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House Appropriations Bills Take Steps to Use the Federal Budget as a Tool for Antiracism

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The appropriations bills for fiscal year 2022 approved by the House Appropriations Committee¹ would make crucial investments in our country’s future after more than a decade of constrained funding levels for regular non-defense appropriations.² Many of these investments are particularly important to communities of color — especially Black, Latino, and Indigenous communities, which have been under-resourced for decades due to federal, state, and local policies.³ At the same time, these investments would have broad-based impacts, providing protections and opportunities for many people and communities, including people of color, people with disabilities, and people with low incomes living in rural and urban communities alike.

This paper briefly highlights three areas where funding increases in the House bills would take important steps to support antiracist policies:⁴

- **K-12 funding for students from low-income backgrounds.** Lack of access to quality education has long been a major barrier to opportunity for communities of color, and an important cause is the large gap in education funding between students of color and white

¹ The House Appropriations Committee approved all 12 appropriations bills for fiscal year 2022 in the summer of 2021; the full House has passed nine of them (all except Commerce-Justice Science, Defense, and Homeland Security).

² For non-defense discretionary (NDD) appropriations other than veterans’ medical care — the largest single NDD program — inflation-adjusted regular funding fell by 3 percent between 2010 and 2021. If also adjusted for population growth, the decrease is 10 percent. See David Reich and Katie Windham, “Boosts in Non-Defense Appropriations Needed Due to Decade of Cuts, Unmet Needs,” Center on Budget and Policy Priorities, March 25, 2021, <https://www.cbpp.org/research/federal-budget/boosts-in-non-defense-appropriations-needed-due-to-decade-of-cuts-unmet>.

³ Many Asian American and Pacific Islander (AAPI) communities face similar challenges, but due to data limitations and the wide range of experiences among different AAPI groups, this paper focuses primarily on other racial groups.

⁴ Antiracist policies are policies that actively seek to dismantle the racism embedded in the country’s social, economic, and political systems and structures, which has produced and helps sustain racial inequities. Ibram X. Kendi, *How to Be an Antiracist*, One World/Ballantine, 2019. For additional definitions of equity-related terms, see: Cortney Sanders, Michael Leachman, and Erica Williams, “3 Principles for an Antiracist, Equitable State Response to COVID-19 — and a Stronger Recovery,” Center on Budget and Policy Priorities, updated April 29, 2021, <https://www.cbpp.org/research/state-budget-and-tax/3-principles-for-an-antiracist-equitable-state-response-to-covid-19>.

students. Federal Title I (“Education for the Disadvantaged”) grants to schools serving low-income communities shrink this gap modestly, but funding for Title I fell by 8 percent between its 2009 peak and 2021, after adjusting for inflation and student population growth. The House bills would more than double Title I funding for 2022.

- **Enforcement of federal civil rights laws.** Enforcing civil rights laws and ensuring equal treatment for marginalized groups is one of the federal government’s most important responsibilities. The House bills would provide much-needed increases to federal civil rights offices such as the Equal Employment Opportunity Commission and the Office of Fair Housing and Equal Opportunity; these two entities, which were cut by roughly 15 percent between 2010 and 2021 after adjusting for inflation and population growth, would each receive a roughly 10 percent boost in 2022.
- **Legal services for people with low incomes.** The Legal Services Corporation (LSC) supports nonprofit legal aid agencies across the country that help people with low incomes in a wide range of civil legal matters. Access to legal aid is particularly important for low-income people of color, who face unlawful discrimination in crucial areas such as housing, employment, and health, and who, because of a long history and ongoing discrimination, are disproportionately low-income and unable to afford private legal counsel. Despite the large need for civil legal assistance, LSC funding has been cut by 15 percent over the past decade and by two-thirds since 1980, after adjusting for inflation and population growth. The House bills would boost LSC funding by 29 percent in 2022.

These are just three examples of non-defense discretionary (NDD) programs that can reduce racial disparities. The House bills, as well as those from the Senate Appropriations Committee,⁵ include needed investments in many other areas that have major implications for racial equity, such as housing vouchers,⁶ Minority Serving Institutions of higher education, and the Indian Health Service.

The House appropriations bills, following the lead of the Biden Administration budget, reflect a significant increase in overall funding for NDD: \$109 billion (16 percent) above the 2021 level.⁷ This increase is a key reason why they are able to take important steps to bolster racial equity. But in addition to boosting funding, policymakers often need to take further actions to promote equity and reduce harm. (See box.)

⁵ The Senate Appropriations Committee has approved three bills. Senator Patrick Leahy has led the committee’s Democratic senators in releasing proposed drafts of the other nine bills.

⁶ See Sonya Acosta, “Investing in Housing Vouchers Critical to Protecting Children From Hardship, Building More Equitable Future,” Center on Budget and Policy Priorities, November 16, 2021, <https://www.cbpp.org/research/housing/investing-in-housing-vouchers-critical-to-protecting-children-from-hardship>.

⁷ David Reich and Richard Kogan, “House Appropriations Bills Provide Very Substantial Increases in Programs for Low- and Moderate-Income Families,” Center on Budget and Policy Priorities, January 24, 2022, <https://www.cbpp.org/research/federal-budget/house-appropriations-bills-provide-very-substantial-increases-in-programs>.

Increasing Funding Is Not Always Enough: Statutory Requirements May Be Needed to Promote Racial Justice

Congress has a responsibility to ensure that racial equity is advanced in the programs that it funds. For example, the House Appropriations Committee acknowledged this responsibility with regard to policing:

The Committee takes very seriously its solemn obligation to help improve the state of policing and ensure racial justice in the United States. The appalling mistreatment of African Americans and other minorities at the hands of police officers in communities throughout the country is a longstanding epidemic that demands immediate reforms throughout the Nation, including decisive action from this Committee.^a

Increasing program funding alone will not automatically advance racial justice in some cases. Further legislative action may be needed, including establishing requirements that reduce harm. For example, the House Commerce-Justice-Science appropriations bill for 2022 would make state or local government receipt of Byrne Justice Assistance Grant (JAG) or Community Oriented Policing Services (COPS) funds conditional on their law enforcement agencies “maintain[ing] adequate policies and procedures designed to eliminate racial profiling in law enforcement, and . . . eliminat[ing] any existing practices that permit or encourage racial profiling in law enforcement,” among other requirements.

By conditioning funding on the elimination of discriminatory practices and policies, Congress can use federal funding as an incentive to end racist practices and promote racial justice. The executive branch then must fully implement these requirements to advance equity.

^a “Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2022,” Report 117-97, July 19, 2021, p. 2, <https://www.congress.gov/117/crpt/hrpt97/CRPT-117hrpt97.pdf>.

Historic Increase in K-12 Funding for Students from Low-Income Backgrounds

The House appropriations bill for the departments of Labor, Health and Human Services, and Education would more than double funding for Title I grants to schools serving a large number or proportion of students from families with low incomes, from \$16.5 billion in 2021 to \$36.0 billion in 2022. Title I supports the development of school programs that allow all students to meet state academic standards; eligible schools use these grants to fund a wide range of activities and programs, including after-school programs and professional development for teachers. The House increase would enable Title I to narrow the large gaps in education funding between white students and students who are Black, Hispanic, or in a family with low income.⁸ The committee report also instructs the Department of Education to reform Title I regulations to better target funding to the students who need it most.

⁸ White students nationally receive \$15,048 in per-pupil spending, on average, compared to \$14,652 for Black students, \$13,880 for Hispanic students, and \$14,774 for students eligible for free or reduced-price lunches (FRL). To bring spending levels for those three latter groups up to parity with white students would cost \$12.4 billion for Black students, \$27.1 billion for Hispanic students, and \$40.4 billion for FRL-eligible students. (The study did not estimate the cost of reaching *overall* parity because researcher could not disaggregate data on FRL-eligible students by race. Kenneth Shores *et al.*, “Expanding Title I Could Eliminate K-12 Spending Gaps—If the Funds are Well Targeted,” Brookings Institution, August 19, 2021, <https://www.brookings.edu/blog/brown-center-chalkboard/2021/08/19/expanding-title-i-could-eliminate-k-12-spending-gaps-if-the-funds-are-well-targeted/>).

Over half a century after the modern civil rights movement began, the U.S. education system still systematically disadvantages students of color. This is in part because families of color disproportionately live in low-income neighborhoods and have lower incomes (due to parents' inequitable access to quality education, among other things). As a result, Black, Latino, and Indigenous students are more likely to attend a high-poverty, under-resourced school than their white peers.⁹ Schools with higher concentrations of children experiencing poverty are often inadequately funded compared to other schools, due in part to many districts' heavy reliance on property taxes for funding.¹⁰

Barriers to high-quality education at under-resourced schools perpetuate a cycle of racial inequity and prevent many students of color from thriving and fully contributing to society. For example, extensive research finds a link between educational attainment and health outcomes such as life expectancy.¹¹ A similar link exists between education and income, which in turn affects health outcomes. Barriers to high-quality education also perpetuate the cycle of generational poverty that many children experience.

Since 1965, Title I grants have responded to these funding disparities by supporting services for school-age children living in difficult financial or family circumstances.¹² For example, these grants can fund after-school programs for eligible students or professional development for school personnel who work directly with these students, as noted above. For schools with higher concentrations of students from families with low incomes, grants can also support programs that address the needs of the entire school, such as counseling services or programs to prepare students for entering higher education or the workforce. Federal rules require that all Title I funds be used to supplement, not supplant, other funding sources.

Title I grants have been instrumental in increasing racial equity in K-12 education; the program narrows K-12 racial spending gaps by approximately \$100 to \$200 per pupil nationwide, the Brookings Institution estimates. But inadequate appropriations have limited the program's reach. Even after taking Title I into account, Latino students receive nearly \$1,200 less education spending per pupil than white students, while Black students receive almost \$400 less than white students. Children from families with low incomes face a similar gap of about \$400 per pupil compared to their higher-income peers.¹³

⁹ National Center for Education Statistics, "Concentration of Public School Students Eligible for Free or Reduced Price Lunch," 2017, https://nces.ed.gov/programs/coe/pdf/coe_clb.pdf.

¹⁰ Michael Leachman, "A Fair Chance for Poor Students," Center on Budget and Policy Priorities, June 17, 2016, <https://www.cbpp.org/blog/a-fair-chance-for-poor-students>.

¹¹ National Academies of Sciences, Engineering, and Medicine, "Communities in Action: Pathways to Health Equity – the Education-Health Link," 2017, <https://www.nap.edu/resource/24624/educationforhealthequity/>.

¹² Title I employs several different allocation formulas, but all basically allocate funds to school districts based on the number or proportion of disadvantaged children who attend school there — including children living in poverty, in families assisted through Temporary Assistance for Needy Families, or in foster homes or institutions for children who have experienced neglect or broken the law. National Center for Education Statistics, "Study of the Title I, Part A Grant Program Mathematical Formulas: Executive Summary," 2019, <https://nces.ed.gov/pubs2019/titlei/summary.asp>.

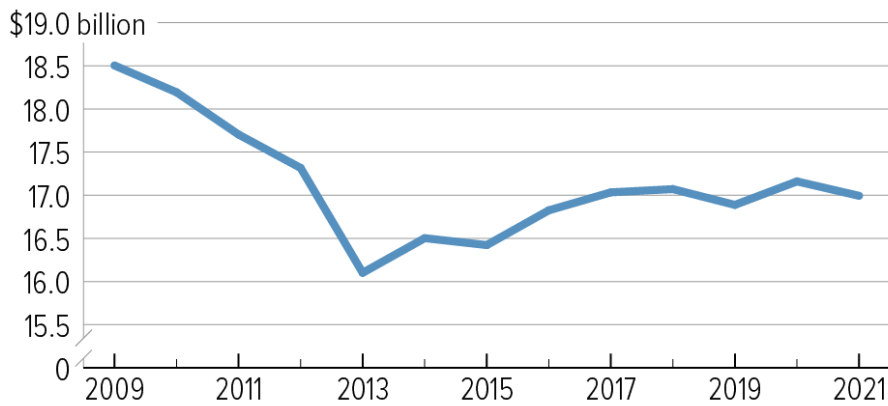
¹³ Kenneth Shores *et al.*, "Increasing Title I Funds Should Target Largest Sources of School Spending Inequalities — Across States," Brookings Institution, August 6, 2021, <https://www.brookings.edu/blog/brown-center->

The House bill’s historic Title I increase would come after more than a decade of cuts and insufficient increases to the program. After adjusting for inflation and student population growth, Title I funding fell by 8 percent between its 2009 peak and 2021.¹⁴ (See Figure 1.) The House bill would sharply break from this pattern by raising program funding 95 percent *above* the 2009 level, after adjusting for inflation and student population. This would mark an important step toward reversing many decades of chronic underinvestment in education for children of color and children with low incomes.

FIGURE 1

Title I Funding Down 8 Percent Since 2009

Adjusted for inflation and student population growth



Note: Funding levels are adjusted for student population growth using Social Security Administration population estimates for individuals aged 5-18 years. The 2009 funding level excludes a supplemental appropriation authorized by the American Recovery and Reinvestment Act of 2009.

Source: CBPP analysis of data from the Office of Management and Budget and Congressional Budget Office

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Reversal of Years of Underfunding for Civil Rights Offices

The House bills would increase funding for federal civil rights offices such as the Equal Employment Opportunity Commission (EEOC), which enforces federal laws barring discrimination against job applicants or employees, and the Office of Fair Housing and Equal Opportunity, which

[chalkboard/2021/08/06/increasing-title-i-funds-should-target-largest-sources-of-school-spending-inequalities-across-states/](https://www.cbpp.org/blog/increasing-title-i-funds-should-target-largest-sources-of-school-spending-inequalities-across-states/).

¹⁴ The 2009 funding level excludes a supplemental appropriation made by the 2009 Recovery Act. Funding levels are adjusted for student population growth using Social Security Administration population estimates for individuals aged 5-18. See Social Security Administration, “Social Security Program Data,”

<https://www.ssa.gov/OACT/HistEst/PopHome.html>.

enforces federal fair housing policies and laws.¹⁵ With the increases, these agencies could start rebuilding their staffs after a decade of cuts and better enforce non-discrimination laws. Funding for both the EEOC and Office of Fair Housing and Equal Opportunity declined by 15 percent between 2010 and 2021 after adjusting for inflation and population growth. In the House bills, the EEOC would receive a 10 percent boost in 2022 and the Office of Fair Housing and Equal Opportunity an 11 percent increase (measured in current dollars).

The civil rights offices in agencies throughout the executive branch play a crucial role in combating discrimination on the basis of race, religion, sexual orientation, gender identity, national origin, and disability. When empowered and well-funded, they can do much to protect people of color, people with disabilities, women, and other groups that have faced discrimination. For example, the first Office for Civil Rights¹⁶ was in the Department of Health, Education, and Welfare (predecessor to the current departments of Education and Health and Human Services) and was founded in 1967 in part to desegregate schools. It helped lower the share of Black students attending all-Black schools from 98 percent to less than 9 percent over eight years.¹⁷

While legal segregation in schools has been prohibited for decades, the Education Department's Office for Civil Rights has much unfinished business in helping protect Black students and other students of color from discrimination in educational offerings and disciplinary policies, as well as helping protect them from racial violence in schools. It also plays a critical role in enforcing the statutory requirements guaranteeing equal access to free public education for students with disabilities.

Lack of funding undermines the offices' capacity to respond to discrimination complaints, proactively identify areas of non-compliance, provide clear guidance, and collect and share data on the state of racial equity across the country. For example, the Education Department's Office for Civil Rights received five times more complaints in 2016 than in 1980, but its staff was halved over that period.¹⁸

Funding for most federal civil rights offices has been cut significantly over the past decade. The House appropriations bills would reverse that trend by boosting funding for many federal civil rights offices, in some cases significantly. (See Table 1.) When paired with effective implementation, even small funding increases in these offices can have an outsized impact on historically marginalized communities. By investing in them, the House appropriations bills would take an important step toward addressing the persistent effects of systemic racism and discrimination throughout our nation's history.

¹⁵ Several House appropriations bills provide funding for federal civil rights offices. For example, the EEOC is funded through the Commerce, Justice, Science, and Related Agencies appropriations bill, and the Office of Fair Housing and Equal Opportunity is funded through the bill for the departments of Transportation and Housing and Urban Development.

¹⁶ The Office for Civil Rights was created as part of the former Department of Health, Education, and Welfare; its successors are now part of the Department of Education and the Department of Health and Human Services.

¹⁷ James S. Murphy, "The Office for Civil Rights's Volatile Power," March 13, 2017, <https://www.theatlantic.com/education/archive/2017/03/the-office-for-civil-rights-volatile-power/519072/>.

¹⁸ Leadership Conference on Civil and Human Rights, "Double the Funding for the Department of Education's Office for Civil Rights," March 25, 2021, <https://civilrights.org/resource/double-the-funding-for-the-department-of-educations-office-for-civil-rights/>.

TABLE 1

Funding for Selected Large Federal Civil Rights Offices

In millions

Office	FY 2021 (enacted)	FY 2022 (House bills)
Equal Employment Opportunity Commission	\$404.5	\$445.9
Justice Dept.: Civil Rights Division	\$158.1	\$193.2
Education Dept.: Office for Civil Rights	\$131.0	\$144.0
Labor Dept.: Office of Federal Contract Compliance*	\$106.0	\$140.7
Housing and Urban Development Dept.: Office of Fair Housing and Equal Opportunity	\$79.8	\$88.7
Health and Human Services Dept.: Office for Civil Rights	\$38.8	\$47.9
Agriculture Dept.: Office of Civil Rights	\$23.7	\$36.8
Commission on Civil Rights	\$12.5	\$13.0

*The Office of Federal Contract Compliance enforces civil rights requirements for federal contractors.
Source: Appropriations bills and reports

Increased Funding for Legal Aid Services for Families with Low Incomes

The House appropriations bill for Commerce, Justice, and Science would raise funding for the Legal Services Corporation by 29 percent in 2022, the largest one-year percentage increase (measured in current dollars) over the past four decades.

LSC distributes funds to more than 130 independent, nonprofit legal aid agencies, which assist people with incomes below 125 percent of the federal poverty line in civil legal matters such as housing, family issues (e.g., adoption, child custody, domestic abuse, and divorce), access to health care, income support and other benefits, employment law, and consumer finance and debt collection.

Accessing legal aid is particularly important for people of color with low incomes, who face unlawful racial discrimination in crucial areas such as housing and employment. Yet financial and language barriers prevent many individuals from getting the legal assistance they need. LSC has helped expand access to legal aid for many people of color with low incomes. Among the clients of LSC grantees in 2020, 28 percent were Black, 18 percent were Hispanic, 3 percent were AAPI, and 2 percent were Native American.¹⁹

For one example of how LSC pushes back against systematic racism, consider debt collection cases. Due to generations of limited economic opportunity and security, families of color are more likely to incur significant debt and less likely to have significant wealth — and thus are far more

¹⁹ L. Layton Lim *et al.*, “LSC By the Numbers: The Data Underlying Legal Aid Programs,” Legal Services Corporation, 2020, <https://www.lsc.gov/our-impact/publications/numbers>.

likely to face a debt collection case.²⁰ Nationwide, nearly 13 percent of Latino families and 8 percent of Black families have debt payments exceeding 40 percent of their income, compared to fewer than 7 percent of white families. And when a debt collector sues a family, the debt collector is seven times more likely than the family to be represented by a lawyer.²¹ Defendants are far more likely to win debt collection cases if they have legal representation, LSC has found, which is why lack of available counsel can have serious — and racially disparate — consequences.

Despite its important role, LSC has been cut severely over the last few decades. Between 1980 and 2021, appropriations for LSC were halved when adjusted for inflation and cut by two-thirds when adjusted for inflation and population growth. Looking just at the most recent decade, LSC funding fell by 15 percent between 2010 and 2021, after adjusting for inflation and population growth. These funding cuts have directly affected LSC’s ability to achieve its mission; from 2010 to 2013, when LSC’s basic field funding dropped by 20 percent, the number of cases closed dropped by 18.5 percent.²² A 2017 LSC survey found that, largely due to insufficient resources, its grantees could provide adequate legal services for fewer than *half* of the problems brought to them and provided no help at all in over 40 percent of cases.²³

The COVID-19 pandemic and recession have greatly increased the number of people eligible for legal aid through LSC.²⁴ And the need for civil legal services concerning matters such as evictions, unemployment insurance, domestic violence, and health issues has risen significantly.²⁵ Many of these issues disproportionately affect people of color, especially Black and Latino people. For example, the Black and Latino unemployment rates are consistently higher than the white unemployment rate, with disparities widening in times of economic hardship such as the pandemic.

To address this important need, the House bill would boost LSC funding from \$465 million in 2021 to \$600 million in 2022, which would help LSC work toward its goal of addressing 60 percent more eligible civil legal cases than it served in 2019.²⁶ To meet these targets, Congress should continue to invest in LSC in future years, as well as enacting the crucial increase in the House bill for 2022.

²⁰ Employee Benefit Research Institute, “How Is Debt Different by Race and Ethnicity?,” January 7, 2021, https://www.ebri.org/docs/default-source/fast-facts/ff-375-debtbyrace-7jan21.pdf?sfvrsn=39bf3a2f_4.

²¹ Legal Services Corporation, “FY2022 Budget Request,” 2021, <https://lsc.gov/our-impact/publications/budget-requests/2022-budget-request>.

²² *Ibid.*

²³ Legal Services Corporation, “The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans,” 2017, <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>.

²⁴ LSC estimates that 8 million additional people qualify for assistance due to the pandemic. Legal Services Corporation, “FY2022 Budget Request,” *op. cit.*

²⁵ *Ibid.*

²⁶ *Ibid.*