



EXPLAINER

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Opportunities for Engagement on President Biden's Racial Equity Executive Order

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On January 20, 2021, President Biden issued an [Executive Order](#) on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. This order, known as the Racial Equity EO, requires each federal agency to take “a comprehensive approach to advancing equity for all” and to “assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups.”

As part of this executive order, the public has until July 6, 2021 to submit ideas to the Administration on advancing racial equity. This explainer lays out what the Racial Equity EO does, what actions the Administration has taken so far, and how concerned individuals and organizations can engage in this process.

The Racial Equity EO

Several White House offices have responsibility to carry out the Racial Equity EO. The Domestic Policy Council, working with the directors of the National Security Council and the National Economic Council, is charged with coordinating efforts to implement this executive order. The Director of the Office of Management and Budget (OMB) is instructed to work with the head of each agency to identify the best methods for addressing equity. OMB is also now required to identify opportunities to promote equity in the President's annual [budget](#) request, which President Biden submitted to Congress on May 28, 2021.

Across the federal government, the head of each agency is required to conduct a review of its agency's programs and policies, and submit a report on that review by August 8, 2021—within 200 days of the executive order.

Within one year of issuance of the Racial Equity EO, the head of each agency is further required to produce a plan to address any identified barriers that prevent underserved communities and individuals from accessing benefits and services in federal programs, or prevent full and equal participation in procurement and contracting opportunities.

The order establishes an interagency data working group to identify inadequacies in existing data collection and to come up with strategies addressing any deficiencies identified.

Additionally, it revokes the Trump Administration's executive orders establishing the 1776 Commission and prohibiting federal contractors from providing workplace diversity and inclusion training programs that include the teaching of critical race theory.

Additional executive actions on racial equity

On January 26, 2021, President Biden issued four more executive orders to support the Racial Equity EO:

- 1) [Denouncing](#) racism and xenophobia directed at Asian Americans and Pacific Islanders,
- 2) [Directing](#) the Department of Housing and Urban Development to combat housing discrimination,
- 3) [Strengthening](#) the federal government's respect for tribal sovereignty, and
- 4) [Instructing](#) the Department of Justice to not renew contracts with private prisons.¹

The Administration additionally stated it would work with Congress on legislation to increase funding for minority-owned small businesses, invest in historically Black colleges and universities (HBCUs) and other Minority Serving Institutions, and triple funding for Title I schools serving a high proportion of low-income children. More recently, during his speech on the 100th anniversary of the Tulsa Race Massacre, President Biden [announced](#) additional actions to help narrow the racial wealth gap.

Recommendations for implementation

We recommend that concerned individuals and movement groups take the following steps to help ensure the successful implementation of the EO:

- 1) Identify policy priorities that should be included in the Administration's push for racial equity.
 - a) Housing advocates, for instance, have stated that they view the Administration's executive order as the bare minimum and have laid out a [timeline](#) of actions they expect in support of racial equity.
 - b) This would include identifying key policy priorities on an agency-specific basis, along with barriers faced by underserved communities in agency procurement and contracting opportunities.
- 2) Identify groups and individuals who should be consulted during implementation, as part of the executive order's requirement that agencies consult with members of communities that have been historically underrepresented and underserved. Ideally this would include groups or individuals with whom the Administration would not typically meet to discuss racial equity.
- 3) Identify a list of relevant Trump Administration executive orders and their current status.
- 4) Identify equity gaps in federal data systems that the data working group should address.

¹ This Executive Order, however, did not include the use of private detention centers by the Department of Homeland Security.

Submitting your ideas on advancing racial equity

As agencies begin to implement the Racial Equity EO, the public and private sectors have a key opportunity to provide their input. In May, OMB put out a [Request for Information](#) (RFI) asking the public for ideas on how the federal government should ensure it equitably serves historically underserved communities. **All responses to the RFI must be received by July 6, 2021.**

All comments should comply with the following requirements:

- 1) Written comments should not exceed 20 pages (not including linked resources or attachments).
- 2) Respondents should submit their comments in narrative format and make clear to which question(s) they are responding. There is no requirement to respond to all the questions.
- 3) If links to online material or interactive presentations are included, they must be publicly available.
- 4) Respondents must ensure that each response includes the following:
 - a) The name of the individual(s) and/or organization(s) responding.
 - b) The Area section(s) (1, 2, 3, 4, and/or 5) that the submission and materials support.
 - c) A brief description of the responding individual(s) or organization's mission and/or areas of expertise, including any public-private partnerships with Federal, State, tribal, territorial, or local governments within the past three years that are relevant to this RFI.
 - d) A contact for questions or other follow-up.

Options for Congress

- 1) Congress can use its oversight authority to identify and spotlight areas in which the President's budget promotes equity and areas where it falls short.
 - a) Members of Congress could use this as a subject of member questions during the OMB Director's testimony before the Budget Committee, and at each agency head's budget hearing before their respective committee of jurisdiction.
- 2) After 200 days (August 8, 2021), Congress could ask OMB and the Domestic Policy Council for a full accounting of each agency's equity review.
- 3) Congressional committees could hold implementation hearings to measure whether relevant benchmarks are being met and each agency's individual response.
 - a) The [Treasury Department](#), for instance, has stated that it is going to work to implement this order as it disburses COVID relief funding.
- 4) Congress Members could identify potential Government Accountability Office report requests that could help highlight gaps in equity in federal services and procurement/contracting.

Conclusion

The Biden Administration continues to roll out new policies in support of the Racial Equity EO. These actions have generally been positive initial steps. However, [civil rights groups](#) rightly observe that there is much left to be done. The current comment period is an important opportunity to lay out an ambitious vision to propose ambitious steps to advance racial equity with measurable outcomes. It will not however, be the final opportunity to strengthen implementation of the Racial Equity EO.