



NOVEMBER 2020

TRANSITION BRIEFING & RECOMMENDATIONS

that support people with low incomes and advance racial equity

OLIVIA GOLDEN,
EXECUTIVE DIRECTOR
ogolden@clasp.org

HANNAH MATTHEWS
DEPUTY EXECUTIVE DIRECTOR FOR POLICY
hmatthews@clasp.org

CLASP
The Center for Law and Social Policy

Summary

We are honored to share with you our recommendations for immediate actions that the Biden-Harris Administration can take to **both** eradicate the devastation created by the Trump Administration, the COVID-19 pandemic, and the ongoing recession – **and** advance beyond those reversals toward healing and structural change. This summary paper, and the proposals that will accompany it, lay out the Center for Law and Social Policy (CLASP)'s priorities for immediate action in ten broad policy areas, all focused on supporting people with low incomes and on advancing racial equity. Across all areas, we take the approach of proposing immediate responses to the current crises that also serve as a springboard to larger reform.

The ten papers, some available already and others that will be available shortly, relate to the following topics:

1. **Stop the Damage and Start Healing for Children in Immigrant Families**
2. **Fight Poverty, Hunger and Health Care Needs by Removing Barriers to Program Access.**
3. **Boldly Address the Current Mental Health and Well-being Crisis for Economically Marginalized People and Communities of Color**
4. **Provide Long-Overdue Paid Leave to All Workers and Their Families**
5. **Urgently Address the Child Care Crisis and Invest in Equitable Child Care and Early Learning for All**
6. **Focus on Youth, Equity, and the Power of Now: Our Collective Responsibility**
7. **Promote Racial and Economic Justice in Higher Education**
8. **Divest from Policing and Mass Incarceration, Invest in Communities and Families of Color**
9. **Address the Crisis and Transform the Future for Young Children and Their Families**
10. **Promote Good Jobs for All**

All our proposals prioritize racial equity—through investments, oversight, and policy change—because racial equity is a matter of justice and morality—and because the United States' future depends on it. All address the immediate impacts of the pandemic and the recession. In addition, our proposals prioritize restoring Americans' faith in their government not only by enacting effective policies but also by building the capacity of federal agencies to implement them, listening to people impacted by policy, and reinforcing federal accountability. These steps are crucial to restoring government's ability to deliver on policy commitments and building back public trust.

We look forward to sharing the materials and would be delighted to brief you directly and answer any questions. For copies of the papers or to talk at your convenience, **please reach out to me at ogolden@clasp.org or to my colleagues Hannah Matthews, Deputy Executive Director for Policy, at hmatthews@clasp.org or Shiva Sethi, from our legislative and policy team, at ssethi@clasp.org.**

I. Stop the Damage and Start Healing for Children in Immigrant Families

The Trump Administration's attacks on children in immigrant families have been far-reaching, posing major long-term risks to their healthy development and ultimately our nation's future. Children in immigrant families now comprise 1 in 4 children in the United States.¹ Over 5 million children have at least one parent who is undocumented,² and more than half a million have a parent who is a DACA or TPS recipient.³ The Trump Administration's onslaught of attacks on these children exacerbated historical barriers to accessing public benefits, education, and other critical services and caused immense trauma and toxic stress among children. As a result, more children, including U.S. citizens, have gone without health care, gone hungry, missed out on other help they needed, and lived with constant fear of being separated from family members.⁴ The ongoing pandemic — which has disproportionately impacted immigrant communities — has intensified these problems, yet children in mixed-status families have been largely excluded from federal COVID relief efforts. An estimated 3.5 million children in tax-paying families have been unfairly excluded from COVID-19 economic stimulus payments due to their immigration status.

A focus on undoing the harm and prioritizing children of immigrants for additional resources to support their healing is essential on Day 1 of the Biden-Harris Administration. Major action steps include:

- Day 1 Executive Orders to direct immediate agency action to reverse the damaging public charge regulation; issue public statements and agency guidance to encourage enrollment in health and nutrition supports; expand "sensitive locations" policy; create a White House position, inter-agency working group, and HHS office that will place children of immigrants front and center; and take immediate steps to halt enforcement actions against parents, guardians, and caregivers.
- Top priority COVID-19 relief asks that fully include immigrant children and families through retroactive payments, expanding access to treatment and testing, and ensuring that those held in detention centers receive adequate medical attention.
- Immediate and medium-term executive and legislative actions to document the harm done to children by lawless immigration enforcement, reform immigration enforcement with a focus on family unity, and increase access to health, nutrition, and child care and early education programs for children in immigrant families.

II. Fight Poverty, Hunger and Health Care Needs by Removing Barriers to Program Access

A comprehensive response to the COVID-19 recession and pandemic – including critical supports that allow people to pay rent, mortgages and other bills, feed themselves and their children, and access health care – will be a top priority of the entering Biden-Harris Administration **But passing this legislation is only the first step; turning the good intentions represented by such legislation into reality on the ground – funds in people's pockets, food in their stomachs, access to health care – will require swift and intensive administrative action. Delivering these benefits effectively will be the first big test of the Biden-Harris Administration's effectiveness.**

To seize the Biden-Harris Administration's unique opportunity to deliver benefits successfully – and thereby strengthen the safety net, remove barriers to key economic, nutrition and health supports, and address racial inequities – we propose immediate legislative and executive actions, including the following:

- Incorporate the policies needed for successful implementation into the COVID-19 relief package – making it possible to rapidly deliver urgently needed income and basic needs support to tens of millions of people. Our paper proposes a detailed list of authorities and resources that will make it far easier to deliver services efficiently and quickly, including targeted flexibility on eligibility and enrollment rules and penalties, carefully designed outreach and administrative funding, and removing barriers to access, such as time limits and work reporting requirements.
- Through an immediate executive order, (a) direct CMS, FNS, and other relevant agencies to stop defending and reverse damaging Trump-era restrictions on benefits, including harmful guidance, waivers, and regulations in Medicaid and SNAP and (b) establish an interagency working group led by the White House focused on expanding access to benefits, combatting stigma and racism in benefit programs, and incorporating people with lived experiences into the anti-poverty-policy-making process.
- Announce and implement a targeted initiative using executive authorities in Medicaid and other programs to deliver all needed services to families with young children – who have been devastated by the pandemic and who are disproportionately families of color – building from the large share of children whose birth is covered by Medicaid.

III. Boldly Address the Current Mental Health and Well-being Crisis for Economically Marginalized People and Communities of Color

The pandemic has both exacerbated and shone a bright light on a pre-existing crisis in access to affordable mental and behavioral health care. Few Americans had access to high-quality, culturally responsive, and affordable mental health care prior to the pandemic. Since its onset, the need for appropriate mental and behavioral health care has dramatically increased. CDC data from surveys conducted in June 2020 noted that 40.9 percent of individuals surveyed reported at least one adverse mental or behavioral health condition, and the percentages of people who seriously considered suicide were highest among 18-24-year-olds, Black and Latinx respondents, non-paid caregivers, and essential workers. At the same time, social distancing has forced many providers of mental health services to adapt to telehealth and telemedicine for the first time. As a result, many gaps in mental health coverage have been widened by lack of access to reliable internet and broadband.

The paper recommends immediate and mid-term actions to both respond to the crisis and lay the foundation for comprehensive change, such as the following:

- Include targeted asks to respond to the mental health crisis in immediate COVID-19 response legislation, including support for the mental health workforce, community providers, and telehealth.
- Use an immediate executive order to direct HHS (CMS, SAMHSA, and OCR) to support telehealth and other innovative service provision, support parity in mental health services, and reduce barriers to access for communities of color, LGBTQ communities, and immigrants and their families.
- Place mental health front and center in health policy and planning through a position on the DPC, an interagency task force, and a community-based initiative with extensive involvement of impacted people and communities.

IV. Provide Long-Overdue Paid Leave to All Workers and Their Families

COVID-19 has made clearer than ever that all workers need access to paid family and medical leave (PFML) and paid sick days. During the pandemic, too many workers—especially women—have had to choose between a paycheck and taking care of their health or their loved ones. Because workers earning low wages and workers of color – particularly women of color – have far less access to both benefits, advancing paid leave is a core gender equity, racial equity and anti-poverty policy. The Families First Coronavirus Response Act (FFCRA) set the groundwork for the Biden-Harris Administration to establish a permanent, comprehensive, inclusive paid leave and paid sick days program, but the emergency paid sick and paid leave provisions are set to expire at the end of year. Additionally, carve-outs and exemptions in the legislation and implementation by DOL left out millions of workers, overwhelmingly workers of color and immigrant workers. FFCRA needs to be both expanded to cover more workers and extended into 2022, especially as the pandemic continue to rage and spread.

We propose three broad areas of action that together ensure that the Administration leads on leave, addressing both the immediate crisis and the underlying need:

- Meeting the immediate needs of the COVID health and economic crises by urging Congress to extend the current emergency program past its expiration date, directing DOL to prepare new regulations that would ensure workers can access the program, and directing DOL to create an enforcement strike force to address current failures in labor standards enforcement that leave workers vulnerable to labor violations and retaliation.
- Championing the need for a permanent national comprehensive and inclusive PFML program through a series of executive actions: stakeholder meetings, events, speeches, and showcasing the federal government as a model employer.
- Building the capacity of the federal government to administer a new paid family and medical leave law by establishing a federal interagency taskforce and by holding listening sessions with advocates and agencies in states with PFML program.

V. Urgently Address the Child Care Crisis and Invest in Equitable Child Care and Early Learning for All

Our country's existing and long-term child care crisis—inequitable access for communities of color, poverty-level wages for early educators, and unaffordable care for far too many families—has been exacerbated by the terrible, inequitable harm of the coronavirus pandemic, which has pushed the child care and early learning sector to the brink of collapse. Providers are struggling to make ends meet with reduced class sizes and increased health and safety costs, while parents are struggling to pay for care after losing jobs or facing the impossible juggle of caring for children while working. Since February, the industry has lost more than one in six workers.⁵ Since women of color hold virtually all child care jobs, these job losses likely impact these women and their families most of all. More than 100,000 providers nationwide have closed, and without additional federal support 2 out of 5 say they will close permanently—half of whom are providers of color.⁶

This paper proposes responding urgently and at a large scale to the immediate crisis while also building toward major reform. Key actions include:

- An immediate investment in restoring and rebuilding the nation’s child care and early education system through pandemic child care relief, requiring at least \$50 billion for a child care stabilization fund, with an additional \$7 billion for CCDBG and \$11.2 billion for Head Start/ Early Head Start and support for preschools to equitably support and sustain providers, build a 21st century caregiving and education workforce, and support parents—especially mothers—as they return to the labor force.
- Immediate executive action to support safe reopening, including age-appropriate health and safety guidance specific to different types of child care providers and convening a panel of health, child development, child care, and racial equity experts to devise guidance to support child care providers and states in reopening safely as the pandemic allows in individual communities.
- Immediate public-facing events and activities to underline the Administration’s commitment to a major public investment that creates equitable, affordable, high-quality child care for all, along with immediate action steps to build government implementation capacity.

VI. Focus on Youth, Equity, and the Power of Now: Our Collective Responsibility

About half of Americans are millennials, Gen Z, or younger. They account for 166 million people and are larger than the combined Gen X, baby boomer, and older populations.⁷ They are the most racially diverse generation of the nation and have known immense social and economic instability – recessions, mass shootings, public lynchings and visible police brutality, growing income inequality, and a once-in-a-century global pandemic. They have disproportionately borne the economic burden of the pandemic and recession, as unemployment for youth and young adults has [skyrocketed](#), while also facing tremendous mental health stress and financial strain before and during the pandemic.

But the roots of this crisis are structural and include the racism and xenophobia that young adults of color face in school, at work, and in their communities. These young people are directly affected by innumerable policies relating to health and mental health, employment and economic security, education and career pathways, justice and safe communities, and child care – but public policy has failed them, and policymakers have not centered them in decisionmaking. This transition paper proposes a bold cross-cutting vision for youth and young adults, centering young people of color and lifting up the leadership of young people themselves.

Key areas for immediate action by the Biden-Harris Administration include:

- Immediate use of the President’s bully pulpit to place young people front and center, including recommendations for National Economic Council, Domestic Policy Council, and Office of Management and Budget for budget and policy proposals across agencies to address interconnected issues of economic justice and mobility, mental health and well-being; justice and safe communities; food insecurity and housing; and education justice and pathways.
- Structural reforms to center young people in federal policymaking, investments, and decision-making.
- Major investments, in the immediate COVID-19 response and beyond, to address the youth unemployment crisis, fund a large-scale and permanent comprehensive subsidized youth employment program, and other programs to build inclusive economies such as pathways in the green economy directed at serving historically oppressed communities including BIPOC youth and youth and young adults impacted by the criminal justice system.

VII. Promote Racial and Economic Justice in Higher Education

The COVID-19 pandemic and the economic recession have disrupted the health and economic well-being of postsecondary students, families, and the nation's colleges and universities – at a time when, given the economic outlook, an affordable, high-quality postsecondary education is more important than ever. An effective response requires addressing the immediate crisis and tearing down the systemic barriers that hold back postsecondary students of color, including barriers of financial access to education and those related to on-campus climate and equal access to educational opportunities—as well as providing comprehensive supports that promote college completion.

Part of this solution is to reverse the harmful administrative actions of the Trump Administration that targeted students of color and thwarted efforts to foster racial equity and inclusion on college campuses by opposing affirmative action, civil rights laws, protections for DACA and TPS recipients, and institutional efforts to address systemic racism on college campuses. As part of its response to the crisis in higher education, the Biden-Harris Administration must reverse these harmful actions and urge higher education systems to promote anti-racist policies that increase social and economic mobility for historically oppressed and underrepresented students in postsecondary education.

The paper proposes targeted actions that apply a racial equity lens to this multifaceted problem and elevate the voices of students. Key actions include:

- Immediate steps incorporated in the COVID legislative response to provide emergency financial support to all students with low incomes, regardless of immigration status, and to colleges and universities, particularly under-resourced institutions such as community colleges, Historically Black Colleges and Universities and Minority Serving Institutions. The Administration should also take executive action to reverse damaging guidance from the Department of Education.
- An Executive Order creating a cross-agency structure to promote students' access to core health, nutrition, child care, and income benefits and directing the Education Department to reverse the Trump Administration's attacks on civil rights protections, to rebuild the Office of Civil Rights, and to encourage higher education institutions and states to conduct equity audits and take effective action in response.
- Fully restore access to Federal Pell Grants for incarcerated students.

VIII. Divest from Policing and Mass Incarceration, Invest in Communities and Families of Color

The national reckoning over the murder of George Floyd at the hands of Minneapolis police officers, as well as the deaths of Breonna Taylor, Ahmad Aubrey, and many others, has led many to call for reimagining our justice system. Our existing systems are rooted in ideals of white supremacy and are causing harm to communities of color. As a nation, we have underinvested in the health and well-being of communities of color—particularly in Black communities—while we've overinvested in systems that enact violence on these communities. To protect Black lives and heal Black communities, we must divest from the law enforcement and mass incarceration and invest in BIPOC (Black, Indigenous, and people of color) communities.

For years, CLASP has collaborated with partners across the country, including young people and those who have lived experience with the justice system, to identify how to build a new vision for community investment based on core principles of racial equity and justice that does not rely on a system of oppression.

This paper takes that message to the federal level, proposing a broad framework as well as actionable, immediate steps for divesting and investing. Key action steps include:

- Recommendations for immediate investment—as part of COVID relief and in the President’s first budget request—that target communities of color and are guided by the perspectives of those who are impacted.
- The creation of a commission for equity and justice to oversee and recommend steps to divest from mass incarceration and law enforcement, including immigration enforcement and detention, and the passage of The George Floyd Justice in Policing Act. The commission must go beyond these important reforms to develop a comprehensive healing-centered policy agenda for investing in communities.
- Incentives for states and localities to divest from law enforcement and mass incarceration and invest in jobs, education and healing within communities of color.

IX. Address the Crisis and Transform the Future for Young Children and Their Families

For decades in the United States, the youngest children have been the most likely to live in conditions of poverty, leading to both material hardship -- such as food insecurity, inadequate access to health care, and unstable and overcrowded housing -- and high levels of parental stress. The COVID-19 pandemic and recession have taken this simmering crisis and turned it into an explosive boil, demanding immediate response. At the same time, the devastating effects of the pandemic and the recession on Black, Latinx, Native, and AAPI families have intensified the damage that racism, discrimination and white supremacy already posed to young children, despite resilient and strong communities and strong, loving families. About half of young children are children of color, and about a quarter live in immigrant families.

Because the research is clear that the consequences of damage early in life play out in years—even a lifetime—of health, economic, and educational consequences, there is no time to waste. It is time for a large, ambitious, and urgent federal response.

This paper proposes a bold framing and action steps across the federal government, including:

- Place young children front and center in coronavirus relief, including \$11.2 billion in emergency funds for Early Head Start and Head Start in the next coronavirus relief package, economic stimulus payments to families—including immigrant families—and temporary enhancements to the EITC and the CTC for families with the lowest incomes and increasing the CTC benefit for children under age six.
- Issue executive orders targeted at the immediate crises affecting young children, including one that announces immediate steps to end hunger among young children and one that addresses the crisis in access to health care for pregnant women, mothers, and young children.
- Create momentum for longer-term reform, both legislative and executive, by creating improved governance structures to keep the focus on children and taking a series of executive actions across the half-dozen cabinet agencies that directly affect young children’s health, nutrition, early education, housing stability, and family economic security.

X. Promoting Good Jobs for All

The country's labor market has undergone dramatic changes resulting in a proliferation of poor-quality jobs offering low pay, no benefits, volatile schedules, that are usually less than full time, few labor protections, and little opportunity for growth and advancement. The Trump Administration's deregulation agenda further reduced worker's rights and protections. These jobs, prior to the pandemic, were disproportionately held by people of color, women, and immigrant workers. The current recession has impacted these workers most severely with job loss concentrated among the low-wage sector. Furthermore, the pandemic has highlighted the fact that many of these low-wage jobs and the workers in them -- that were once considered expendable -- are really essential to the economy. Therefore, true economic recovery will require building back high-quality jobs in all sectors, including growth sectors like clean energy and the care economy, that treat all workers and working families as essential, strengthen the economy, and enable workers to meet family obligations, save for the future, and move out of poverty. It will require investments in workers through workforce development and training, subsidized jobs, and work supports, such as affordable child care. It will also require a new social contract ensuring all workers can access critical workplace rights, benefits, and protections.

This paper proposes actions to grow jobs that support families, including through:

- Immediate actions and major investments to center workers with barriers to employment—including youth and young adults, individuals impacted by the justice system, and immigrant workers—in workforce training, jobs programs, and career pathways.
- Restoration of worker power and protections by overturning harmful regulations and advancing regulations and sub-regulatory guidance.
- Use of the bully pulpit to address the need for good jobs that include family-sustaining wages, paid leave benefits, affordable child care, stable work schedules, and access to affordable health insurance coverage.

Thank you so much for the opportunity to share this summary.

¹ Jeanne Batalova, Brittany Blizzard, and Jessica Bolter, "Frequently Requested Statistics on Immigrants and Immigration in the United States," Migration Policy Institute, February 14, 2020, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Children%20of%20Immigrants>

² Randy Capps, Michael Fix, and Jie Zong, "A Profile of U.S. Children with Unauthorized Immigrant Parents," Migration Policy Institute, January 2016, <https://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents>

³ Nicole Prchal Svajlenka, "What We Know About DACA Recipients in the United States," September 5, 2019, <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-united-states/>

⁴ Wendy Cervantes, Rebecca Ullrich, and Vanessa Meraz, *The Day That ICE Came: How Worksite Raids Are Once Again Harming Children and Families*, Center for Law and Social Policy, 2020, <https://www.clasp.org/publications/report/brief/day-ice-came-how-worksite-raids-are-once-again-harming-children-and>

⁵ Calculations based on Bureau of Labor Statistics, Current Employment Statistics survey released November 6, 2020 for “Child day care services” per

Table B-1. Employees on nonfarm payrolls by industry sector and selected industry detail, seasonally adjusted available at <https://www.bls.gov/webapps/legacy/cesbtab1.htm> (last accessed Nov. 9, 2020). Data for October are preliminary and the latest available.

⁶ National Association for the Education of Young Children, From the Front Lines: The Ongoing Effect of the Pandemic on Child Care, 2020, https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/topics/naeyc_coronavirus_ongoingeffectsonchildcare.pdf; U.S. Bureau of Labor Statistics, Data Retrieval, Employment, Hours, and Earnings, 2018, <https://www.bls.gov/webapps/legacy/cesbtab1.htm>; Rapid EC Research Group, Not in the Same Boat, 2020, <https://medium.com/rapid-ec-project/not-in-the-same-boat2d91ed57df2d>; National Association for the Education of Young Children, Holding On Until Help Arrives: A Survey Reveals Child Care’s Fight to Survive, 2020, https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/our-work/public-policy-advocacy/holding_on_until_help_comes.survey_analysis_july_2020.pdf.

⁷ William H. Frey, “Now, more than half of Americans are millennials or younger,” Brookings Institution, July 30, 2020, <https://www.brookings.edu/blog/the-avenue/2020/07/30/now-more-than-half-of-americans-are-millennials-or-younger/>.