



Biden Administration's Executive Orders on

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[Advancing Racial Equity and Supporting Underserve Communities](#)

This Executive Order notes that entrenched disparities in the Nation's laws and public policies, and in its public and private institutions, have often denied equal opportunity to individuals and communities. Simultaneously, it notes that our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism.

To ensure a whole-of-government equity agenda that matches the scale of the opportunities and challenges that the Nation faces, this Executive Order states that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.

First, and foremost, this Executive Order revokes the Trump Administration's previous [Executive Order on Combating Race and Sex Stereotyping](#), is hereby revoked. Within 60 days of the date of the order, agencies must consider suspending, revising, or rescinding any such actions, including all agency actions to terminate or restrict contracts or grants pursuant to the prior Executive Order. Similarly, the Executive Order establishing [the President's Advisory 1776 Commission](#), is also revoked.

Under this new Executive Order, Federal agencies must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity. Specifically, each agency must 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.

The Executive Order defines "equity" as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

The White House Domestic Policy Council (DPC) will coordinate efforts to embed equity principles, policies, and approaches across the Federal Government. This will include efforts to remove systemic barriers to and provide equal access to opportunities and benefits, identify communities the Federal Government has underserved, and develop policies designed to advance equity for those communities.

The Director of the Office of Management and Budget (OMB) is ordered to study methods for assessing whether agency policies and actions create or exacerbate barriers to full and equal participation by all eligible individuals. The study's aim is to identify the best methods, consistent with applicable law, to assist agencies in assessing equity with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation, and disability. As part of this study, the Director of OMB shall consider whether to recommend that agencies employ pilot programs to test model assessment tools and assist agencies in doing so.

Within 6 months of the date of the order, the Director of OMB must deliver a report to the President describing the best practices identified by the study and, as appropriate, recommending approaches to expand use of those methods across the Federal Government.

The head of each agency must, within 200 days of the date of the order, select certain of the agency's programs and policies for a review that will assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs and provide a report to the Assistant to the President for Domestic Policy (APDP) reflecting findings on the following: (a) potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in Federal programs; (b) potential barriers that underserved communities and individuals may face in taking advantage of agency procurement and contracting opportunities; (c) whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs; and (d) the operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights or whose mandates specifically include serving underrepresented or disadvantaged communities.

To address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities, the Director of OMB is tasked with identifying opportunities to promote equity in the budget that the President submits to the Congress, including studying strategies for allocating Federal resources in a manner that increases investment in underserved communities, as well as individuals from those communities.

Additionally, within 1 year of the date of this order, the head of each agency shall produce a plan for addressing: (i) any barriers to full and equal participation in programs; and (ii) any barriers to full and equal participation in agency procurement and contracting opportunities.

In carrying out this order, agencies are specifically directed to consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs.

Since many Federal datasets are not disaggregated by race, ethnicity, gender, disability, income, veteran status, or other key demographic variables, the Executive Order establishes an Interagency Working Group on Equitable Data (Data Working Group) to: (a) study and provide recommendations to the APDP identifying inadequacies in existing Federal data collection programs, policies, and infrastructure across agencies, and strategies for addressing any deficiencies identified; and (b) support agencies in implementing actions, consistent with applicable law and privacy interests, that expand and refine the

data available to the Federal Government to measure equity and capture the diversity of the American people.

Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

This Executive Order notes that all persons should receive equal treatment under the law, no matter their gender identity or sexual orientation. These principles are reflected in the Constitution, which promises equal protection of the laws. These principles are also enshrined in our Nation's anti-discrimination laws, among them Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), and section 412 of the Immigration and Nationality Act, as amended (8 U.S.C. 1522), along with their respective implementing regulations, as well as in Supreme Court opinions (see *In Bostock v. Clayton County*, 590 U.S. (2020), in which the Supreme Court held that Title VII's prohibition on discrimination "because of . . . sex" covers discrimination on the basis of gender identity and sexual orientation).

Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals, and it often overlaps with other forms of prohibited discrimination, including discrimination on the basis of race or disability. For example, transgender Black Americans face unconscionably high levels of workplace discrimination, homelessness, and violence, including fatal violence.

Thus, this Executive Order proclaims that it is the policy of the Biden Administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit such discrimination, as well as to address overlapping forms of discrimination.

The Executive Order, therefore, directs each Federal agency, as soon as practicable and in consultation with the Attorney General, to review all existing orders, regulations, guidance documents, policies, programs, or other agency actions ("agency actions") that: (i) were promulgated or are administered by the agency under Title VII or any other statute or regulation that prohibits sex discrimination, including any that relate to the agency's own compliance with such statutes or regulations; and (ii) are or may be inconsistent with this policy. This includes considering whether to revise, suspend, or rescind agency actions, or promulgate new agency actions, as necessary to fully implement statutes that prohibit sex discrimination. Agencies must also take appropriate steps to combat, overlapping forms of discrimination, such as discrimination on the basis of race or disability. Each agency must take these actions within 100 days pursuant to plans they develop, in consultation with the Attorney General.

An "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Executive Order on Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance against Asian Americans and Pacific Islanders in the United States

During the coronavirus disease 2019 (COVID-19) pandemic, inflammatory and xenophobic rhetoric has put Asian American and Pacific Islander (AAPI) persons, families, communities, and businesses at risk. Recognizing the Federal government's role in furthering these xenophobic sentiments through the actions of political leaders, including references to the COVID-19 pandemic by the geographic location of its origin, this Executive Order states that the Federal government has a responsibility to prevent racism,

xenophobia, and intolerance against everyone in America, including Asian Americans and Pacific Islanders.

Specifically, the Secretary of Health and Human Services, in coordination with the COVID-19 Health Equity Task Force, must consider issuing guidance describing best practices for advancing cultural competency, language access, and sensitivity towards Asian Americans and Pacific Islanders in the context of the Federal Government's COVID-19 response. Additionally, the Attorney General will explore opportunities to support, consistent with applicable law, the efforts of State and local agencies, as well as AAPI communities and community-based organizations, to prevent discrimination, bullying, harassment, and hate crimes against AAPI individuals, and to expand collection of data and public reporting regarding hate incidents against such individuals.