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Maya Wiley

January 9, 2023

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

The Honorable Kamala D. Harris  
Vice President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden and Vice President Harris:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national civil and human rights advocacy organizations, we write to present our coalition's top priorities for the Biden-Harris administration in 2023. The list of priorities below, while far from exhaustive, represents the most important issue areas and action items — in some cases, long overdue — identified by The Leadership Conference's 11 task forces.

As we noted in our [February 2022 report](#) on the Biden-Harris administration's first year, you entered office facing unprecedented challenges stemming from a global pandemic, the aftermath of the previous administration's lawlessness and polarization, ongoing economic uncertainties, and the continued legacy of systemic racism and inequality that was put on full display by the 2020 murder of George Floyd. We were encouraged by the progress that had been made within your administration's first year, and we are also encouraged that additional actions have been taken since the publication of that report.

Yet there remains much work to be done. And with the prospects for legislative action in the 118<sup>th</sup> Congress appearing far more uncertain than they were in the 117<sup>th</sup> Congress, your role in advancing civil and human rights in our country — through your rulemakings, executive orders, appointments, and other administrative actions — is even more important than before.

Accordingly, we urge you to prioritize action in the following areas in the coming months:

## Census

- Continue with the formal review and revision of OMB's Statistical Policy Directive No. 15, Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, so that federal data will more accurately reflect the diverse ways that people living in the United States self-identify, and ensure ample time for the public to comment in response to the Federal Register Notice.

## Education

- Finalize the pending Title IX rule to restore and strengthen the law's protections against sex-based discrimination to ensure that all students have equal educational opportunities, and move forward with a Title IX rule addressing inclusive athletics for transgender and non-binary students.



- Publish updated Title VI guidance on nondiscrimination in the administration of school discipline.
- Finalize rules protecting students from exploitation by for-profit colleges and ensuring fairness in the student loan program.

### **Employment**

- Update the DOL overtime rule, which once covered two-thirds of the salaried workforce, and adopt a robust salary threshold that restores its protections to millions of workers. It is critical that the DOL issue a final rule by early 2024.

### **Fair Courts**

- While the progress on nominations and appointments to the federal bench has been historic in number and diversity, the White House and Senate leadership must make it an immediate and ongoing priority to fill all federal judgeship vacancies, including a Supreme Court vacancy should one arise, with individuals who have a demonstrated commitment to civil and human rights, possess diverse professional experiences including public interest work for social and economic justice, are fair-minded, possess a progressive vision of the law and Constitution, and are reflective and representative of the vast and rich diversity of our country. This diversity includes race, sex, gender identity, sexual orientation, disability status, ethnicity, national origin, socio-economic status, and experiential and professional background.

### **Fair Housing & Lending**

- Move forward to complete proposed rulemakings that implement the Fair Housing Act, including the reinstatement of HUD's Discriminatory Effects Standard and a final rulemaking on Affirmatively Furthering Fair Housing requirements.
- Complete the revision of Community Reinvestment Act regulations.

### **Fighting Hate & Bias**

- Convene regular meetings of the Interagency Initiative on Hate Violence — including regular consultation with the Hate Crimes Task Force — to demonstrate an all-of-government response to hate incidents and to demonstrate that the fight against all forms of hate and bias are part of an interconnected struggle for equality and justice.
- The administration should fund education and research through HHS into the public health implications of hate violence and research pilot programs through DOJ implementing restorative practices and restorative community funds in response to hate incidents and nonviolent hate crimes.

### **Health Care**

- HHS should release or finalize several regulations that impact health equity, including Section 1557 regulations; Section 504 disability regulations; HIPAA regulations; Substance Use Disorder (SUD) privacy regulations; grants rule; religious conscience rule; Medicaid eligibility streamlining rule; and Medicaid access rule. HHS should also use its authority to limit harmful and unnecessary coverage losses when Medicaid continuous coverage requirements end.



### **Immigration**

- Promptly designate and/or redesignate Temporary Protected Status for nationals of all countries (including from Central America) who qualify under our laws because environmental disasters, civil strife, or other conditions make it dangerous to return.
- While the Supreme Court has temporarily delayed the end of Title 42 expulsions at the Southern border, the administration must continue working to end the program — and instead of replacing it with other punitive measures, ensure humane treatment and due process for people seeking asylum and other forms of humanitarian relief.

### **Justice Reform**

- Fully implement Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.
- Fully implement the Death in Custody Reporting Act.
- Ensure the uptake of Attorney General Garland's December 16, 2022 guidance regarding mandatory minimums and the crack/powder cocaine sentencing disparity.

### **Media/Telecommunications**

- Finalize the FCC's proposed rulemaking on Preventing Digital Discrimination, which would address digital discrimination of access to broadband internet service.
- Move forward with an FTC rulemaking protecting consumers from harmful, unfair, or deceptive commercial surveillance and data collection and security practices.

### **Voting Rights**

- Robustly implement Executive Order 14019, Promoting Access to Voting, by ensuring all federal agencies provide and support active voter registration services and encourage designations by states as voter registration agencies under the National Voter Registration Act.

Again, these action items are not exhaustive, but they represent the highest-profile action items identified by our above task forces. In the coming weeks, each of these task forces will be putting together more comprehensive documents laying out our administrative and legislative priorities for the next two years. We look forward to sharing them with you and to working with you towards their completion.

Thank you for your consideration. If you have any questions, please contact either of us, or Rob Randhava, senior counsel, at (202) 466-3311.

Sincerely,

Maya Wiley  
President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs