Start Programs*, <https://eclkc.ohs.acf.hhs.gov/policy/pilacf-pi-hs-21-03>.

⁷⁶ See Head Start Early Childhood Learning & Knowledge Center, *FY22 and FY23 Summaries*, <https://eclkc.ohs.acf.hhs.gov/policy/pilacf-pi-hs-22-02> and <https://eclkc.ohs.acf.hhs.gov/policy/pilacf-pi-hs-23-02>.

⁷⁷ Head Start Early Childhood Learning & Knowledge Center, *Head Start Program Facts: Fiscal Year 2022*, <https://eclkc.ohs.acf.hhs.gov/data-ongoing-monitoring/article/head-start-program-facts-fiscal-year-2022>.

⁷⁸ Diane Whitmore Schanzenbach & Lauren Bauer, Brookings Institution, *The Long-Term Impact of the Head Start Program* (Aug. 19, 2016), <https://www.brookings.edu/articles/the-long-term-impact-of-the-head-start-program>.

⁷⁹ Department of Education (ED), *Fiscal Year 2024 Budget Summary 7*, <https://www2.ed.gov/about/overview/budget/budget24/summary/24summary.pdf>.

⁸⁰ Matt Barnum, *House Republicans Seek 80% Cut to Federal Program for Students from Low-Income Families*, Chalkbeat (July 14, 2023), <https://www.chalkbeat.org/2023/07/14/republicans-education-budget-cut-title-i-low-income-schools-covid-aid-critical-race-theory/>.

projects and \$1.7 billion in Department of Education grants. The Biden Administration has invested millions to grow HBCUs' research and development capacity, including through partnerships with the Air Force, the Department of Energy, and NASA. In addition, the Department of Education has awarded \$2.45 million in direct grants to HBCUs after repeatedly bomb threats in 2022. Schools have used these grants to provide mental health services and for other strategies to recover from the traumatic events.

President Biden, Vice President Harris, and other administration leaders have repeatedly engaged the HBCU community. President Biden reestablished the White House Initiative on Historically Black Colleges and Universities in 2021 to support HBCUs, strengthen their networks, and seek their input.⁸¹ Biden sought even greater long-term support for HBCUs in his Build Back Better plan, but that funded did not advance as members of Congress negotiated over the legislation. He has also pushed for more annual spending on HBCUs. His FY2025 budget requests an increase of \$429 million dollars in funding for HBCUs and other minority serving institutions.⁸²

Investments in HBCUs are even more important in light of the Supreme Court's 2023 decision striking down affirmative action in higher education last summer. In lawsuits brought against Harvard and the University of North Carolina, President Biden's Department of Justice (DOJ) defended the schools' limited use of race in admissions. The Court's 6–3 conservative supermajority departed from precedent and held that affirmative action could no longer be justified as a means to ensure diversity in colleges and universities.⁸³

Pell Grants

President Biden secured a \$900 increase to the value of federal Pell Grants, need-based financial aid for low-income undergraduate students that does not need to be repaid. The maximum award is now \$7,395 per year. More than 70% of Black undergraduates get Pell grants. President Biden continues to push Congress to enhance funding, seeking to raise the maximum to nearly \$13,000, double its value when he took office.⁸⁴

Student Loan Forgiveness

President Biden announced a historic student loan forgiveness program through executive action in August 2022. The administration planned to forgive up to \$20,000 in debt for Pell

Grant recipients, and up to \$10,000 in debt for non-Pell Grant recipients, for borrowers whose income is less than \$125,000 individually or \$250,000 for a married couple. The policy recognized that Black borrowers carry disproportionately high levels of debt. It advanced racial equity by forgiving more debt for Pell grantees (Black undergraduates need Pell grants at a much higher rate than White undergraduates). The program would have brought much-needed relief to 43 million borrowers. However, six Republican-led states sued to halt it. The Biden Administration defended the program vigorously, but the Supreme Court's conservative supermajority ruled 6–3 that the administration lacked authority for the loan forgiveness program under the HEROES Act of 2003, striking it down.⁸⁵ Biden condemned the "hypocrisy" of Republican lawmakers taking over a million dollars in Paycheck Protection Program relief during the pandemic and then blocking modest debt relief for students.⁸⁶

Despite this setback, President Biden's Department of Education has forgiven almost \$138 billion in student debt for about 3.9 million borrowers through other means, including:

- ④ \$46 billion for 930,000 borrowers through administrative corrections to the income-driven repayment program.
- ④ \$56 billion for 793,000 borrowers through the Public Service Loan Forgiveness (PSLF) Program. The administration made changes to the program to benefit more students who went into public service jobs and made faithful efforts to repay their loans over the years. Prior to these changes, only 7,000 public servants had had their loans forgiven under the PSLF program.
- ④ \$11.7 billion for 513,000 borrowers who are now permanently disabled and cannot work.
- ④ \$22.5 billion for 1.3 million borrowers whose schools defrauded them or shut down suddenly.
- ④ \$1.2 billion for 153,000 borrowers under Biden's new Saving on a Valuable Education (SAVE) plan.⁸⁷

In addition, the Department of Education is pursuing a new rulemaking process to pursue large-scale student debt relief under a different statutory authority, the Higher Education Act.⁸⁸ The administration recently announced that it is considering debt relief based on "hardship," such as having other burdensome financial costs such as healthcare or childcare.⁸⁹

⁸¹ Executive Order 14041, *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities*, 86 Fed. Reg. 50443 (Sept. 3, 2021), <https://www.federalregister.gov/documents/2021/09/09/2021-19579/white-house-initiative-on-advancing-educational-equity-excellence-and-economic-opportunity-through>. The President also signed Executive Order 14050, establishing the *White House Initiative on Advancing Educational Equity Excellence and Economic Opportunity for Black Americans*. 86 Fed. Reg. 58551 (Oct. 19, 2021).

⁸² ED, *Fiscal Year 2024 Budget Summary* 10, <https://www2.ed.gov/about/overview/budget/budget24/summary/24summary.pdf>.

⁸³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), https://www.supremecourt.gov/opinions/22pdf/20-1199_hdj.pdf.

⁸⁴ Katherine Knott, *Biden's Budget Calls for \$820 Pell Increase*, Inside Higher Ed (Mar. 9, 2023), <https://www.insidehighered.com/news/government/student-aid-policy/2023/03/09/bidens-budget-calls-820-pell-increase>.

⁸⁵ *Biden v. Nebraska*, 600 U.S. 477 (2003), https://www.supremecourt.gov/opinions/22pdf/22-506_nmip.pdf.

⁸⁶ Maegan Vazquez, *"The Hypocrisy Is Stunning," Biden Says of Republicans Opposed to Student Debt Relief*, Wash. Post (June 30, 2023), <https://www.washingtonpost.com/education/2023/06/30/student-loan-forgiveness-supreme-court-decision/>.

⁸⁷ See ED, *Biden-Harris Administration Approves \$1.2 Billion in Loan Forgiveness for Over 150,000 SAVE Plan Borrowers* (Feb. 21, 2024), <https://www.ed.gov/news/press-releases/biden-harris-administration-approves-12-billion-loan-forgiveness-over-150000-save-plan-borrowers>; Gabriel T. Rubin & Rosie Ettenheim, *Biden Has Canceled About \$137 Billion of Student Loans Despite Supreme Court Ruling. Here's How*, Wall St. J. (Jan. 19, 2024), <https://www.wsj.com/us-news/education/student-loan-forgiveness-amount-biden-ab289d75..>

⁸⁸ ED, *Biden-Harris Administration Moves Forward with Student Debt Relief Negotiated Rulemaking to Deliver Support to as Many Borrowers as Possible* (Sept. 29, 2023) <https://www.ed.gov/news/press-releases/biden-harris-administration-moves-forward-student-debt-relief-negotiated-rulemaking-deliver-support-many-borrowers-possible-quickly-possible>.

⁸⁹ ED, *Biden-Harris Administration Takes Next Steps on Rulemaking to Provide Debt Relief to Student Loan Borrowers Experiencing Hardship* (Feb. 15, 2024), <https://www.ed.gov/news/press-releases/biden-harris-administration-takes-next-steps-rulemaking-provide-debt-relief-student-loan-borrowers-experiencing-hardship>.

Finally, the administration's new income-driven repayment SAVE plan, launched after the Supreme Court's disappointing decision, is expected to result in further relief. SAVE "calculates payments based on a borrower's income and family size—not their loan balance—and forgives remaining balances after a certain number of years."⁹⁰ Under SAVE, monthly payments for undergraduate loans are capped at 5% of discretionary income, and low-income borrowers will not have to make any payments, allowing them to focus on basic necessities. The Department estimates that 1 million borrowers will qualify for a zero monthly payment, and that the average Black borrower will see their payments cut in half.

Free Pre-K and Community College

President Biden proposed two other policies that would be transformative for Black Americans and the broader population: universal free pre-K and free community college. His pre-K proposal applied to all three- and four-year-olds. It would have benefited an estimated 5 million children and saved families an average of \$13,000. His free college program would have covered two years of community college and benefited 5.5 million students.⁹¹ Both programs fell away during congressional negotiations over his Build Back Better agenda. Nonetheless, President Biden has continued to seek significant funding for free pre-K and community college in his annual budget requests.

Healthcare

The Biden Administration brought Black and White COVID-19 vaccination rates to parity. It expanded health insurance under the Affordable Care Act (ACA), cutting the Black uninsured rate to a low of 9.9%, and locked in premium subsidies through 2025. The President secured historic measures to cut healthcare costs in the Inflation Reduction Act: limiting the price of insulin to \$35/month under Medicare, capping seniors' out-of-pocket costs for prescriptions at \$2,000/year, winning Medicare the authority to negotiate drug prices with big pharmaceutical companies, and requiring companies that raises their drug prices faster than inflation to pay Medicare a rebate.

COVID-19 Pandemic

In January 2021, President Biden established a COVID-19 Health Equity Task Force. He secured \$160 billion for vaccines, tests, personal protective equipment, and support for the public health workforce to fight the coronavirus emergency at the scale it required. Biden launched an unprecedented outreach effort to get the American public vaccinated, with equity at its core. In May 2021, people of color were disproportionately unvaccinated. Vaccination rates were 56% for Black Americans, 57% for Latinos, and 65% for White Americans. The administration made the vaccine available for free in convenient locations across the country, hitting 300 vaccinations in 150 days.⁹² It dedicated resources to community vaccination centers and Community Health Centers, which served people of color at higher rates. By December 2022, vaccination rates had reached 90% for Black Americans, 88% for Latinos, and 86% for White Americans.

Healthcare Coverage

President Biden has protected and expanded Obamacare. A record more than 20 million people signed up for coverage through the ACA's marketplace in the most recent enrollment period, including 3.7 million people new to the marketplace.⁹³ Black enrollment increased by 59%, or about 400,000 people, from 2020 to 2022. The insured rate for nonelderly Black people is now above 90%.⁹⁴ The overall uninsured rate recently hit a low of 7.9%.⁹⁵

This progress in health insurance coverage resulted from deliberate policy choices. The American Rescue Plan increased tax credits for people buying health insurance through the marketplace, reducing or zeroing out their premiums.⁹⁶ The White House calculates that "more than three quarters of uninsured Black Americans had access to a plan with a monthly premium of \$50 or less and about two thirds could find a plan for \$0-premium plan in 2021."⁹⁷ The Inflation Reduction Act locked in these lower premiums through 2025, and President Biden has called on Congress to make them permanent. The administration also opened special enrollment periods, funded organizations to double the number of navigators who help people enroll, and worked with more than 1,000 local organizations to spread the word.⁹⁸ In addition, South Dakota and

⁹⁰ The White House, *FACT SHEET: The Biden-Harris Administration Launches the SAVE Plan, the Most Affordable Student Loan Repayment Plan Ever to Lower Monthly Payments for Millions of Borrowers* (Aug. 22, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/22/fact-sheet-the-biden-harris-administration-launches-the-save-plan-the-most-affordable-student-loan-repayment-plan-ever-to-lower-monthly-payments-for-millions-of-borrowers/>.

⁹¹ The White House, *FACT SHEET: The American Families Plan* (Apr. 28, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan/>.

⁹² Darlene Superville, *Biden Promotes Milestone of 300M Vaccine Shots in 150 Days*, Associated Press (June 18, 2021), <https://apnews.com/article/joe-biden-ga-state-wire-coronavirus-pandemic-health-government-and-politics-c42a17452379abb1b150e28b0adb2cb>.

⁹³ Centers for Medicare and Medicaid Services (CMS), *Under the Biden-Harris Administration, Over 20 Million Selected Affordable Health Coverage in ACA Marketplace Since Start of Open Enrollment Period, a Record High* (Jan. 10, 2024), <https://www.cms.gov/newsroom/press-releases/under-biden-harris-administration-over-20-million-selected-affordable-health-coverage-aca>.

⁹⁴ Assistant Secretary for Planning and Evaluation, Office of Health Policy, *National Uninsured Rate Remained Unchanged in the Second Quarter of 2023* (Nov. 2023), <https://aspe.hhs.gov/sites/default/files/documents/5129db54d1a5dbe394fa8632ead5299fnhis-q2-2023-data-point.pdf> (Black insured rate at 9.9%); Latoya Hill, Samantha Artiga & Anthony Damico, *Health Coverage by Race and Ethnicity, 2010–2022*, KFF (Jan. 11, 2024), <https://www.kff.org/racial-equity-and-health-policy/issue-brief/health-coverage-by-race-and-ethnicity>. Insurance rates focus on nonelderly people because health insurance is nearly universal over age 65 due to Medicare.

⁹⁵ Peterson Foundation, *The Share of Americans Without Health Insurance in 2022 Matched a Record Low* (Nov. 9, 2023), <https://www.pppf.org/blog/2023/11/the-share-of-americans-without-health-insurance-in-2022-matched-a-record-low>.

⁹⁶ Andrew Sprung, *ARP Puts More 'Affordable' in the Affordable Care Act*, Healthinsurance.org (June 9, 2021), <https://www.healthinsurance.org/blog/the-arp-puts-more-affordable-in-the-affordable-care-act/>.

⁹⁷ The White House, *FACT SHEET: How the Inflation Reduction Act Helps Black Communities* (Aug. 16, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/16/fact-sheet-how-the-inflation-reduction-act-helps-black-communities>.

⁹⁸ The White House, *Advancing Equity through the American Rescue Plan 247* (May 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/05/ADVANCING-EQUITY-THROUGH-THE-AMERICAN-RESCUE-PLAN.pdf>.

North Carolina both passed Medicaid expansion under the ACA during Biden's presidency, leaving only 10 states that have not adopted the expanded coverage.⁹⁹

Prescription Drug Costs and Other Expenses

In signing the Inflation Reduction Act, President Biden capped the cost of insulin at \$35/month—creating major savings for people with diabetes, which disproportionately affects Black Americans. This change applies only to those on Medicare, because Senate Republicans blocked an identical requirement that would have applied to the private market.¹⁰⁰ However, the administration has worked with several companies to announce that they are voluntarily capping the out-of-pocket price for insulin.¹⁰¹

The IRA also capped the total amount that seniors will have to pay for prescription drugs at the pharmacy at \$2,000 per year. Moreover, it empowered Medicare to negotiate drug prices for the first time and required drug manufacturers to pay Medicare a rebate whenever they raise prices faster than inflation. The administration is actively negotiating prices over the first 10 drugs under Medicare,¹⁰² and it has identified 48 drugs whose manufacturers will have to pay rebates for raising prices too fast.¹⁰³

In addition, the Food and Drug Administration (FDA) finalized a rule that made hearing aids available over the counter, saving buyers as much as \$3,000 per pair.¹⁰⁴ The administration is also implementing the No Surprises Act to protect patients from being charged high out-of-network costs without warning.¹⁰⁵

Home and Community-Based Services

Medicaid covers home and community-based services (HCBS) like home health care, coordination of medical services, meal delivery, and other support for elderly people and people with disabilities. Over 7 million people receive such services. The American Rescue Plan provided a historic \$37 billion for HCBS in all 50 states.¹⁰⁶ President Biden proposed \$150 billion in additional funding as part of his Build Back Better package; it passed the House, but did not

survive negotiations in the Senate.

Health equity is also an important part of HCBS. A recent study of HCBS users with multiple sclerosis found that Black people are less likely than White people to receive case management, nursing, and other important services.¹⁰⁷ In 2022, the Centers for Medicare and Medicaid Services (CMS) developed a new quality measure to identify and address racial disparities in HCBS.¹⁰⁸

Reproductive Health

Reproductive rights are civil rights. Almost 40% of the women who had an abortion in 2021 were Black,¹⁰⁹ and Black women have a maternal mortality rate more than double that of White women.¹¹⁰ Following the Supreme Court's overruling of *Roe v. Wade* in 2022, the President took a series of steps to protect reproductive rights. He established a Task Force on Reproductive Healthcare Access, strengthened privacy protections for patients, and increased protections for oral contraceptives. Secretary of Health and Human Services (HHS) Xavier Becerra recently issued a letter reminding insurance companies that they must cover contraception.¹¹¹ The administration is also defending reproductive rights in the courts. Anti-choice forces have sued to block the availability of mifepristone, a safe abortion medication approved by the FDA over 20 years ago. Meanwhile, the Justice Department sued Idaho to block its abortion ban, arguing that the ban is preempted by a federal law that requires physicians to provide abortion services if necessary to stabilize a pregnant woman having a medical emergency. The Supreme Court will decide both of these cases this year.

Maternal Health Crisis

President Biden's American Rescue Plan expanded postpartum coverage from 60 days to 12 months under Medicaid. Forty-three states and DC have opted into the coverage. The FY2023 omnibus appropriations bill removed a five-year sunset on the expanded coverage option and made it permanent. These changes should help reduce Black maternal health issues and mortality, as 65%

⁹⁹ Status of State Medicaid Expansion Decisions: Interactive Map, KFF (Feb. 7, 2024), <https://www.kff.org/affordable-care-act/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map>.

¹⁰⁰ Melissa Quinn, Senate Republicans Block \$35 Cap on Price of Insulin from Democratic Bill, CBS News (Aug. 8, 2022), <https://www.cbsnews.com/news/insulin-price-cap-senate-republicans-block-inflation-reduction-act/>.

¹⁰¹ Tami Luhby, More Americans Can Now Get Insulin for \$35, CNN (Jan. 2, 2024) <https://www.cnn.com/2024/01/01/politics/insulin-price-cap/index.html>.

¹⁰² HHS, Biden-Harris Administration to Make First Offer for Drug Price Negotiation Program, Launches New Resource Hub to Help People Access Lower-Cost Drugs (Feb. 1, 2024), <https://www.hhs.gov/about/news/2024/02/01/biden-harris-administration-make-first-offer-drug-price-negotiation-program-launches-new-resource-hub-help-people-access-lower-cost-drugs.html>.

¹⁰³ HHS, CMS Releases Revised Guidance for Medicare Prescription Drug Inflation Rebate Program (Dec. 14, 2023), <https://www.cms.gov/newsroom/press-releases/cms-releases-revised-guidance-medicare-prescription-drug-inflation-rebate-program>.

¹⁰⁴ FDA, OTC Hearing Aids: What You Should Know, <https://www.fda.gov/medical-devices/hearing-aids/otc-hearing-aids-what-you-should-know>.

¹⁰⁵ HHS, Biden-Harris Administration Advances Efforts to Improve the Surprise Billing Payment Dispute Process (Oct. 27, 2023), <https://www.hhs.gov/about/news/2023/10/27/biden-harris-administration-advances-efforts-improve-surprise-billing-payment-dispute-process.html>.

¹⁰⁶ The White House, FACT SHEET: Vice President Harris Announces that American Rescue Plan Investments in Home and Community-Based Care Services for Millions of Seniors and Americans with Disabilities Reach About \$37 Billion Across All 50 States (Dec. 11, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/11/fact-sheet-vice-president-harris-announces-that-american-rescue-plan-investments-in-home-and-community-based-care-services-for-millions-of-seniors-and-americans-with-disabilities-reach-about-37/>.

¹⁰⁷ Chaneen D. Fabius, Racial Disparities in Medicaid Home and Community-Based Service Utilization and Expenditures Among Persons with Multiple Sclerosis, 18 BMC Health Serv Res. 773 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6186063>.

¹⁰⁸ CMS, CMS Releases First-Ever Home- and Community-Based Services Quality Measure Set (July 21, 2022), <https://www.cms.gov/newsroom/press-releases/cms-releases-first-ever-home-and-community-based-services-quality-measure-set>.

¹⁰⁹ Jeff Diamant & Besheer Mohamed, Pew Research Center, *What the Data Says About Abortion in the U.S.* (Jan. 11, 2023), <https://www.pewresearch.org/short-reads/2023/01/11/what-the-data-says-about-abortion-in-the-u-s-2>.

¹¹⁰ Michele W. Berger, Overturning Roe Disproportionately Burdens Marginalized Groups, Penn Today (June 30, 2022), <https://penntoday.upenn.edu/news/overturning-roes-abortion-bans-disproportionately-burden-traditionally-marginalized-groups>.

¹¹¹ HHS, HHS Secretary Xavier Becerra Announces New Actions to Increase Contraceptive Care Coverage on 51st Anniversary of *Roe v. Wade* (Jan. 22, 2024), <https://www.hhs.gov/about/news/2024/01/22/hhs-secretary-xavier-becerra-announces-new-actions-increase-contraceptive-care-coverage-51st-anniversary-roe-v-wade.html>.

of Black mothers rely on Medicaid (compared with 42% of all mothers).¹¹² In addition, in June 2022 the White House released a *Blueprint for Addressing the Maternal Health Crisis*, setting out 50 specific actions agencies are taking to improve maternal health and health equity.¹¹³

Mental Health

New data suggests that Black children ages 5–13 are twice as likely to die by suicide as White children of the same ages.¹¹⁴ Under President Biden, HHS has created a new program to improve Black youth mental health. The administration has also launched 9-8-8, a national suicide and crisis lifeline, and invested \$500 million in helping states prepare for the launch and increase their capacity to provide services. In addition, Biden signed the Bipartisan Safer Communities Act, which provides \$2 billion to create safer learning environments and hire more mental health professionals in schools.

Kidney Failure Diagnosis

Black people are 35% of the population that experiences kidney failure. Yet too often, they are denied disability benefits using on a race-based diagnostic tool that understates the severity of their kidney impairment. In 2022, the Social Security Administration abandoned the use of this tool and now uses the same diagnostic for all claimants.

HIV/AIDS

Although Black people are just 13% of the total population, they accounted for 40% of all HIV cases and 42% of new diagnoses in 2019.¹¹⁵ In 2021, the Biden Administration released a new strategy to end the HIV epidemic in the United States by 2030.¹¹⁶

Tobacco

The FDA has proposed to ban menthol cigarettes and flavored cigars. According to researchers, menthol is more attractive to children, makes nicotine more addictive, and reduces the irritation of smoking and therefore makes cigarettes easier to use. Menthol cigarettes are by far the most popular cigarette among Black Americans, in no small part due to targeted marketing by the tobacco industry. Research indicates that banning menthol cigarettes could prevent 654,000 deaths—including 238,000 deaths of Black Americans—over the next 40 years. All other flavored cigarettes were banned in 2009. Meanwhile, the FDA's goal in banning flavored cigars is to reduce their appeal to children. The administration recently paused finalization of the bans, reportedly

due to concerns from certain groups that the ban would lead to police harassment of Black Americans. The proposal only covers manufacturers, wholesalers, and other distributors, however; it does not prohibit individual possession or use.¹¹⁷

Food and Nutrition

Black children are three times more likely than White children to experience hunger.¹¹⁸ The COVID-19 pandemic exacerbated the situation for children whose only healthy meals were at school. President Biden's American Rescue Plan invested more than \$12 billion in food assistance programs. ARP extended a 15% increase to Supplemental Nutrition Assistance Program (SNAP) benefits, or food stamps, through September 2021. It funded the P-EBT program that gave families money that would have gone toward free and reduced-price meals, so they could access food when schools were closed. It also supported innovations to increase enrollment in the Women, Infants, and Children (WIC) program.¹¹⁹ In 2021, USDA increased food benefits through its Thrifty Food Plan. In 2023, the agency launched Summer EBT, which provides grocery benefits to families so they can buy healthy food in the summer when kids are out of school. Summer EBT will occur again in 2024, providing families \$40 per month for each eligible child. Finally, in 2022 the President hosted the White House Conference on Hunger, Nutrition, and Health, the first of its kind in 50 years. At the conference, the White House launched a national strategy to end hunger and reduce diet-related diseases and disparities by 2030, which includes ensuring free healthy meals for all.¹²⁰

Public Safety and Criminal Justice Reform

President Biden signed the most significant gun legislation in almost three decades, closing loopholes in the background check system and providing funding for community violence intervention, mental health treatment, and school safety. His administration banned bump stocks and ghost guns, and he repeatedly urged Congress to ban assault weapons. He signed two hate crime bills into law. After Republicans killed the George Floyd Justice in Policing Act, Biden issued a landmark executive order on police reform. He pardoned all prior federal offenses of simple possession of marijuana and initiated a process to reclassify marijuana as a less restricted drug. He has called for the end of the racist crack-powder cocaine sentencing disparity. His Justice Department revoked a Trump Administration action that would have returned thousands of law-

¹¹² Annalies Winny & Rachel Bervell, Johns Hopkins, *How Can We Solve the Black Maternal Health Crisis?* (May 12, 2023), <https://publichealth.jhu.edu/2023/solving-the-black-maternal-health-crisis>.

¹¹³ White House Blueprint for Addressing the Maternal Health Crisis (June 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/06/Maternal-Health-Blueprint.pdf>.

¹¹⁴ Jocelyn I. Meza, Katie Patel & Eraka Bath, *Black Youth Suicide Crisis: Prevalence Rates, Review of Risk and Protective Factors, and Current Evidence-Based Practices*, Focus (Spring 2022), <https://focus.psychiatryonline.org/doi/10.1176/appi.focus.20210034>.

¹¹⁵ Centers for Disease Control and Prevention (CDC), *HIV and African American People: HIV Diagnoses*, <https://www.cdc.gov/hiv/group/racialethnic/africanamericans/diagnoses.html> (using 2019 data); CDC, *HIV and Black/African American People in the U.S.*, <https://www.cdc.gov/nchhstp/newsroom/fact-sheets/hiv/black-african-american-factsheet.html> (same).

¹¹⁶ The White House, *National HIV/AIDS Strategy for the United States, 2022–2025* (Nov. 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/11/National-HIV-AIDS-Strategy.pdf>.

¹¹⁷ FDA, *FDA Proposes Rules Prohibiting Menthol Cigarettes and Flavored Cigars to Prevent Youth Initiation, Significantly Reduce Tobacco-Related Disease and Death* (Apr. 28, 2022), <https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>.

¹¹⁸ Legal Defense Fund, *School Nutrition & Racial Equity*, <https://www.naacpldf.org/case-issue/school-nutrition-racial-equity-the-need-for-universal-healthy-school-meals>.

¹¹⁹ Kyle Ross, Arohi Pathak & Seth Hanlon, Center for America Progress, *The ARP Grew the Economy, Reduced Poverty, and Eased Financial Hardship for Millions* (Mar. 14, 2022), <https://www.americanprogress.org/article/the-arp-grew-the-economy-reduced-poverty-and-eased-financial-hardship-for-millions>.

¹²⁰ The White House, *Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health 9* (Sept. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>.

abiding individuals to prison, and instituted a new policy to avoid mandatory minimum sentences for low-level defendants. Biden also moved to end the Justice Department's use of private prisons and engaged every agency in the process of criminal justice reform.

Gun Violence

Murders and shootings spiked in 2020, likely resulting from disruptions caused by the COVID-19 pandemic. Homicides dropped 15% in 2023, but gun violence remains a pressing issue.¹²¹ It is also a racial justice issue, as Black Americans are vastly overrepresented among shooting victims.

President Biden has made reducing gun violence a top priority. He signed the most significant piece of gun legislation in 28 years, the Bipartisan Safer Communities Act of 2022 (BSCA). BSCA clarified which sellers must be federally licensed, mandated enhanced background checks for young adults ages 18–21, narrowed the dating partner loophole in the background check system, and created new federal criminal offenses for straw purchases and gun trafficking. It provided billions in new grant funding to support red flag laws, community violence intervention (CVI), mental health services, and school safety.¹²²

President Biden established the first-ever Office of Gun Crime Prevention in the White House. He has secured \$100 million in annual appropriations for CVI programs like violence interrupters, and is seeking \$5 billion over 10 years to scale promising and proven initiatives. The administration also pivoted 26 grant programs to support CVI and created the CVI Collaborative, a cohort of 16 cities that drew in philanthropic funding and built violence prevention capacity across the country. His Justice Department also stepped up enforcement against rogue gun dealers and gun traffickers.

DOJ also issued a regulation banning "ghost guns," which are unserialized and untraceable homemade firearms that increasingly have been showing up at crime scenes.¹²³ This rule and another rule banning bump stocks, devices that turn semi-automatic firearms into rapid-fire machine guns, are critical to saving lives.¹²⁴ DOJ is defending both against legal challenges in federal court.¹²⁵

Biden has repeatedly called on Congress to ban assault weapons and high-capacity magazines and require universal background checks. Republicans have blocked any movement on the proposals. The President has continued to use the bully pulpit to push these commonsense reforms but will need a more cooperative Congress to achieve them.

President Biden also released a comprehensive strategy to reduce crime called the Safer America Plan.¹²⁶ In addition, in November 2023 DOJ granted \$334 million to state, local, Tribal, and territorial law enforcement agencies, part of an overall investment in community safety of \$5.6 billion.¹²⁷

Hate Crimes

President Biden signed two hate crimes bills into law: the COVID-19 Hate Crimes Act, which created new grants to combat hate-motivated offenses, and the Emmett Till Antilynching Act, which fulfilled a 100-year effort by civil rights advocates to make lynching a federal crime. The President also designated the Emmett Till and Mamie Till-Mobley National Monument in Mississippi. After the White supremacist massacre of ten Black shoppers at the Tops grocery store in Buffalo, the President hosted the *United We Stand* Summit against hate-fueled violence at the White House, featuring local leaders fighting back against hate and announcing dozens of new policy commitments. These included federal actions, such as the Justice Department's launch of a "United Against Hate" community outreach and training program in all 94 federal districts as well as \$1 billion in philanthropic commitments to promote bridge-building.¹²⁸

Police Accountability

The President pressed hard for the George Floyd Justice in Policing Act, celebrating its passage in the House of Representatives and repeatedly calling for its passage in the Senate. When Republican Senators walked away from the negotiating table—even though Senator Cory Booker of New Jersey was making significant progress with national police organizations on a set of reforms—President Biden resolved to take executive action. After extensive consultation with the families of people killed at the hands of police, civil rights leaders, law enforcement groups, and other experts, President Biden issued a landmark police reform executive order.¹²⁹ The order sought to advance as much of the George Floyd Act as possible through executive action. It mandated policy changes of all federal law enforcement agencies (137,000 officers), seeking to make them a model, and used available levers to promote change at the state and local levels.

Among other measures, Biden's policing executive order banned chokeholds, restricted no-knock warrants and entries, imposed stricter use-of-force policies, required anti-bias training, prohibited the transfer of military equipment to police departments, created a national Law Enforcement Accountability Database of police misconduct records, and required DOJ to use its grantmaking power

121 See Eric Levenson & Mark Morales, *Homicides Dropped by over 10% in America's Biggest Cities in 2023*, CNN (Jan. 5, 2024) <https://www.cnn.com/2024/01/04/us/homicide-crime-declines-cities-2023/index.html> (citing FBI statistics that violent crime dropped 8.2% and murders dropped 15.6% during January to September 2023, compared to the same period in 2022).

122 Bipartisan Safer Communities Act, Pub. L. 117-159 (2022), <https://www.congress.gov/bill/117th-congress/senate-bill/2938/text>.

123 Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), *Definition of "Frame or Receiver" and Identification of Firearms*, 87 Fed. Reg. 24652 (Apr. 26, 2022), <https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of火器>.

124 ATF, *Bump-Stock-Type Devices*, 83 Fed. Reg. 66514 (Dec. 26, 2018), <https://www.federalregister.gov/documents/2018/12/26/2018-27763/bump-stock-type-devices>.

125 *Garland v. VanDerStock*, No. 23-10718 (ghost guns, pending appeal in Fifth Circuit); *Garland v. Cargill*, No. 22-976 (bump stocks, pending Supreme Court review).

126 The White House, *FACT SHEET: President Biden's Safer America Plan* (Aug. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/01/fact-sheet-president-bidens-safer-america-plan-2>.

127 DOJ, *Deputy Attorney General Lisa O. Monaco Delivers Remarks Announcing New Nationwide Public Safety Commitments* (Nov. 2, 2023), <https://www.justice.gov/opa/speech/deputy-attorney-general-lisa-o-monaco-delivers-remarks-announcing-new-nationwide-public>.

128 See <https://unitedwestand.gov>.

129 Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety*, 87 FR 32945 (May 25, 2022), <https://www.federalregister.gov/documents/2022/05/31/2022-11810/advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and>.

to incentivize reform around the country.

In addition, DOJ recently awarded \$43 million in grants for crisis intervention, de-escalation training, and community policing strategies.¹³⁰ The American Rescue Plan also included \$15 million dollars for mobile crisis response, an initiative under which trained experts respond to mental health and substance use disorder episodes.¹³¹

Marijuana and Drug Policy

President Biden has taken three major steps to address what he has called “our failed approach to marijuana.”¹³² First, he issued a categorical pardon to all persons ever convicted of simple possession of marijuana under federal or District of Columbia law. This had the effect of lifting the legal consequences of likely tens of thousands of prior convictions—barriers to employment, housing, and educational opportunities that disproportionately fall on Black Americans due to a history of discriminatory policing and prosecution. The Justice Department created an online form for people to request documentary proof of their pardon to show employers and others.¹³³ Second, he called on all state governors to do the same, given that his pardon authority does not extend to convictions under state law. Third, he charged the Secretary of HHS and the Attorney General to reconsider how marijuana is scheduled. HHS has recommended moving marijuana from Schedule I of the Controlled Substances Act (alongside heroin and ecstasy, and above cocaine and fentanyl) to Schedule III (alongside ketamine and Tylenol with codeine).¹³⁴ If the DEA agrees, this change will ease restrictions on marijuana research, potentially leading to the discovery of new medical uses. It could also allow cannabis businesses to take part in the regular taxation and banking systems.¹³⁵

The President has also focused on the unjust crack-powder cocaine sentencing disparity, which continues to treat crack offenses much more harshly than powder offenses. Crack and powder cocaine are two forms of the same drug. Crack defendants are disproportionately Black. The administration has called on Congress to pass the EQUAL Act, which would eliminate the disparity and make the change retroactive. This legislation would benefit 10,000

people—almost 90% of them Black—who are currently serving inflated prison sentences for crack cocaine offenses.¹³⁶

With regard to illegal drug use, the President has invested heavily in harm reduction strategies, responding with treatment rather than incarceration while also prioritizing enforcement against transnational criminal organizations. This is the first administration to make harm reduction a core part of its strategy.¹³⁷

The overdose epidemic remains a significant challenge. Driven by fentanyl, the number of drug overdoses rose sharply during the pandemic and surpassed 110,000 in the 12-month period ending March 2023. Since that time, the growth curve has flattened and begun to turn slightly downward.¹³⁸

Mass Incarceration

The Biden Administration has taken several steps to reduce unnecessary incarceration and racial disparities. Attorney General Merrick Garland issued new charging and sentencing guidance to all federal prosecutors, replacing overly punitive directives from the Trump Administration and encouraging line prosecutors not to seek mandatory minimum sentences against low-level and non-violent drug defendants. He directed them to use their discretion to treat crack cocaine offenses like powder cocaine offenses, to avoid the unwarranted sentencing disparities in federal law.¹³⁹

DOJ reversed a legal opinion issued in the waning days of the Trump, concluding that thousands of individuals who had been transferred to home confinement during the pandemic could remain there at the end of the national public health emergency. This group of people was already reintegrating into the community and had a recidivism rate of almost zero; they would have been reincarcerated under the prior administration’s misinterpretation of federal law.¹⁴⁰ The Federal Bureau of Prisons has also made important changes to implement a system of earned time credits under the First Step Act of 2018, incentivizing prisoners to complete rehabilitative programming to shorten their sentences. Finally, President Biden ordered DOJ to close its contracts with private prisons. DOJ has closed several contracts and transferred more than

¹³⁰ DOJ, *Deputy Attorney General Lisa O. Monaco Delivers Remarks Announcing New Nationwide Public Safety Commitments* (Nov. 2, 2023), <https://www.justice.gov/pao/speech/deputy-attorney-general-lisa-o-monaco-delivers-remarks-announcing-new-nationwide-public>.

¹³¹ See Olivia Randi, National Academy for State Health Policy, *American Rescue Plan Act Allows States to Expand Mobile Crisis Intervention Services for Children and Youth Through Medicaid* (Aug. 2, 2021), <https://nashp.org/american-rescue-plan-act-allows-states-to-expand-mobile-crisis-intervention-services-for-children-and-youth-through-medicaid>.

¹³² See The White House, *Statement of Joe Biden on Marijuana Reform* (Oct. 6, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/06/statement-from-president-biden-on-marijuana-reform>; The White House, *Statement from President Joe Biden on Clemency Actions* (Dec. 22, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/22/statement-from-president-joe-biden-on-clemency-actions>.

¹³³ DOJ, Application for Certificate of Pardon for Simple Possession, Attempted Possession, and Use of Marijuana, https://www.justice.gov/qlextranet/EForm.aspx?_cid=Pardon_prod&_fid=5.

¹³⁴ Riley Griffin, Ike Swetlik & Tiffany Kary, *US Health Officials Urge Moving Pot to Lower-Risk Tier*, Bloomberg News (Aug. 30, 2023), <https://www.bloomberg.com/news/articles/2023-08-30/hhs-calls-for-moving-marijuana-to-lower-risk-us-drug-category?r=snd=premium&leadSource=uverify%20wall>.

¹³⁵ David Ovalle, Katie Shepherd & Laurie McGinley, *Possible Easing of Marijuana Restrictions Could Have Major Implications*, Wash. Post. (Aug. 31, 2023), <https://www.washingtonpost.com/health/2023/08/31/marijuana-reclassification-schedule-iii-hhs-dea>.

¹³⁶ Statement of the U.S. Department of Justice Before the Committee on the Judiciary, U.S. Senate 5 (June 22, 2021), <https://sentencing.typepad.com/files/doj-equal-act-testimony--final.pdf>.

¹³⁷ Office of National Drug Control Policy (ONDCP), *Actions Taken by the Biden-Harris Administration to Address Addiction and the Overdose Epidemic* (Aug. 31, 2022), <https://www.whitehouse.gov/ondcp/briefing-room/2022/08/31/actions-taken-by-the-biden-harris-administration-to-address-addiction-and-the-overdose-epidemic>.

¹³⁸ White House ONDCP Director Statement on Flattening Overdose Death Rate Over the Past Year (Aug. 17, 2023) <https://www.whitehouse.gov/ondcp/briefing-room/2023/08/17/white-house-ondcp-director-statement-on-flattening-overdose-death-rate-over-the-past-year>; CDC, Provisional Drug Overdose Death Counts, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last visited Feb. 16, 2024).

¹³⁹ Attorney General Memo, *General Department Policies Regarding Charging, Pleas, and Sentencing* (Dec. 16, 2022), <https://www.justice.gov/d9/2022-12/attorney-general-memorandum-general-department-policies-regarding-charging-pleas-and-sentencing.pdf>; Attorney General Memo, *Additional Department Policies Regarding Charging, Pleas, and Sentencing in Drug Cases* (Dec. 16, 2022), <https://www.justice.gov/d9/2022-12/attorney-general-memorandum-additional-department-policies-regarding-charges-pleas-and-sentencing-in-drug-cases.pdf>.

¹⁴⁰ Office of Legal Counsel, *Discretion to Continue the Home-Confinement Placements of Federal Prisoners After the COVID-19 Emergency* (Dec. 21, 2021), <https://www.justice.gov/olc/file/1457926/download>.

8,000 individuals out of private facilities.¹⁴¹

President Biden, meanwhile, has made greater use of the clemency power three years into his term than the last five presidents before him at the same point in their presidencies.¹⁴² In addition to the categorical marijuana pardons, Biden has granted 12 pardons and 117 sentence commutations.¹⁴³

Finally, President Biden has proposed a \$15 billion grant program to reduce excessive incarceration. To be eligible for the funds, jurisdictions would have to “repeal mandatory minimums for non-violent crimes and change other laws that contribute to increased incarceration rates without making our communities safer.”¹⁴⁴

Reentry

The administration issued a whole-of-government strategy to reduce unnecessary criminal justice contact, improve prison conditions, and facilitate reentry for individuals leaving prison.¹⁴⁵ The strategy includes actions to ensure people have healthcare coverage, housing, educational opportunities, and job prospects upon returning to their communities. The administration has also implemented Second Chance Pell, the restoration of funding for incarcerated individuals to pursue a college education. As part of his Safer America Plan, President Biden has proposed to repeal almost all restrictions on eligibility for federal programs based on prior convictions, such as for SNAP benefits.

Black Homeownership and Affordable Housing

President Biden’s policies have helped over 250,000 Black Americans become homeowners. His quick response to the economic upheaval of the COVID-19 pandemic helped 160,000 Black homeowners with FHA-backed loans avert foreclosure and deployed \$10 billion in funding to 400,000 homeowners, 140,000 of them Black. The administration also prevented 1.36 million evictions, including through deployment of \$46 billion in emergency assistance to renters, almost half of them Black. Its efforts helped stop a 4-year increase in homelessness and move 100,000 families and 40,000 veterans out of shelters and off the streets. The administration also advanced landmark anti-discrimination protections under the Fair Housing Act and took historic action to combat appraisal

bias. Its most ambitious homeownership and housing affordability programs have been stymied in Congress, but the President continues to press for these measures.

Homeownership

President Biden has taken several steps to increase Black homeownership. First, in 2021 the Federal Housing Administration (FHA) changed the way it considers student loan debt in mortgage applications, improving borrowers’ debt-to-income ratios and the likelihood that they will qualify for an FHA-backed mortgage at a manageable interest rate.¹⁴⁶ In 2022, FHA began considering a borrower’s positive history of consistently making rental payments, helping first-time home buyers qualify for their lower cost loans.¹⁴⁷ These systemic changes have helped Black homebuyers, who are overrepresented among both student debt holders and renters. HUD Secretary Marcia Fudge recently announced that FHA has supported 250,000 Black people in buying a home since 2021. Further, over 83% of the 1.5 million people who bought a home with an FHA-backed loan were first-time homebuyers—the highest rate since 2000—and FHA “serves Black borrowers at triple the rate of the rest of the market” as a share of the loans it backs.¹⁴⁸

USDA has also promoted Black homeownership through its direct housing loan program. Approximately 22% of the 7,100 low-cost loans it issued in fiscal year 2023 went to Black borrowers.¹⁴⁹

To close the racial homeownership gap and create opportunities for more Black and low-income people to build wealth, however, major new investments are required. President Biden proposed \$150 billion in Build Back Better to create more homes and help new buyers, as well as to improve public housing, assist renters, and address homelessness. The \$150 package passed the House in 2021 but did not advance in the Senate. President Biden continues to advance the following proposals: (a) \$16 billion for a new “Neighborhood Homes Tax Credit” to build and rehabilitate 400,000 homes; (b) \$10 billion in down payment assistance for 273,000 first-time, first-generation homebuyers; and (c) \$100 million for a down payment assistance pilot program for 75,000 buyers to purchase low-cost homes.¹⁵⁰

Preventing Foreclosures

Early action during President Biden’s term saved untold numbers from foreclosure. The CDC extended the foreclosure moratorium

¹⁴¹ Executive Order 14006, *Reforming Our Incarceration System To Eliminate the Use of Privately Operated Criminal Detention Facilities*, 86 Fed. Reg. 7483 (Jan. 26, 2021), <https://www.federalregister.gov/documents/2021/01/29/2021-02070/reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention>; The White House, FACT SHEET: *The Biden-Harris Administration Advances Equity and Opportunity for Black Americans and Communities Across the Country* (Feb. 27, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/27/fact-sheet-the-biden-%E2%81%A0harris-administration-advances-equity-and-opportunity-for-black-americans-and-communities-across-the-country/> (providing the 8,000 figure).

¹⁴² See Office of the Pardon Attorney, *Clemency Statistics*, <https://www.justice.gov/pardon/clemency-statistics>.

¹⁴³ These figures do not count pardons granted as part of prisoner swaps with Afghanistan, Iran, Russia, and Venezuela.

¹⁴⁴ The White House, FACT SHEET: *President Biden’s Safer America Plan* (Aug. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/01/fact-sheet-president-bidens-safer-america-plan-2>.

¹⁴⁵ The White House Alternatives, Rehabilitation, and Reentry Strategic Plan (Apr. 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/04/The-White-House-Alternatives-Rehabilitation-and-Reentry-Strategic-Plan.pdf>.

¹⁴⁶ HUD Mortgagee Letter 2021-13 (June 17, 2021), <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-13hsgml.pdf>.

¹⁴⁷ HUD Mortgagee Letter 2022-17 (Sept. 27, 2022), <https://www.hud.gov/sites/dfiles/OCHCO/documents/2022-17hgnml.pdf>.

¹⁴⁸ HUD, FACT SHEET: *Under the Leadership of Secretary Marcia L. Fudge, the U.S. Department of Housing and Urban Development has Delivered for Black People* (Feb. 2, 2024), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_24_020.

¹⁴⁹ White House Announces New Actions on Homeownership (Oct. 16, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/16/white-house-announces-new-actions-on-homeownership>.

¹⁵⁰ *Id.*

through July 2021. HUD instituted foreclosure measures, including loan modifications, that kept 1.1 million FHA-backed homeowners in their homes, including 160,000 Black homeowners.¹⁵¹ The ARP's \$10 billion Homeowner Assistance Fund helped 400,000 homeowners avert foreclosure.¹⁵² Thirty-five percent of HAF-assisted homeowners were Black.¹⁵³

Preventing Evictions, Helping Renters

Black Americans are 13% of the population but over 40% of renters. The Biden Administration's eviction prevention initiatives were critical to keeping renters in their homes during the pandemic. CDC's eviction moratorium stayed in place until August 2021. The administration disbursed \$46 billion in Emergency Rental Assistance funds. Two-thirds of that money went to extremely low-income renters, and Black renters received almost half.¹⁵⁴ Many communities also used ERA money to create eviction diversion programs. Together, the administration's policies helped prevent 1.36 million evictions.¹⁵⁵ These policies helped prevent the predicted eviction wave.

The administration has continued to advance renters' interests. In January 2023, The White House released its *Blueprint for a Renters' Bill of Rights*, a statement of principles with concrete policy announcements to bring them to life.¹⁵⁶

Combating Housing Discrimination

President Biden created the interagency Property Appraisal and Valuation Equity (PAVE) Task Force, chaired by the Domestic Policy Council and HUD, to combat race discrimination in property appraisals. Too often, Black homeowners seeking to sell or refinance their homes see their appraisals come in below true value, undercutting their ability to build wealth. Stories abound of Black homeowners hiding their family pictures, asking a White friend to pose as the homeowner, and getting a second appraisal significantly above the first. The Task Force published a PAVE Action Plan in March 2022 and has been implementing it over the past two years.¹⁵⁷ For example, agencies issued guidance explaining that

homeowners can request a reconsideration of value when they believe an appraisal is inaccurate or infected by bias.¹⁵⁸

HUD has also advanced two antidiscrimination regulations under the Fair Housing Act. First, the agency issued a final rule on the "discriminatory effects" test, rescinding a Trump Administration rule and restoring a 2013 Obama Administration regulation that accorded with case law. This rule will help plaintiffs challenge housing policies that cause unnecessary harm based on race or another protected class and that are thus discriminatory, even if there is no evidence of intent to discriminate.¹⁵⁹ HUD recently prevailed in defending the rule in federal district court.¹⁶⁰ Second, HUD has proposed a rule on "Affirmatively Furthering Fair Housing," requiring that local housing agencies "proactively take meaningful actions to overcome patterns of segregation, promote fair housing choice, eliminate disparities in housing-related opportunities, and foster inclusive communities that are free from discrimination."¹⁶¹

HUD supports fair housing organizations to help uncover discrimination and enforce the Fair Housing Act, as well. In 2023, HUD provided \$30 million in grants to such organizations.¹⁶²

Homelessness

Black Americans are disproportionately affected by homelessness. They are 37% of the total homeless population, including 50% of families with children experiencing homelessness.¹⁶³ The American Rescue Plan provided \$10 billion combat this crisis, stopping an upward trend that started in 2016. The Biden Administration's efforts helped move 100,000 homeless families into permanent housing and ended homelessness for 40,000 veterans.¹⁶⁴ The President sought historic funding in his Build Back Better package to continue these efforts, but it did not advance in Congress. With the end of COVID relief funding and the rise in housing costs, homelessness again began rising and in 2023 hit its highest level since 2007. In January 2024, the administration issued \$3.16 billion in funding to 7,000 projects nationwide to connect people with housing.¹⁶⁵ The President is currently seeking more than \$10 billion in appropriations for housing vouchers and other programs, and

151 HUD, FACT SHEET, supra note 148; HUD, *New Report: HUD Secretary Marcia L. Fudge Delivers Unprecedented Homeownership Achievements* (Dec. 8, 2023), <https://www.hud.gov/press-releases/media-advisories/hud-no-23-274>.

152 Treasury, FACT SHEET: New Treasury Department Data Illustrates How American Rescue Plan Resources Are Expanding Access to Affordable Housing and Keeping Families in their Homes (Oct. 16, 2023), <https://home.treasury.gov/news/press-releases/jy1812>.

153 Treasury, *Two Years In: The American Rescue Plan Act's Historic Investments in a Stronger Economic Future* at 17 (2022), <https://home.treasury.gov/system/files/136/Two-Year-ARP-Anniversary-Report.pdf>.

154 *Id.* at 16.

155 *Id.* at 15.

156 *The White House Blueprint for a Renters Bill of Rights* (Jan. 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights.pdf>.

157 PAVE Task Force, *Action Plan to Advance Property Appraisal and Valuation Equity* (Mar. 2022), <https://pave.hud.gov/sites/pave.hud.gov/files/documents/PAVEActionPlan.pdf>.

158 *Interagency Guidance on Reconsiderations of Value of Residential Real Estate Valuations*, 88 Fed. Reg. 47071 (July 21, 2023), <https://www.federalregister.gov/documents/2023/07/21/2023-12609/interagency-guidance-on-reconsiderations-of-value-of-residential-real-estate-valuations>; HUD Draft Mortgagee Letter: Borrower Request for Review of Appraisal Results, https://www.hud.gov/sites/dfiles/SFH/documents/borrower_req_review_appraisal_results_draft.pdf.

159 HUD, *Reinstatement of HUD's Discriminatory Effects Standard*, 88 Fed. Reg. 19450 (Mar. 31, 2023), <https://www.federalregister.gov/documents/2023/03/31/2023-05836/reinstatement-of-huds-discriminatory-effects-standard>.

160 *D.C. District Court Upholds HUD's Disparate Impact Rule*, ABA Banking J. (Sept. 19, 2023), <https://bankingjournal.aba.com/2023/10/d-c-district-court-upholds-huds-disparate-impact-rule>.

161 HUD, *Affirmatively Furthering Fair Housing*, 88 Fed. Reg. 8516 (Feb. 9, 2023), <https://www.federalregister.gov/documents/2023/02/09/2023-00625/affirmatively-furthering-fair-housing>.

162 HUD, FACT SHEET, supra note 148.

163 HUD, *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress 2* (Dec. 2003), <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf>.

164 U.S. Interagency Council on Homelessness (USICH), *Biden Administration Helps 105 Communities End Homelessness for More Than 140,000 Americans* (Jan. 26, 2023), <https://www.usich.gov/news-events/news/biden-administration-helps-105-communities-end-homelessness-more-140000-americans>.

165 HUD, *Biden-Harris Administration Awards \$3.16 Billion in Homelessness Assistance Funding to Communities Nationwide* (Jan. 29, 2024), https://www.hud.gov/press/press_releases_media_advisories/hud-no-24-018.

has released a strategy to cut homelessness by 25% by 2025.¹⁶⁶

Environmental Justice

President Biden's economic relief, infrastructure, and climate investments provide billions of dollars to transition to a green economy and remedy the impact of environmental racism. His Justice40 initiative directs agencies to ensure that 40% of relevant funding streams go to disadvantaged communities. He is also implementing dedicated programs relevant to Black families who have suffered air, water, and land pollution. Key investments include more than \$50 billion to improve drinking water and replace lead pipes, \$5 billion to clean up contamination at toxic waste sites and abandoned commercial properties, and \$3 billion in environmental justice grants for community-based organizations.

Justice40

In his first week in office, President Biden signed an environmental justice executive order setting a goal that 40% of the benefits of certain federal funding streams will go to disadvantaged communities, those disproportionately burdened by pollution and underinvestment.¹⁶⁷ This "Justice40" commitment applies to funding related to climate change, clean energy, public transit, affordable housing, clean water, pollution remediation, and workforce development. Over 500 programs across 19 agencies are covered, including hundreds of billions of dollars under the American Rescue Plan, Bipartisan Infrastructure Law, and Inflation Reduction Act.¹⁶⁸ The administration launched the Climate and Economic Justice Screening Tool, a geospatial mapping tool to identify disadvantaged communities that should benefit.¹⁶⁹ The administration also created an Environmental Justice Scorecard, a public assessment of 24 agencies' efforts to advance environmental justice.¹⁷⁰ This is the first time any president has made such an explicit commitment to environmental justice with concrete metrics, transparency commitments, and technical tools for public accountability. And these commitments are having an impact. For example, a recent MIT study found that 44.5% of clean energy investment is going to disadvantaged communities.¹⁷¹

Lead Pipes

Black Americans are disproportionately exposed to drinking water contaminated with lead, a dangerous neurotoxin that can cause brain damage, delayed learning, stunted growth, and reproductive problems. President Biden set a goal of replacing all 9 million lead service lines across the country over ten years.¹⁷² The Bipartisan Infrastructure Law provides more than \$50 billion to improve water quality, including \$15 billion to replace lead pipes.¹⁷³

Cleaning Up Pollution Sites

Due to years of discrimination in housing and environmental policy, Black Americans are 75% more likely than the average American to live near dangerous waste-producing facilities.¹⁷⁴ The Bipartisan Infrastructure Law provided \$5 billion for two remedial programs at the Environmental Protection Agency (EPA): \$1.5 billion to cleanup and redevelop "Brownfields" like abandoned factories and gas stations, and \$3.5 billion to cleanup and "Superfund" sites where hazardous waste has been dumped and left out in the open. EPA has already awarded \$2 billion of this money to clean up Superfund sites, 60% of which are located in historically underserved communities.¹⁷⁵ The IRA also reinstated and modernized the Superfund petroleum tax, expected to raise almost \$12 billion over the next decade to cover clean-up costs.

Climate Resilience

Extreme heat, wildfires, flooding, droughts, hurricanes, and other climate disasters hit communities of color disproportionately hard, and they are becoming more frequent. Together, the Bipartisan Infrastructure Law and Inflation Reduction Act provide more than \$50 billion for climate resilience strategies, such as modernizing the electric grid, improving water storage and delivery, expanding wildfire firefighting forces, and expanding green space.¹⁷⁶

Empowering Communities

In addition to providing billions in new funding across the nation, the Biden Administration is providing targeted assistance to help disadvantaged communities secure grants and deploy them toward environmental justice strategies. In 2023, EPA and the Department of Energy funded 17 "Environmental Justice Thriving Communities Technical Assistance Centers" to help communities of color, low-

¹⁶⁶ USICH, *How the President's FY 2024 Budget Would Prevent Homelessness* (Apr. 6, 2023), <https://www.usich.gov/news-events/news/how-presidents-fy-2024-budget-would-prevent-homelessness>; USICH, *ALL IN: The Federal Strategic Plan to Prevent and End Homelessness* (Dec. 2022), https://www.usich.gov/sites/default/files/document/All_In.pdf.

¹⁶⁷ Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Jan. 27, 2021), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; see also Executive Order 140996, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, (Apr. 21, 2023), <https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all>.

¹⁶⁸ Justice40 Covered Programs List (Nov. 2023), https://www.whitehouse.gov/wp-content/uploads/2023/11/justice40-Initiative-Covered-Programs-List_v2.0_11.23_FINAL.pdf.

¹⁶⁹ Climate and Environmental Justice Screening Tool, <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>.

¹⁷⁰ The Environmental Justice Scorecard, <https://ejscorecard.geoplatform.gov/ejscorecard>.

¹⁷¹ Lily Bermel et al., *Clean Investment at the Community Level 2* (Nov. 15, 2023), https://assets-global.website-files.com/64e31ae6c5fd44b10ff405a7/6556f17c633d01d296ec6774_The%20Clean%20Investment%20Monitor_Community%20Level%20Analysis.pdf.

¹⁷² EPA Fact Sheet, *EPA's Proposed Lead and Copper Rule Improvements* (Nov. 2023), https://www.epa.gov/system/files/documents/2023-11/lcri-fact-sheet-for-the-public_final.pdf.

¹⁷³ EPA Fact Sheet, *Bipartisan Infrastructure Law: A Historic Investment in Water* (Nov. 2021), https://www.epa.gov/system/files/documents/2021-11/e-ow-bid-fact-sheet-final_508.pdf.

¹⁷⁴ NAACP Clean Air Task Force, *Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities* (Nov. 2017), https://www.catf.us/wp-content/uploads/2017/11/CATF_Pub_FumesAcrossTheFenceLine.pdf.

¹⁷⁵ See EPA announcements: <https://www.epa.gov/newsreleases/epa-announces-plans-use-first-1b-bipartisan-infrastructure-law-funds-clear-out> (Dec. 17, 2021); <https://www.epa.gov/newsreleases/biden-harris-administration-announces-additional-1b-bipartisan-infrastructure-law> (Feb. 10, 2023).

¹⁷⁶ The White House, *FACT SHEET: Biden-Harris Administration Makes Historic Investments to Build Community Climate Resilience* (June 19, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/19/fact-sheet-biden-harris-administration-makes-historic-investments-to-build-community-climate-resilience>.

income communities, and others overburdened by pollution to apply for and secure federal grants.¹⁷⁷

In addition, the IRA provided \$3 billion for innovative new Environmental Justice Block Grants. These are funds for community-based organizations in disadvantaged communities to conduct monitoring, prevention, and remediation activities, putting the power to advance environmental justice directly into community members' hands.¹⁷⁸ EPA has also created a new Office of Environmental Justice and External Civil Rights to administer the grants and centralize civil rights protections within the agency.¹⁷⁹

Enforcement of Civil Rights Laws

President Biden has pushed to expand and protect civil rights. He signed the Electoral Count Reform Act, a law that will help prevent attempts to stop the certification of presidential election results. He also championed bills to restore the Voting Rights Act and expand access to the ballot, calling to end the filibuster for this purpose, but two conservative Democrats and Republicans in the Senate blocked these efforts. His Justice Department has doubled its voting rights enforcement staff and sued states for voter suppression. It has also prioritized criminal accountability for police misconduct and hate crimes, including in cases related to the killings of George Floyd, Breonna Taylor, Tyre Nichols, and Ahmaud Arbery. DOJ has also invigorated its investigation of systemic misconduct in police departments and prisons. And enforcement offices across the administration have prioritized emerging civil rights threats in the use of artificial intelligence.

Voting Rights

President Biden signed into law the Electoral Count Reform Act, clarifying the rules for the certification of electors for presidential elections to prevent another attempt to subvert the vote and prevent the lawful transfer of power as occurred on January 6, 2021.

The President also advocated for passage of two critical voting rights bills. The John Lewis Voting Rights Advancement Act would have restored anti-discrimination protections in the Voting Rights Act that were gutted by the Supreme Court. The Freedom to Vote Act would have expanded opportunities to register to vote and cast a ballot, and it would have prevented voter suppression through partisan gerrymandering and unlawful voter purges. President Biden gave a landmark address in January 2022 in Georgia, ground zero for voting rights, where he called for an end to the Senate filibuster to prevent a minority of senators from blocking these

bills.¹⁸⁰ Filibuster reform can be accomplished by a simple majority in the Senate, which Democrats had. Senators Joe Manchin of West Virginia and Kyrsten Sinema of Arizona refused to change the filibuster rule for voting rights, however, blocking both bills.¹⁸¹

In the absence of legislation, President Biden has used his executive authority to expand access to the ballot. President Biden issued an executive order on the anniversary of Bloody Sunday in 2021, charging federal agencies to provide election information to voters and to expand opportunities to register to vote through federal offices.¹⁸² The Department of Justice has also increased its enforcement efforts. DOJ created an Election Threats Task Force to identify and prosecute threats of violence against election officials.¹⁸³ The Civil Rights Division doubled the number of its voting rights attorneys and filed suit against state and local governments for voter suppression laws, including a Georgia law that bans providing food and water to voters waiting in line and a Texas law that restricts mail-in voting and voter assistance. DOJ can and must bring more litigation, however, considering how rampant voter suppression has become.¹⁸⁴

Civil Rights Prosecutions

The Justice Department successfully prosecuted former officer Derek Chauvin, securing a 21-year sentence, as well as three other officers involved in the killing of George Floyd in Minneapolis. DOJ is currently prosecuting four officers in connection with the raid that resulted in Breonna Taylor's death in Louisville, Kentucky, one of whom has pleaded guilty. DOJ has charged five Memphis Police Department officers in the killing of Tyre Nichols. DOJ also convicted the three men who killed Ahmaud Arbery in Georgia of hate crimes, securing sentences of life plus ten years, life plus seven years, and 35 years against them. DOJ is currently prosecuting the White supremacist gunman who killed 10 Black shoppers in a mass shooting at the Tops grocery store in Buffalo, New York.

Systemic Police & Prison Reform

The Biden Administration has revitalized the use of federal pattern-or-practice investigations and consent decrees to reform systemic misconduct in police departments and prison systems. DOJ has opened and pursued 11 investigations of police departments for patterns of excessive force, discriminatory policing, and other legal violations: Minneapolis, MN; Louisville, KY; Phoenix, AZ; Mount Vernon, NY; Louisiana State Police; New York Police Department's Special Victims Division; Worcester, MA; Oklahoma City, OK; Memphis, TN; Lexington, MS; and Trenton, NJ. The

¹⁷⁷ EPA, Biden-Harris Administration Announces \$177 Million for 17 New Technical Assistance Centers Across the Nation to Help Communities Access Historic Investments to Advance Environmental Justice (Apr. 13, 2023), <https://www.epa.gov/newsreleases/biden-harris-administration-announces-177-million-17-new-technical-assistance-centers>.

¹⁷⁸ See Evergreen Action, *What Are Environmental and Climate Justice Block Grants?* (Aug. 24, 2023), <https://www.evergreenaction.com/blog/environmental-climate-justice-block-grants>; see also EPA, Biden-Harris Administration Announces \$2 Billion to Fund Environmental and Climate Justice Community Change Grants as Part of Investing in America Agenda (Nov. 21, 2023), <https://www.epa.gov/newsreleases/biden-harris-administration-announces-2-billion-fund-environmental-and-climate-justice>.

¹⁷⁹ EPA, EPA Launches New National Office Dedicated to Advancing Environmental Justice and Civil Rights (Sept. 24, 2022), <https://www.epa.gov/newsreleases/epa-launches-new-national-office-dedicated-advancing-environmental-justice-and-civil>.

¹⁸⁰ Alexandra Jaffe et al., Biden, Harris Deliver Remarks in Georgia on Protecting Voting Rights, *Election Integrity*, PBS.org (Jan. 11, 2022), <https://www.pbs.org/newshour/politics/watch-live-biden-harris-deliver-remarks-in-georgia-on-protecting-voting-rights-election-integrity>.

¹⁸¹ Jordain Carney, Manchin, Sinema Join GOP to Sink Filibuster Change for Voting Bill, The Hill (Jan. 19, 2022), <https://thehill.com/homenews/senate/590535-manchin-sinema-join-gop-to-sink-filibuster-change-for-voting-bill>.

¹⁸² Executive Order 14019, *Promoting Access to Voting*, 86 Fed. Reg. 13623 (Mar. 7, 2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

¹⁸³ See DOJ, *FACT SHEET: Justice Department's Election Threats Task Force* (Aug. 31, 2023) (listing prosecutions), <https://www.justice.gov/opa/file/1313366/dl?inline>.

¹⁸⁴ See Rachel Selzer, Democracy Docket, *The DOJ Pledged to Relentlessly Protect Voting Rights. Is It Living Up to Its Promise?* (May 4, 2023), <https://www.democracydocket.com/analysis/the-doj-pledged-to-relentlessly-protect-voting-rights-is-it-living-up-to-its-promise>.

department issued public findings of widespread misconduct in Minneapolis and Louisville, with agreements in principle to enter into a consent decrees. It also negotiated a consent decree with the Springfield, Massachusetts, Police Department and issued findings of prosecutorial misconduct by the Orange County District Attorney's Office in California. DOJ has increased its investigations of abuse in prisons in jails, as well. For example, in 2021 DOJ launched a statewide investigation of Georgia prisons, where 44 people had been killed in less than two years. In 2022 DOJ found violent conditions and abusive solitary confinement at Mississippi State Penitentiary, where 70% of prisoners are Black, resulting in 10 homicides and 12 suicides since 2019.

Algorithmic Bias

Rapid advances in artificial intelligence and the use of algorithms decision-making threatens to cause racial discrimination where the technology's underlying datasets are biased, from policing to employment to creditworthiness assessments. In October 2021, the Biden Administration released its *Blueprint for an AI Bill of Rights*¹⁸⁵ and a set of agency actions to prevent discrimination and other harms in the use of AI.¹⁸⁶ The Consumer Financial Protection Bureau, the Department of Justice, the Equal Employment Opportunity Commission (EEOC), and the Federal Trade Commission (FTC) issued a joint statement clarifying that their legal authorities apply to combating discrimination caused by the use of automated systems.¹⁸⁷ The EEOC issued guidance clarifying when the use of AI in employment decisions like hiring and promotion would be unlawful because they have a disparate impact based on race or another protected characteristic.¹⁸⁸ The FTC recently banned Rite Aid from using facial recognition technology for five years, after the pharmacy chain deployed it to wrongly tag Black customers and other customers of colors as likely shoplifters.¹⁸⁹ In February 2023, President Biden issued an executive order instructing agencies to prioritize combating algorithmic discrimination and to involve their civil rights offices in any decisions about obtaining or using AI.¹⁹⁰ In October 2023, the President issued a comprehensive executive order on regulating artificial intelligence, with specific mandates to combat discrimination in the use of automated tenant screening systems, underwriting models, and appraisal systems.¹⁹¹

¹⁸⁵ The White House, *Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People* (Oct. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf>.

¹⁸⁶ The White House, FACT SHEET: Biden-Harris Administration Announces Key Actions to Advance Tech Accountability and Protect the Rights of the American Public (Oct. 4, 2022), <https://www.whitehouse.gov/ostp/news-updates/2022/10/04/fact-sheet-biden-harris-administration-announces-key-actions-to-advance-tech-accountability-and-protect-the-rights-of-the-american-public>.

¹⁸⁷ CFPB, DOJ, EEOC & FTC, Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems (Apr. 25, 2023), https://files.consumerfinance.gov/f/documents/cfpb_joint-statement-enforcement-against-discrimination-bias-automated-systems_2023-04.pdf.

¹⁸⁸ EEOC, Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964 (May 18, 2023), <https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial>.

¹⁸⁹ Eduardo Medina, *Rite Aid's A.I. Facial Recognition Wrongly Tagged People of Color as Shoplifters*, N.Y. Times (Dec. 21, 2023), <https://www.nytimes.com/2023/12/21/business/rite-aid-ai-facial-recognition.html>.

¹⁹⁰ Executive Order 14091, *supra* note 2.

¹⁹¹ Executive Order 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, 88 Fed. Reg. 75191 (Oct. 30, 2023), <https://www.federalregister.gov/documents/2023/11/01/2023-24283/safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence>.



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