

RESEARCH REPORT

Scoring Federal Legislation for Equity

Definition, Framework, and Potential Application

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ABOUT THE EQUITY SCORING INITIATIVE

A partnership of PolicyLink and the Urban Institute

Federal legislation is fundamental to building a nation in which all can participate, prosper, and reach their full potential. Since our nation's founding, in many ways, federal legislation has created and exacerbated racial inequities, leaving one-third of the population experiencing material poverty and preventing our democracy from realizing the promise of equity.

To ensure the federal government serves us all, we must accurately understand and assess whether every policy advances or impedes equity.

The Equity Scoring Initiative (ESI) exists to establish the foundation for a new legislative scoring regime. By scoring for equity, we can begin to create an accountable, responsive democracy.

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The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.



ABOUT POLICYLINK

PolicyLink is a national research and action institute advancing racial and economic equity by Lifting Up What Works®. To advance equity, PolicyLink advocates for groundbreaking policy changes that enable everyone, especially people of color, to be economically secure, live in healthy communities of opportunity, and benefit from a just society. PolicyLink is guided by the belief that the solutions to the nation's challenges lie with those closest to these challenges: when the wisdom, voice, and experience of those traditionally absent from policymaking drive the process, profound policy transformations emerge.

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The Equity Scoring Initiative is a cornerstone project of the PolicyLink Racial Equity Governing Agenda—building antiracist governments and institutions to realize a flourishing multiracial democracy. The authors are grateful for the nearly 40 participants in our convenings with racial equity advocates, budget scoring experts, congressional staff members, and equity researchers for their reflections and insights, especially Brian McClure from the DC Council Office of Racial Equity. We thank Debo Adegbile, Elise Boddie, Lisa Cylar Barrett, Jin Hee Lee, and Donald Verrilli for their insight into the legal debate on equity. And we thank David Hinson, Danny Rose, John Sankofa, Jimena Vallejo, and Sarah Rosen Wartell at Urban for their collaboration, advice, and insight in developing and launching this report.

1. Equity Scoring: Measuring What We Value

“Achieving equity will require lifting up the 100 million people left behind by a society that never managed to support all. We thrive as a country when everyone is included.”¹

At its best, the United States has sought to be a nation where who you are or what you look like does not determine opportunity. The Constitution rests on the understanding that the country can evolve and that we have an obligation to make it better. This evolution requires building a multiracial democracy that works for all—one that builds racial equity by remediating past harms and creating future opportunities for all.

President Biden’s day-one executive order on advancing racial equity changed the game for the federal government.² In declaring that “Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government,” this order sought to establish racial equity as a bedrock principle for the executive branch—a reorientation apparent in actions across departments—and underscored the federal government’s responsibility to advance racial equity across the whole of government.³

To have a whole-of-government approach to racial equity, a similar reorientation is needed in legislative policymaking. As policies and budgets are designed and policy alternatives are debated, a Congress that prioritizes racial equity would consider their potential to remediate or exacerbate inequitable outcomes and design policies and budgets accordingly. But even when intending to do so, Congress frequently lacks the data to check its work. Analysts at the Congressional Budget Office (CBO) and Joint Committee on Taxation (JCT) currently are not required to score legislation for its effect on racial equity, though CBO is starting to present analyses disaggregated by race and ethnicity. CBO recently noted that showing income, taxes, and transfers by race is sometimes not possible because of limited data disaggregated by race or privacy concerns regarding whether race and ethnicity data can be matched to common administrative data sources.⁴ Without sufficient data or analysis to understand the disparate effects of policies across racial and ethnic groups, policies are often adopted that inadvertently reinforce preventable and unfair differences in social and economic outcomes between racial and ethnic groups.

The Equity Scoring Initiative (ESI) aims to establish the foundation for a new legislative scoring regime. Over the past few decades, great strides have been made in both budget scoring and equity assessment. ESI seeks to bring this work together to create a government that is truly for everyone.

As with other forms of scoring, the depth and rigor of equity scores would improve over time. Collecting more disaggregated data and analyzing in greater detail the interactions between different dimensions of equity (e.g., race, ethnicity, gender, geography, disability, and immigration status) would significantly improve the ability of analysts and scorekeepers to assess the equity impact of legislative proposals. Each dimension of equity may have specific data needs, opportunities, and challenges. To make the discussion of equity analysis more concrete in this paper, we focus our examples on racial equity as an urgent dimension for scoring.

Despite the complexity, we believe both that it is possible to begin equity scoring *today*, and that getting the full benefits of equity scoring is a generational task. We are at the beginning of a complex and long-term project to build the tools to create a better governing system. And we are excited to get started.

How Will Scoring Help Advance Equity?

We define equity scoring as a type of equity analysis and assessment that provides quantitative information on how federal legislation affects equity outcomes and how that data and evidence play an explicit role in the legislative process. These components—quantitative information, focused on outcomes, that connects to the legislative process—create its potential power as a legislative tool and a tool for changing narratives. By accurately understanding and assessing the effects of legislative proposals on equitable outcomes and connecting these analyses to the legislative process, the data that equity scoring provides can give federal legislators the tools to prioritize equitable policies and help racial equity movement leaders, the media, and the public change public and private narratives about legislation. In practice, this might mean helping committee chairs set standards for advancing equitable legislation or enabling leaders to create rules roadblocks for bills that widen gaps. Or it might mean creating data points that advocates can use to change the public conversation about a bill that seems helpful but exacerbates inequities.

Long term, we expect that equity scoring can help advance policies that improve outcomes in line with expanding or shifting policy frameworks and goals. In the near term, scoring can document effects

of legislation emerging from current frameworks and highlight policies that reduce racial gaps in key outcomes and demand debate on policies that widen gaps.

This theory of change is grounded in the experience of budget scoring. Before most legislation is considered, it gets scored by the nonpartisan CBO or JCT.⁵ Thanks to this process, we usually learn the expected costs and revenues, and sometimes the expected effects on economic growth and the expected distribution of benefits and taxes on people with different incomes. These scores help policymakers vote their economic values and help the public hold them accountable if they do not. And the scores matter: major policy decisions often are shaped by budget constraints established by congressional rules or key legislators' priorities.

Right now, legislators and the public can usually only make informed guesses as to whether proposed policies might affect equity in terms of race, gender, or other dimensions, even if they develop agendas meant to advance it (House Committee on Ways and Means 2021). But some policymakers have already recognized that equity scoring can build upon past scoring precedents, introducing legislation such as the Social and Economic Equity Promotion Act (H.R. 2078) and the CBO Fair Scoring Act (S. 2723) that would require CBO to estimate equity impacts of some legislation.⁶ Thus far, CBO has presented analyses such as the demographic distribution of households scheduled to receive pandemic unemployment benefits in 2020⁷ and the pandemic's effects on employment outcomes by gender and race. But these distributional analyses are missing an overall framework for assessing scope of benefit or harm in terms of critical dimensions of equity (e.g., race, ethnicity, gender, geography, disability, and immigration status).

What Will It Take?

Equity scoring is not an abstract idea. The underlying infrastructure—in federal legislative processes, equity assessments for policymaking, and the capacity to project the racial equity impacts of some legislation—exists today. Researchers (including those at the Urban Institute) already analyze policy proposals for their effects on racial equity (box 1), sometimes even before they reach Congress. These analyses help legislators choose which policies to prioritize, help advocates make their case for or against new proposals, and help journalists increase public understanding. They spur debate, prompt action, and shape the civil discourse essential to advancing equitable policymaking. And with investments in generating more and higher-quality data, nongovernment actors can produce more detailed analysis to lay the groundwork for a government scoring function.⁸

It is essential that we continue to build the field. The methods and data analysts are developing today are the foundation for a future equity scoring mechanism. To help us get there, this report explores the current landscape and discusses why equity scoring matters, how it can make a difference, and what it will take to make it a reality.

BOX 1

What Would a Basic Equity Score Look Like?

A recent analysis of expansions to the child tax credit (CTC) shows what a basic equity score could look like.^a In recent years, the CTC provided a credit of up to \$2,000 for each child in a family younger than 17. Families with very low incomes could not claim the full value of the credit because they owed too little in taxes. The credit phases out for families with very high incomes (e.g., married couples with taxable income over \$400,000). The American Rescue Plan Act of 2021 temporarily increased the credit’s value from \$2,000 to \$3,000 for children ages 6 to 16 and to \$3,600 for younger children, expanded the number of children eligible for the credit by including 17-year-olds, and made it fully refundable so that all families with low incomes and qualifying children can claim its full value. The Biden administration has proposed to extend that expansion for five years.

Urban Institute analysts used the Analysis of Transfers, Taxes, and Income Security (ATTIS) microsimulation model to project the impact of a permanent expansion of the CTC, estimating that it would keep 4.3 million children out of poverty in a typical year, cutting child poverty by more than 40 percent. (The study used the Supplemental Poverty Measure.) But beyond that topline finding, the study showed that expanding the CTC would reduce poverty for children from all racial and ethnic backgrounds, with particularly large impacts for Black and Hispanic children.

Share of Children in Poverty, by Race or Ethnicity, before and after CTC Expansion

Race or ethnicity	Poverty rate before CTC expansion (%)	Poverty rate after CTC expansion (%)	Fewer children living in poverty
Black	20.4	10.1	1.00 million
Hispanic	24.2	15.0	1.70 million
Asian and Pacific Islander	14.9	11.3	0.13 million
White	7.7	4.4	1.20 million
American Indian, Alaska Native, and children not classified elsewhere	13.0	7.1	0.27 million

Source: Gregory Acs and Kevin Werner, “[How a Permanent Expansion of the Child Tax Credit Could Affect Poverty](#)” (Washington, DC: Urban Institute, 2021).

Notes: CTC = child tax credit. Black and white children are non-Hispanic.

This program shows success across multiple conceptions of equity. First, the CTC program shows broad reductions in poverty for children across racial and ethnic lines, with the poverty rate falling between approximately 24 percent for Asian Americans and Pacific Islanders to slightly over 50 percent for Black people, with millions of children being lifted out of poverty. Furthermore, even as the poverty

rate declines across racial and ethnic lines, many of the racial and ethnic gaps in child poverty shrink as well. With this policy, all groups benefited, even as the groups with greater need saw outsized benefit. Although the poverty rates for children of color (and Hispanic children in particular) remains higher than for white children, the improvements are substantial.

Equity scoring can be applied to various outcomes and in several ways. The example above “scores” the CTC expansion based on poverty rates in a given year, but the CTC may influence other outcomes, such as food security, child health, and parental employment. Further, reducing child poverty may have effects that emerge in adolescence and adulthood, such as greater levels of educational attainment and higher lifetime earnings. As data, models, and analytic techniques improve, “scorekeepers” will be able to provide richer assessments of the equity-enhancing or equity-inhibiting effects of policy proposals.

^aGregory Acs and Kevin Werner, “[How a Permanent Expansion of the Child Tax Credit Could Affect Poverty](#)” (Washington, DC: Urban Institute, 2021).

Section 2 begins to provide a framework for equity scoring, exploring the components of our definition and providing a foundation for future work.

Section 3 describes the evolution of scoring in the context of federal legislation and shows that extending current practice to include equity scoring would be consistent with the prior scoring changes designed not only to provide a more accurate picture of the budgetary impacts of legislative proposals but also to focus congressional attention on related policy goals.

Section 4 documents themes in how state and local legislators have begun to use equity assessments to inform policymaking, demonstrating both the feasibility of equity scoring and key lessons to consider in designing a federal scoring regime. As the adage goes, we measure what we value, and we value what we measure. Adopting more robust scoring measures will shed light on the ways policy proposals affect racial equity, ensuring greater transparency and enabling accountability for policies that do not help this country live up to its promise of opportunity for all.

2. A Framework for Equity Scoring: Building on the Budget Scoring Experience

As the Office of Management and Budget (OMB) documents in its recent report, equity assessment is a developing field focused on measuring equity in public policy and other areas (OMB 2021). We use “equity scoring” to refer to a particular type of equity assessment that provides sufficient quantitative information on how federal legislation affects equity outcomes and plays an explicit role in the legislative process. In this section, we look at each component—outcomes focus, sufficient quantitative information, and connection to the legislative process—to explain the origins of this definition and to raise key questions about how to approach equity scoring going forward.

TABLE 1

Components of Equity Scores

Design versus outcomes	Equity scores focus on outcomes. Equity assessments can have a broader focus. They can consider outcomes but may also analyze justice, fairness, and other aspects of policy or program design. Assessments may consider historical evidence and other research on known constraints, systemic barriers, and outcomes from similar efforts, among other factors.
Measured outcomes	Some equity issues can be analyzed with precise, quantitative measures. Others may be best done as descriptive analysis. Equity scores sit at the quantitative end of this spectrum. Equity scores will likely include quantitative measures that contextualize how potential policies affect subgroups of interest and for the population as whole.
Policy processes	Equity assessments can be performed in many contexts, including research, advocacy, and policy development. One particularly important context is the use of analytic information in formal policymaking. Examples include the use of budget estimates in the congressional budget process and benefit-cost analyses in developing and reviewing regulations. Lawmakers could decide to include equity outcome measures in official policy processes. If so, analyses that estimate effects or measure outcomes would be called equity scores.

Equity Scoring Should Focus on Outcomes

Similar to establishing a budget, advancing equity is a statement of values. But we acknowledge that for all the challenges of budget scoring legislation, measuring and scoring equity is more complex. Before determining whether a piece of legislation leads to more equity or less equity, we need to establish clarity around what equity is and what equity does. Prominent definitions of equity—such as those put

forward by PolicyLink,⁹ Race Forward,¹⁰ and the Government Alliance for Racial Equity (GARE)¹¹—share three characteristics:

- inclusive teams and communities driving and supporting advancement, particularly for those who have disproportionately faced the burdens of systemic racism
- the application of justice and fairness via formalizing new processes or programs
- a vision for shared prosperity in which all participate and thrive, racial inequities are eliminated, and benefits are broadly shared (e.g., the curbing effect¹²).

These three characteristics can be roughly translated into three aspects of policy development (design and process, implementation, and outcomes) that are all part of equity considerations in policy development and are described below. Different actors committed to equitable policy have distinctly emphasized one or more of these different aspects, even while acknowledging that all of them are critical. For example, activists and community members have called for institutional change and a seat at the table, noting that without their input and influence, the policy design process will most likely perpetuate inequality. At the same time, President Biden’s Executive Order on Advancing Racial Equity in the federal government highlights treatment (fair access) and implementation in its definition of equity.¹³ Finally, Ibram Kendi has articulated the deeply resonant view that antiracist policies address and resolve disparate outcomes, noting that intentions of equity are insufficient (Kendi 2019).

Inclusive Design

Who was included in the design process, representing what perspectives, and how does this affect the policy and its likely outcomes?

An equitable policy design would include the perspectives and recommendations of underserved communities and individuals and organizations working on behalf of those communities. The design would also include policy innovations directly from those communities. Not only do these individuals and communities stand to gain the most from equitable policymaking, they have been working to address the issues in their own communities and have practical, intuitive, and innovative ideas on how to solve the problems they face daily. And although legislative policymaking is responsive to the communities that elected the officials, the policy design process would need to incorporate community feedback ideally through community-engaged methods or other efforts to gather input such as through focus groups or engagement with trusted community representatives. Research on underserved communities is often extractive in ways that do not treat the people in those communities as experts in

their own experiences or develop solutions that improve the trajectories of people's lives.¹⁴ Community-engaged methods and processes that meaningfully incorporate community input into research and policy design may lead to more accurate research and may also contribute to more empathetic and impactful policymaking (Scally et al. 2019).

Implementation

What features of the policy specify eligibility, access, and experiences? Does the policy recognize and aim to overcome initial disparities and inequities? Was the policy implemented as intended, and how might this affect equitable outcomes?

We define implementation as the mechanisms included in a policy or legislative proposal. An equitable approach to implementation requires targeting and expanding programs to serve the people with the highest need of assistance or redress. Mechanisms that include various forms of targeting based on need, or targeting that expands opportunity, may be

- available to everyone below a defined income threshold;
- progressively scaled along the income distribution;
- targeted toward neighborhoods, cities, or regions or possibly states with particular characteristics, including past disinvestment or disadvantage from past policies;
- designed to meet the material or health-related needs for people in specified circumstances; and
- designed to address or redress a previous or ongoing harm for a particular underserved or discriminated-against group, such as women; LGBTQIA people; people with disabilities; Black, Indigenous, Latinx, and Asian American people; and other people of color.

An equitable approach to implementation acknowledges that achieving fairness and justice typically does not mean covering everyone with the same policy and with the same level of access or intensity (powell, Menendian, and Ake 2019). Many policies have some differentiation around who is served, particularly around income (e.g., Medicaid and the earned income tax credit), but many other programs fall short of overcoming inequities. Programs like Housing Choice Vouchers lead to more stable housing, prevent homelessness, and improve child outcomes, but only one in four eligible families receives housing assistance (Fischer, Acosta, and Gartland 2021). As a result, many families who would otherwise qualify for assistance could wait years before receiving it or never receive any assistance.

To understand whether a policy yielded an equitable impact, analysts would need to account for implementation (e.g., eligibility, delivery, and coverage) to understand whether the legislation was appropriately targeted and sufficiently scaled.

Outcomes

Does the policy close gaps in access and reduce disparities in outcomes across groups (e.g., Black and white, wealthy and low-wealth, overserved and underserved neighborhoods)? Does it increase access to opportunity and prosperity for all?

Policies that produce equitable outcomes could lead to

- net improvement for targeted groups,
- relative improvement for targeted groups (e.g., closing or shrinking gaps), and
- policy gains and improvements experienced by all groups (e.g., sharing prosperity).

The promise of equitable policy design are improvements in outcomes that lead to shared prosperity. Efforts such as targeted universalism design a policy that seeks to target and benefit certain groups while leading to policy improvements that benefit everyone (powell, Menendian, and Ake). For instance, curb cuts in sidewalks were designed to make sidewalks and streets more navigable and accessible, but the usefulness of curb cuts to many people, such parents walking strollers, workers pushing carts, and travelers with suitcases, led to widespread adoption.¹⁵ An equitable world is one where characteristics such as race, gender, and neighborhood of birth are no longer predictive of education, health, or financial well-being. It is important to consider all aspects of a policy, from start to finish, when scoring for equity. Even best practices to create opportunity can fall short when inclusive design, precise targeting, and implementation miss factors that lead to unintended consequences.

State-supported and universal paid family leave plans (e.g., those in California, Colorado, New York, and Washington State) are examples of targeted universalism that improve equity. People of color, particularly those working in hourly-wage and low-paying jobs where they are overrepresented, disproportionately benefit from these policies, and being able to spend more time with their child, while still being paid and without fear of losing their job, is advantageous for the parents and for the child's psychological and physical well-being during a particularly formative stage (Isaacs, Healy, and Peters 2017).¹⁶ These policies can benefit workers who already have employer-provided leave by increasing the likelihood that they take leave (California EDD 2014). Research also shows that workers see significant benefit with little to no burden to employers (Appelbaum and Milkman 2011). The

advantages to taking this leave are widespread, not only for parents of color and parents working in vulnerable jobs who were otherwise unprotected, but for all workers and the children they are raising.

Understanding the design (whether it was inclusive) and the implementation (whether there was a universal goal appropriately tailored based on need and impact) will help us understand why we might see differences in the potential outcomes of legislation and better identify where improvements could be made. To improve the likelihood of equitable design and implementation, a scoring initiative could have advisory panels analogous to CBO and Census Bureau advisory panels that include community leaders from affected groups.

But ultimately, seeing improvements in outcomes is essential to advancing equity. And although all aspects of the process could inform the analysis for scoring legislation, any final score or decision points dependent upon the score should be primarily based on the legislation's potential impacts on outcomes, with particular emphasis on the outcomes for those who have disproportionately faced the burdens of systemic racism.

Up until now, policymakers' tools to address equity have been more closely limited to designing for implementation considerations without a clear sense up front of whether the outcomes would match the intentions. Equity scoring could change this.

Quantifying Equity Scores

Equity scores provide information about the equity impacts of proposed legislation, much as today's budget scores provide information about revenue and spending impacts.

An equity score could involve point estimates of policy impacts, as in budget scoring. The earlier analysis of poverty and the child tax credit provides one example. An equity score could also involve less precise quantitative measures that provide directional information lawmakers can use.


The specifics can vary depending on process needs and available evidence. Whether an assessment becomes a score will depend on data availability, development of relevant analytic methods, the policy environment, and other factors.

What counts as sufficient information depends on the policy and analytic context. Consider a simple example of budget scoring. Suppose Congress wants to know how tax revenues would change from an increase in cigarette taxes. Depending on data availability, modeling capacity, time and resources for

analytic staff, policy needs, and other factors, a revenue assessment could vary from purely descriptive to a quantitative point estimate (table 2).

TABLE 2

Descriptive and Quantitative Revenue Assessments of Raising Cigarette Taxes

Purely descriptive	Descriptive	Revenue could increase or decrease. Revenue rises from the higher tax rate and falls from less smoking. The net revenue change depends on both effects.
	Descriptive scenarios	Revenue could increase or decrease depending on the situation. If many smokers switch to vaping, for example, revenue would fall. If they did not, revenue would increase.
	Directional	Revenue would likely increase. Under most conditions, the extra revenue from the tax increase would be larger than the revenue loss from less smoking.
	Threshold	Revenue would increase by at least \$10 billion.
	Range	Revenue would increase by \$10 to \$100 billion.
Quantitative point estimate	Point estimate	Revenue would increase by \$30 billion (may or may not include a range around this).

Done well, any of these assessments provides useful information. But only some are scores. At one extreme, point estimates of potential revenue are scores. At the other extreme, purely descriptive assessments of the forces at play, without any discussion of magnitude or direction, would not be scores.

The status of intermediate assessments depends on the policy environment. Congress has designed the budget process to operate on point estimates. Within that context, analyses that do not provide point estimates are not scores.

But other processes are possible. For example, Congress designed its unfunded mandates process to depend on a threshold. Members can invoke special procedures, for example, if mandates on state and local governments exceed a certain dollar amount. Within that process, any analysis that allows lawmakers to evaluate the threshold is a score. If policymakers focus solely on directional effects, some descriptive analyses could also be scores.

Aggregation

Equity scoring must strike a balance between aggregate and disaggregate results. Disaggregation provides essential information about how policies affect different groups. But aggregate information may be easier to integrate in formal policy processes.

In budget scoring, there is a natural way to summarize a policy’s aggregate impact: add up the dollar value of the individual components. Benefit-cost analysts have developed techniques to translate a broader range of impacts into dollar terms, which can then be aggregated. This is useful, but it embeds value judgements into the analysis.

Equity scoring faces similar aggregation issues when policies have different effects on different groups. A proposed policy might help one group and harm another. Combining those effects into a single equity measure requires some value judgement about the relative importance of the impacts on each group. The greater the aggregation, the greater the possible reliance on the value judgements built into the analytic process.

Policymakers may respond to this concern by looking at multiple equity measures. For example, they may design policy rules that consider multiple groups separately.

For an assessment to be a score, its degree of aggregation ideally would match the degree of aggregation required by the policy process. Suppose Congress develops a policy process that requires quantitative measures of equity for three groups. A policy assessment that reports impacts solely on a more aggregated basis would not qualify as a score. The assessment might well provide important information. But for the policy process to successfully address equity concerns, analysts must be willing and able to express results at the level of aggregation that policy officials require to make informed choices about policies that affect equity.

In practice, data limitations—including limited quality or availability—may also cause the opposite problem. Analysts might be able, for example, to assess policy impacts for only two of the three groups. In that case, the score would be incomplete.

Measurement

Although all government policy can be seen as having equity implications, there are significant differences in what equity scores will look like depending on the state of data and equity measurement in different policy fields and important distinctions in how equity is characterized in different policy domains and disciplines.

Four considerations can help us understand how ready various policy domains are for scoring, distinguishing between areas where equity scoring can begin now and those where we must develop better data and understanding. Those four considerations are (1) the quality of data on outcomes, (2) how much the available data can be disaggregated by race and ethnicity, (3) whether and to what degree

the evidence suggests that the policy influences the outcomes of interest, and (4) the scale at which the policy influences outcomes via targeted mechanisms. Understanding these considerations, and the ways proposed policies may have strengths or weaknesses across these areas, is important for deciding how to approach assessment and scoring. Policies with more strengths are better positioned to be assessed and scored in the short term. Policies with more weaknesses across these considerations, but with potentially high impact, may need more investment in research and data before they can be scored as rigorously.

Considerations

Data for outcomes

- How precisely can the potential outcomes be measured? Through an analysis, can we provide ranges or point estimates?
 - » Stronger: Detailed quantitative data, collected at multiple points, that allow for rigorous quantitative analysis with point estimates
 - » Weaker: More qualitative data; quantitative data that are a proxy of the outcomes but do not measure the outcome itself; outcome data from either smaller or one-time surveys; data released long after the outcomes occurred.

Disaggregation

- Are data on the policy (e.g., higher taxes on cigarettes) and outcomes (e.g., higher revenues) sufficiently disaggregated by race and ethnicity, income, and geography?
 - » Stronger: Data allow for disaggregation by race, ethnicity, nativity, and gender; data allow for disaggregation by income and poverty status; data allow for measurement at subcity units of analysis (e.g., zip code or census tract) or at an otherwise appropriate level of geography.
 - » Weaker: Data do not allow for disaggregation by race or ethnicity or for only three or four racial and ethnic categories; data do not allow for disaggregation by income categories; data are not available at the subnational or substate level
- How does the quality of data vary as analysts look at more intersections (e.g., race and gender, income and disability)?

Evidence

- Does the evidence show that the policy expands opportunity and well-being and reduces disparities? Does the way the policy or program is designed or implemented allow for rigorous study or evaluation?
 - » Stronger: Multiple rigorous quantitative studies of the effectiveness of the policy intervention or that establish the relationship between the policy and equitable outcome; a clear sense of successful implementation models
 - » Weaker: Limited rigorous quantitative studies or only simple descriptive analyses; multiple studies but substantial debate in the field about the policy's effectiveness or the direction of its impact

Scale of policy impact

- Is the program likely to broadly benefit and increase equity among the people the program is designed to assist?
 - » Stronger: Among the target population or target area (e.g., neighborhood), most people will likely benefit, and underserved people and places will benefit disproportionately
 - » Weaker: Benefits accrue to a small minority within the target population or area; underserved people and places are less likely to benefit
- Is there strong research available that provides evidence as to the scale or consistency of policy impacts?

Scores Should Connect to the Legislative Process

The impact of equity scores will depend not only on the kinds of information provided but on how the scores are embedded in the legislative process.

First, a score must be *timely* and provide information early enough in the legislative process for members of Congress to consider (and then act on) the implications of that score. In the case of budget scoring, for example, CBO is required by law to provide cost estimates on legislation that is reported by full committee, which allows more informed consideration of budget issues in advance of action by the full House or Senate. For some legislation, CBO also provides informal advice throughout the legislative cycle to help members of Congress better understand the budgetary impact of potential alternatives as a proposal works its way through the legislative process.

Second, statutes and congressional rules can be used to hinder the consideration of proposals that have not been scored, making it more likely that Congress will consider a proposal's equity impact before taking certain steps in the legislative process. In the budget context, for example, both the Congressional Budget Act and House and Senate rules include various points of order against legislation that CBO has not scored.

Finally, statutes and congressional rules can be used to *privilege* the adoption of proposals that advance racial equity. In the budget context, for example, the Congressional Budget Act of 1974 created "reconciliation," a special legislative process that allows expedited consideration of certain policies affecting revenues, spending, and the debt limit. Among other provisions, reconciliation bills are largely exempt from the Senate filibuster. Conversely, House and Senate rules have at various times included points of order against bills that increase the deficit or revenues or federal spending. Similarly, Congress could use an analogous process for bills that improve equitable outcomes, rather than just equity in inputs or other more general information.

3. Federal Budget Scoring Is the Right Precedent for Equity Scoring

Federal budget scoring incorporates all the elements that would be needed to make equity scoring an effective tool for informing and shaping legislation: budget scores focus on specific policy *outcomes*, budget scores provide *quantitative* measures for the policy outcomes of interest, and, by law, budget scoring is deeply *embedded in the legislative process*. As such, budget scoring provides a clear model for the design and implementation of equity scoring. Moreover, the history and recent evolution of congressional budget scoring illustrate not only the potential impact of equity scoring but also how Congress and the executive branch might design scoring to overcome challenges that budget scoring initially faced.

Scoring Shapes Legislation

The modern era of congressional budget scorekeeping began with passage in 1974 of the Congressional Budget and Impoundment Control Act (“Budget Act”).¹⁷ The Budget Act created “a formal process through which the Congress could develop, coordinate, and enforce its budgetary priorities.... In addition, the law created new legislative institutions to implement the new congressional budget process: the House and Senate Budget Committees to oversee execution of the budget process and the Congressional Budget Office to provide the Budget Committees and the Congress with objective, impartial information about budgetary and economic issues.”¹⁸ Finally, the Budget Act established new congressional procedures to govern debate on proposals with budgetary impact.

The scoring regime the Budget Act established has had a profound effect on how legislation is developed. Two features of the Budget Act have been central to its impact.

First, since enactment of the Budget Act, Congress has received far more information about the budgetary and economic impacts of legislative proposals. With the creation of CBO and the budget committees, Congress for the first time enjoyed access to nonpartisan, methodologically consistent, and transparent estimates of the budget impact of proposed legislation. In addition to formal cost estimates, CBO gives Congress information throughout the legislative process, such as analytic reports that consider the costs and effectiveness of alternative policies, budget and economic projections, and presentations to congressional staff members and others.¹⁹ When developing policy proposals,

legislators now routinely work with CBO and the JCT (and sometimes with executive branch agencies and with nongovernmental entities such as research institutions and advocacy groups) to shape legislation that can achieve various policy objectives while meeting congressional budget targets.

Second, the Budget Act established legislative procedures that govern how Congress considers proposals with budget impact. Each year, Congress sets targets for revenues and for 19 broad categories of spending, usually through a budget resolution. These targets are enforced through various mechanisms, such as the ability of a single member of the House or the Senate to raise a budget “point of order” on the floor to block legislation that would violate the targets. Points of order are particularly important in the Senate, where some budget points of order require 60 votes to waive. Similarly, congressional rules also *privilege* some bills: a “reconciliation bill” needed to implement a budget resolution, for example, cannot be filibustered in the Senate and requires only 50 votes to pass. See CBPP (2020) for an introduction to the budget process and CRS (2020) for a detailed look at the rules, precedent, and procedures for federal government budgeting.

These two features of budget scoring—richer information about budget impacts plus enforcement mechanisms that, in some cases, impose supermajority requirements for considering legislation that violates budget targets (and waive such requirements for other types of legislation)—have made scoring central to the development of legislation that has budget impacts. Some well-known examples of this include the following:

- In 1994, CBO determined that individual premiums paid under President Clinton’s proposed health care bill would be considered part of the federal budget, which sharply increased the bill’s stated cost. This determination allowed opponents to describe the bill as calling for “the biggest tax increase in history” and weakened congressional support for the bill.²⁰
- In 2001, President Bush sought permanent tax reductions. To meet congressional budget targets and to comply with rules governing reconciliation bills, however, Congress ultimately passed a bill that sunset many of the tax cut provisions at the end of the 10-year budget window.²¹
- In July 2009, CBO determined that H.R. 3200, an early version of President Obama’s proposed Affordable Care Act (ACA), would cost more than the administration had predicted. A subsequent bill, H.R. 3962, incorporated numerous policy changes to lower predicted federal outlays and health care expenditures overall. Policy changes included, for example,²²
 - » lowering the federal cost share for state Medicaid expansion after 2014,
 - » increasing the share of income enrollees paid in health insurance exchanges, and

- » eliminating a mechanism that would have increased Medicare’s aggregate payment for physicians’ services.
- In 2010, Democrats lost their Senate supermajority and became unable to pass all of their health care policy priorities on a party-line vote. But Democrats were able to use the budget reconciliation process—which cannot be filibustered—to pass certain health policy priorities that had a budget impact germane to a reconciliation bill.²³
- Similarly, in 2017, Republicans used reconciliation in an effort to repeal most of the ACA on a party-line vote. The effort failed when three Republican senators voted against the bill.
- In 2017, President Trump sought permanent tax reductions. As with President Bush’s proposal, Congress passed a tax bill via reconciliation that led to sunseting several of the tax provisions proposed by the president.

Just as congressional budget scoring has influenced legislation with estimated budget and economic impacts, equity scoring could lead to more informed, and more accountable, congressional action on legislation that significantly affects equity. To achieve this result, equity scoring would require similarly nonpartisan, methodologically consistent, and transparent estimates of the equity impacts of proposed legislation. Congress may want to consider whether new legislative procedures are needed to ensure these estimates are considered appropriately during the legislative process. And as with budget scoring, equity scoring likely would evolve.

Approaches to Scoring Have Evolved

Congressional budget scoring has evolved steadily over the past 50 years, with legislators adopting new scoring *methods* and *legislative procedures* to ensure scorekeeping informs decisionmaking and advances legislators’ highest-priority policy goals. These changes in budget scoring illustrate the types of changes in methodology and legislative procedure that might follow initial implementation of equity scoring and how changes in scoring can alter the constraints under which legislation is developed.

Scoring *methods* have changed partly in response to the development of more accurate ways to assess the impact of legislative proposals and partly because policymakers begin to value information in new ways. More accurate scorekeeping can be expensive, requiring time and funding to develop new analytic capacities. When considering whether to require new scorekeeping methods, Congress often has weighed the costs of implementing more accurate measures against the benefits (in improved

policymaking) that would result from the scoring change. As with budget scoring, equity scoring likely would evolve as investments in new methods and new data bore fruit and as Congress developed new perspectives on the costs and benefits of adopting improvements to assessing racial equity impacts.

In addition to changing scorekeeping *methods*, legislators periodically have changed the *rules and legislative procedures* that govern how budget scores are incorporated into the legislative process. These rule changes have been designed to make it more difficult or less difficult to pass certain types of legislation and reflect shifting congressional priorities.

Resolutions adopted by the House and the Senate at the beginning of each Congress often change the rules that determine how budget scoring affects consideration of legislative proposals. House rules, for example, have alternately added or deleted:

- a requirement for CBO to provide dynamic scoring for various types of legislative proposals;
- a requirement for a three-fifths majority to approve an increase in the federal income tax rate;
- a prohibition on considering legislation that would increase the *deficit* in the current fiscal year, over a 5-year window, or over an 11-year window; and
- a prohibition on considering legislation that would increase direct *spending, regardless of the legislation's effect on the deficit*, during any of the three time periods noted above.

Each rule change reflected changing congressional policy priorities and a desire to advantage (or disadvantage) legislative proposals based on the nature of their estimated budget score. If Congress adopted equity scoring, it could consider similar rules that changed alongside evolving congressional views on the priority that equity should be given in the legislative process.

BOX 1

Changing Scoring Methods to Improve Comparisons of Policy Alternatives: The Federal Credit Reform Act of 1990

In addition to direct appropriations, the federal government provides credit in the form of loans and loan guarantees. Credit programs provide economic assistance in several ways, including lower interest rates and longer maturities than private-sector credit; deferrals of interest and grace periods on repayments; lower origination fees; and higher loan amounts relative to the underlying asset.

When the Budget Act was enacted, federal loans and loan guarantees initially were scored on a *cash-flow* basis.^a Although cash-flow scoring was easy to implement, it largely ignored the *long-term* budgetary costs of new loans and loan guarantees. As a result, cash-flow scoring allowed Congress to

meet its current-year budget targets in part by providing subsidized credit that offered immediate economic benefits to recipients but whose current-year budget score did not reflect the substantial long-term liabilities that such programs could impose on the federal government.

In 1990, Congress passed the Federal Credit Reform Act, which required budget scores to use *accrual* accounting. The accrual method includes all costs that arise over the life of a loan or loan guarantee.^b Instituting accrual accounting required CBO to develop new models that forecast future losses that would follow from the provision of federal loans and loan guarantees. Although developing these models took time and resources, measuring the budget costs of credit programs more accurately gave Congress a better way to compare the costs of providing economic assistance through credit programs rather than direct spending—and thereby eliminated incentives to provide aid through credit programs that appeared less expensive than, but in fact cost the same as, similar direct spending programs.

^aOn a cash-flow basis, the budget cost of a federal loan program was scored as the amount of loans made in the current year minus receipts received (including repayments of principal and interest and payment of fees) from loans that were made either in the current year or in prior years. Similarly, the budget cost of federal loan guarantee programs equaled the outlays needed to pay for current-year defaults on loans guaranteed either in the current year or in prior years, minus fees paid in the current year for guarantees made either in the current year or in previous years.

^bUnder accrual accounting, the budget impact of a credit program is measured by the expected net present value of credit provided in the current year (i.e., the value of all outlays associated with the loan or loan guarantee less the value of repayments, interest, fees, and other inflows, all discounted to the year of origination using US Treasury borrowing rates). Compared with cash-flow scoring, the methods mandated under the Federal Credit Reform Act are more accurate.

BOX 2

Dynamic Scoring: Limiting the Use of Certain Scoring Methods

In preparing estimates of the spending and revenue impacts of legislation, CBO and the JCT generally consider how individuals and businesses might respond to a policy change, but the agencies in most cases do not estimate (1) how the policy responses of individuals and businesses might change aggregate economic activity (gross domestic product, or GDP, and its components) or (2) how changes in GDP might affect federal spending and revenues.

During the 1980s and 1990s, tax cut advocates argued that lowering tax burdens could promote investment, saving, and work and thus boost economic growth, and that added economic growth, in turn, would generate new federal revenue that could offset some (or even all) of the direct, conventional revenue loss from tax reductions. Conventional (“static”) scoring, they argued, distorted federal budgeting by overstating the potential revenue losses from supply-side tax cuts. The solution, they argued, was for CBO and the JCT to develop and use “dynamic” scoring models that account for macroeconomic effects.

In principle, dynamic scoring makes sense. Congress should want to know all the budget effects that result from legislation, regardless of how they come about. In practice, however, dynamic scoring faced

three hurdles. First, economists struggled then—as they do today—to understand how fiscal policies affect the economy and how these effects change over time and under different circumstances. Thus, instituting dynamic scoring would require the development and use of new models characterized by significant uncertainty. Second, dynamic scoring became associated with a particular ideological perspective. Proponents argued that dynamic scoring should be used only to assess the budgetary impacts of tax cuts. Opponents noted that the logic of dynamic scoring applied equally well to changes in taxes and changes in spending (e.g., programs that increase human capital could, over time, increase aggregate economic activity and thus revenues). Opponents argued that using dynamic scoring only for tax changes therefore would bias congressional action in favor of tax reductions and against direct spending programs that might increase aggregate economic activity at least as much as changes in taxation. Finally, the complexity of dynamic scoring made it difficult to provide Congress with timely assessments of policy alternatives.

Over the past 20 years, CBO and the JCT have developed new proficiency at conducting dynamic analysis, but their modeling capacity remains limited. As a result, Congress uses dynamic scoring only for bills that are expected to have a particularly large effect or for which the budget committee leaders request that type of score. For example, CBO recently used dynamic scoring to examine the effects of boosting federal spending on physical infrastructure by \$500 billion over 10 years.^a

^aSee “Dynamic Analysis,” Congressional Budget Office, accessed March 8, 2022, <https://www.cbo.gov/topics/dynamic-analysis> for a discussion of CBO’s work on dynamic scoring, including the estimates referenced above.

Beyond Budget Scoring: Unfunded Mandates

In 1995, Congress expanded the use of scoring to address another policy priority. The Unfunded Mandates Reform Act (UMRA) required CBO to provide estimates of the costs that legislative proposals and regulations would impose—not on the federal government but on the private sector and on state, local, and tribal governments.

To meet the requirements of UMRA, CBO needed to develop new estimating capabilities. Legislation such as the Food and Drug Administration Safety and Innovation Act that limited the sale of certain generic drugs to extend patent rights held by other companies, for example, required CBO to estimate the income lost by manufacturers of generic drugs as a result of this legislation. Similarly, for legislation that required operators of natural gas pipelines to conduct certain safety inspections, such as the Pipeline Safety, Regulatory Certainty, and Job Creation Act, CBO needed to estimate the costs to the operators of conducting such inspections. In some cases, CBO has been unable to estimate the costs that mandates would impose.²⁴ In addition to these informational requirements, UMRA followed precedents in the Budget Act by establishing procedural mechanisms (points of order) to make it more

difficult for Congress to consider proposals that include unfunded mandates if the estimated costs of those mandates exceed specified threshold amounts.

Expanding Budget Scoring to Include Equity

Just as prior legislation used budget scoring as a model for assessing and influencing legislation that would impose costs on the private sector and on state, local, and tribal governments, equity scoring could incorporate the principal features of budget scoring. Establishing such a system would require several steps.

At present, CBO occasionally assesses the equity impact of legislative proposals, but it does not provide such assessments routinely. Although CBO is working to expand its analytic capacity, its efforts are hindered in some cases by lack of data or restrictions on sharing data.

In recent months, lawmakers have introduced legislative proposals that would require CBO to take additional steps toward developing equity scores for a broader set of legislative proposals.

In March 2021, Representative Gregory Meeks introduced H.R. 2078, which would require CBO

- to develop new analytic capacity within six months after enactment, first by establishing a Division of Social and Economic Equity to conduct equity analyses and then by submitting a report to Congress describing how CBO would carry out the required analyses; and
- within a year of enactment, to begin providing an analysis of the equity impact of bills and resolutions in each of the first four years that the bill or resolution would be effective.²⁵

In August 2021, Senators Elizabeth Warren and Michael Bennet and Representatives Ro Khanna and Dean Phillips announced their intent to introduce another approach to equity assessment—the CBO FAIR Scoring Act (S. 2723 and H.R. 5018)—which would require CBO to

- “...estimate the distributional impacts by race and income—in dollar terms and as a percent change in after-tax-and-transfer-income—for bills that have a gross budgetary effect of at least 0.1% of GDP in any fiscal year within the 10-year budget window”;
- “...provide such scores to relevant congressional committees before the bills are reported to the floor, to the extent possible”; and

- “...prepare a report describing possible methods for conducting distributional analyses by gender to strengthen CBO’s capacity to conduct analyses of the interaction between race and gender.”²⁶

Both H.R. 2078 and the FAIR Scoring Act would require CBO to provide Congress new information that would allow lawmakers to evaluate alternative proposals based on their estimated equity impact. Compared with H.R. 2078, the FAIR Scoring Act would be more prescriptive about how CBO was to measure equity; it also would cover a far smaller share of legislative proposals that have a material impact on racial equity. The FAIR Scoring Act would also require analysis of estimated equitable *outcomes* of legislation through distributional analysis, while H.R. 2078 defines equity as equitable *treatment*. (For more on the difference between outcome and treatment, see pages 6–10.)

Although H.R. 2078 and the FAIR Scoring Act would begin the work needed to implement equity scoring, neither would establish a complete scoring regime, as neither bill would institute new rules or procedures to govern consideration of legislative proposals based on a proposal’s equity impact. A more complete system of equity scoring could establish points of order (some informational, others substantive), as addressed above.

Conclusion

For nearly 50 years, Congress has created and frequently amended scoring processes that provide Congress fuller information about the potential consequences of legislative proposals and advance various policy priorities. Equity scoring fits neatly with these past scoring precedents. Providing Congress information on how legislative proposals would advance or harm racial equity would allow more informed debate and more deliberate decisionmaking. As with other types of scoring, equity scores would evolve as new methods and new data became available. The exact nature of these procedures likely would evolve as Congress gained experience with equity scoring and the implications of such scores for the legislative process.

4. State and Local Governments Have Led on Equity Assessments

To successfully implement equity scoring into the federal legislative process, it is also instructive to examine current efforts in state and local government. In most states, fiscal notes are prepared to provide legislators an estimate of a bill's likely impact on state revenues and expenditures (McNichol, Lav, and Masterson 2015). A few local entities have extended beyond fiscal analysis to conduct some sort of equity analysis on legislation. In this section, we provide some background, detail a few examples, and summarize key lessons across these case studies.

Background

We found several scholars and organizations that have been crucial to the development of racial equity assessments in government, which we define as analyses of proposed government actions to determine the existence and extent of differences in outcomes between racial and ethnic groups (Bernabei 2017; OMB 2021).²⁷ We mention these efforts to highlight the foundation that has been laid in this space and to recognize that these efforts have led to a few prominent examples of required racial equity assessments in the legislative process, which we discuss in the appendix.

Future efforts to establish equity scoring in Congress would do well to build upon the success of these organizations and lessons learned through their efforts. A recent OMB report found that even though many frameworks exist, equity assessment as a field is still evolving. We call out the most prominent here, though many other local organizations and governments have been crucial to the evolution of racial equity impact assessments (REIAs) in government.

Government Alliance on Race and Equity (GARE). A joint project of Race Forward and the Haas Institute for a Fair and Inclusive Society, GARE supports governments across the US to conduct work and build networks that help them achieve racial equity and opportunity for all. Race Forward was the original developer of the REIA toolkit that some cities have adapted to conduct equity scoring in the legislative process.

The Sentencing Project. The Sentencing Project aims to minimize imprisonment and criminalization through the promotion of racial, ethnic, economic, and gender justice. The Sentencing Project provides centralized resources on racial impact statements for state-level criminal justice policies.

PolicyLink. PolicyLink is a national leader with extensive experience in conducting work that advances racial and economic equity through research and action. PolicyLink supports governments in measuring and advancing equitable outcomes through high-level initiatives, including the Racial Equity Governing Agenda (which includes its Racial Equity Assessment for Federal Agencies) and the National Equity Atlas. (Disclosure: PolicyLink is the funder of this report and is the Urban Institute’s partner in the Equity Scoring Initiative.)

Other prominent organizations developing equity assessments highlighted by OMB included the MITRE Corporation, the Bloomberg Harvard City Leadership Initiative, Harvard University, Brown University, ESRI, and the Urban Institute.

In appendix A, we provide examples of racial equity assessments that are required as part of the legislative process. In our research and conversations with experts, we found many examples of equity offices integrating equity assessments into government processes. But most of those efforts were directed at agency-level decisionmaking and did not directly involve the legislative process. Though some agency decisionmaking held an indirect connection to legislative decisionmaking, such as in the creation of agency budgets via equity-responsive budgeting, we excluded most of these examples, given that a score or assessment was not required as a direct part of the legislative process.

In our initial analysis, we found only a few examples of equity assessments directly required as part of the legislative process, though based on our search, we believe there are likely many places we may have missed.²⁸ All these examples took place at the state and local level in the US, and they include governments in areas with both Democrats and Republicans in charge, such as Iowa and Washington, DC. As we continue to learn more about these processes, we plan to focus on how states conduct racial impact statements to better understand how analysts arrive at their summarized recommendations for a bill’s impact on equity.

Summary of State and Local Processes

In studying the landscape of equity assessments in the legislative process, the following are common themes:

- **All our examples required equity assessments for informational purposes but did not trigger any required legislative action or rule.** As a result, although some evidence from Iowa and anecdotal evidence from DC indicates these assessments could have an impact on the rate of passage of bills with negative impact statements, evidence from our other example sites is

unclear. For example, the Community Empowerment Law Project (CELP) at the University of Iowa College of Law found that bills scored as “positive” passed 36 percent of the time, while bills scored as “negative” passed only 22 percent of the time (CELP 2020). Anecdotal evidence from the District of Columbia indicates that legislators added or debated adding more equitable provisions to bills such as DC’s Comprehensive Plan and a bill aimed at banning the sale of flavored tobacco as a direct result of the Racial Equity Impact Assessments conducted by the city.²⁹

- **Most assessments occur when a bill is being seriously considered or put forward to a full vote.** We found that assessments are typically completed only if a bill is voted out of committee and will be considered by the full legislature. But different jurisdictions have different transparency requirements: some never release the result, others post the full results when they are completed, and others release the result after a vote is complete.
- **When precedent for implementation was cited, it was primarily built on a similar budget scoring process already in place.** Both Iowa and DC built on previous fiscal notes or budget scoring processes when justifying the use of equity scoring. But while some jurisdictions turned to the existing legislative agency to do the work, others used established equity experts or local departmental experts to conduct the analysis. For example, DC established its own set of analysts focused on the legislative process, and Iowa used the existing legislative scoring agency.
- **In most examples, the process by which an assessment’s analysis was to be conducted and a final “score” reported was unclear or was based on the analysts’ best efforts.** Some governmental bodies had clear templates, but it typically was not clear how an analyst in any of the governments we examined used the evidence and data as inputs to determine equity outcomes as outputs. More work is needed to understand and compare methodologies and practices in this space.
- **Most examples we studied do, however, have clear general guidance for analysts to follow.** These steps typically include specifying the policy’s stated outcome, community engagement, assessment of the data and evidence available, remediations to consider, and a final summarized recommendation. Minneapolis and DC, for instance, provide clear guidance of all the general steps an analyst must follow.
- **In our examples, assessments were typically reported in a summarized manner as one of three to six potential scores to be chosen from, such as “positive,” “negative,” or “none.”** In some cases, these assessments were part of a comprehensive report, and in others, these were

reported with only a few sentences of context. DC, for instance, has five rating values: (-) will exacerbate racial equity, (-) has the potential to exacerbate racial equity, (neutral) maintains status quo of racial inequity, (+) has the potential to advance racial equity, and (+) will advance racial equity. Iowa has six: negative, could not be determined, no minority impact statement attached, minimal impact, no effect, and positive impact. But in some jurisdictions, such as Iowa, according to a CELP report, the size of the report has decreased as the number of unscored pieces of legislation has increased, leading to less transparency in the process (CELP 2020).

- **In some of our examples, there was discretion in determining whether a required equity assessment needed to be conducted, while in others, the assessment was clearly required for all legislation, with clearly named exceptions.** For example, DC requires the assessment for most legislation but has exceptions in several areas, such as symbolic public space designations and highway plan amendments. In areas without a clear requirement, as was the case in Iowa, a small but significant and growing number of laws that outside analysts at CELP felt should have been subject to assessment based on the rules established were not subject to assessment.
- **By far, the most prolific set of examples we could find is related to racial equity impact assessments in criminal justice at the state level; multiple states have created similar processes based on early examples from places such as Iowa.** According to The Sentencing Project, at least nine states have racial impact statements in place, the majority of them mandatory based on our research, while additional states are considering similar legislation. Additional analysis of racial impact statements is warranted as part of future work.
- **Jurisdictions we studied analyzed a wide range of potential outcomes as part of the equity scoring process.** States like Iowa with a focus on the criminal justice system typically focused on the disparate impact of changes to criminal justice policy by race, while most other jurisdictions, such as DC, took a broader definition, asking analysts to consider any type of impact on the groups studied. Outside of criminal justice-specific assessments, we found that outcome definition was based on the bill studied but generally was not specifically defined by jurisdictions, likely to allow analysts flexibility in the early stages of developing these assessments.

These examples lend credence to the idea that racial equity considerations can be integrated into the legislative process, and they demonstrate that the nascent practice of equity assessment and scoring are primed for conceptual and methodological advancement.

BOX 3

Case Study: Racial Equity Impact Assessments from the DC Council Office of Racial Equity

The Racial Equity Achieves Results (REACH) Act of 2020 led to the establishment of a new office within the DC Council called the Council Office of Racial Equity (CORE), tasked with producing racial equity impact assessments (REIAs).

- A REIA is produced when a legislative committee marks up a bill or resolution that will come under council consideration.^a
- The process is similar to the city's fiscal impact statement.
- Certain actions are excluded from REIAs, such as symbolic public space designations and highway plan amendments.
- CORE staff analysts conduct the REIAs, and each committee has one CORE staff analyst.
- REIA results are not binding on the outcome of legislation, nor do they trigger any special provisions.

Completed REIAs are circulated to all councilmembers and staff and are published publicly before markup on the CORE website REIA Database. The REIA has two primary steps:

- The analyst applies the documented REIA methodology.^b
- The analyst uses the information from the first two steps to create a final "score" evaluating the proposed legislation from the following options: (-) will exacerbate (or harm), (-) will likely exacerbate (or harm), (neutral) maintains status quo of, (+) will likely make progress toward (or improve), (+) will make progress toward (or improve), will have a negligible impact on, and will have an inconclusive impact on one of two things: (1) racial equity or inequity (structures) or (2) the lives of Black residents, Indigenous residents, and other people of color (symptoms).^c

As of this writing, CORE has evaluated 22 bills. At this stage, although there is not yet evidence that rises to the level of a quantitative evaluation of outcomes, there is significant anecdotal evidence from legislation, such as the DC Comprehensive Plan and a bill aimed at banning the sale of flavored tobacco, that the assessments triggered additional debate and changes to proposed legislation.^d

According to CORE, there are several stages in which the REIA has influenced the policymaking process for the better. At the policy development phase, councilmembers at times request preliminary feedback from REIAs to ensure they are working toward more equitable legislation. CORE actively works with the DC community, including the advocacy community, to get feedback on their analyses and to integrate their lived experience into the results. Once released, advocacy groups at times hold press conferences to call attention to improvements needed to proposed bills as a result of REIAs. And most councilmembers and staff wait for the REIA release and have responded to that release by starting conversations, making amendments, and adding revisions to bills. An early conclusion is that without a formal legislative requirement (e.g., increasing the vote threshold for bills that do not improve racial equity), transparency, continuous communication and consultation, and a strong advocacy community

are important components to DC’s strategy. In some cases, these efforts end up in changes that are worked out between CORE and the committees before a bill is voted on.

^a“Committees for Council Period 24,” Council of the District of Columbia, accessed March 9, 2022, <https://dccouncil.us/committees-for-council-period-23/>.

^b“Racial Equity Impact Assessments,” DC Council Office of Racial Equity, accessed September 17, 2021, <https://www.dcraciaequity.org/racial-equity-impact-assessments>.

^cThis system was introduced as this report was being finalized and moves CORE toward a focus on symptoms versus structures. For more information on this new approach, see “Symptoms and Structures: Reimagining Racial Equity Impact Assessments,” *Getting to the CORE* (blog), DC Council Office of Racial Equity, January 3, 2022, <https://www.dcraciaequity.org/blog-symptoms-structures>.

^dAlly Schweitzer, “The D.C. Council Just Advanced an Updated Comprehensive Plan. Here’s What’s in It,” DCist, May 4, 2021, <https://dcist.com/story/21/05/04/the-dc-council-just-advanced-an-updated-comprehensive-plan/>; and Martin Austermuhle, “Update: D.C. Council Votes to Ban Sales of Flavored Tobacco, but Exempts Hookah Bars,” DCist, last updated June 29, 2021, <https://dcist.com/story/21/06/16/dc-council-ban-sales-flavored-tobacco-exempts-hookah-bars/>.

Conclusion

Scoring federal legislation for racial equity is possible, and it is possible now. Like budget scoring and equity assessment, equity scoring could be implemented using currently available tools and then improved over time.

This report intends to provide congressional staff members, legislative analysts, and leaders in any field committed to advancing racial equity through legislation with the basic grounding for why equity scoring matters, how it can make a difference, and what it will take to get there.

In the coming months, our initiative will apply the principles identified in this report to provide illustrative equity scores of federal policy proposals. We will demonstrate how feasible equity scoring is today and highlight where investments in data infrastructure and methodological innovation can enhance its power.

We welcome questions and suggestions. Please reach out to the initiative director, Rekha Balu (rbalu@urban.org).

Appendix. Racial Equity Impact Assessment Case Studies

Washington, DC, Racial Equity Impact Assessments

Establishment. The Racial Equity Achieves Results (REACH) Act of 2020 led to the establishment of a new office within the DC Council called the Council Office of Racial Equity (CORE), tasked with producing racial equity impact assessments. Similar to fiscal impact statements, REIAs provide timely information to councilmembers, their staff, advocates, and the public, but a REIA is necessarily focused on analyzing proposed legislation through a racial equity lens.

Legislative process context. A REIA is produced when a legislative committee marks up a bill or resolution that will come under council consideration. The process requirement is similar to the city’s fiscal impact statement requirement. Certain actions are excluded from REIAs, such as symbolic public space designations and highway plan amendments. CORE staff analysts conduct the REIAs, and each committee has one CORE staff analyst. REIA results are not binding on the outcome of legislation, nor do they by law trigger required changes to the legislative process, though anecdotally, we know the assessments seem to significantly influence councilmember decisionmaking. Completed REIAs are published publicly before markup on the CORE website database.

Assessment procedure. As of the time of this writing, the REIA has two primary steps. First, the analyst applies the REIA methodology³⁰ as follows:

- “1. Researching the historical context and background of the policy area and legislation
2. Considering the blind spots and assumptions within the historical research and legislation
3. Evaluating possible implementation scenarios and how they might affect equity differently
4. Listing the bill’s possible positive and negative effects on racial and social inequities in the District (if any)
5. Making recommendations to reduce the possible negative effects of a bill or resolution (if needed)”

In the second phase, the analyst uses the information from the first two steps to create a final “score” evaluating the proposed legislation from the following options: (-) will exacerbate (or harm), (-) will likely exacerbate (or harm), (neutral) maintains status quo of, (+) will likely make progress toward

(or improve), (+) will make progress toward (or improve), will have a negligible impact on, and will have an inconclusive impact on one of two things: (1) racial equity or inequity (structures) or (2) the lives of Black residents, Indigenous residents, and other people of color (symptoms).³¹

As of this writing, CORE has evaluated 22 bills, and only a few months after the first CORE REIA, it is too early to tell, quantitatively, whether the REIA process will affect legislative outcomes long term. But there is significant anecdotal evidence from the DC Comprehensive Plan and a bill aimed at banning the sale of flavored tobacco that completed assessments have already prompted additional debate and changes to proposed legislation and therefore are reasons to be optimistic that long-term positive outcomes are possible.³²

According to CORE, there are several stages in which the REIA has influenced the policymaking process for the better. At the policy development phase, councilmembers at times request preliminary feedback from REIAs to ensure they are working toward more equitable legislation. CORE actively works with the DC community, including the advocacy community, to get feedback on their analyses and to integrate their lived experience into the results. Once released, advocacy groups at times hold press conferences to call attention to improvements needed to proposed bills as a result of REIAs. And most councilmembers and staff wait for the REIA release and have responded to that release by starting conversations, making amendments, and adding revisions to bills. An early conclusion, at least at this stage, is that absent a formal legislative requirement such as increasing the vote threshold for bills that unfavorably affect racial equity, transparency, continuous communication and consultation, and a strong advocacy community are important components to DC's impactful strategy. In some cases, these efforts end up in changes that are worked out between CORE and the committees before a bill is voted on.

Cited resources. CORE offers a toolkit to help staff members incorporate racial equity into legislative development, and the REIA accounts for whether this tool was used. CORE cites several sources that were adapted to create this tool, including GARE's 2016 piece *Racial Equity Toolkit: An Opportunity to Operationalize Equity* (Nelson and Brooks, n.d.). Other sources include the City of Madison, Wisconsin's Racial Equity and Social Justice Fast Track Tool (2018), the Montgomery County Council Office of Legislative Oversight's RESJ Legislative Review Tool, and Seattle's Racial Equity Toolkit to Assess Policies, Initiatives, Programs, and Budget Issues.

Minneapolis Racial Equity Impact Analysis

Establishment. In 2017, Minneapolis established the Division of Race & Equity, Racial Equity Steering Committee, and Racial Equity Community Advisory Committee and began putting together and gathering feedback for the Strategic and Racial Equity Action Plan (SREAP), which was completed in 2019 (Minneapolis Division of Race and Equity, n.d.). The SREAP documented key priorities for the city through 2022 and led to the creation of the city's REIA process.

Legislative process context. A REIA is required when a councilmember brings a request for council action before a city council committee for new ordinances or ordinance updates, charter amendments, and new citywide enterprise policies and policy updates. REIAs must be completed by the party requesting council action, such as the elected official's staffers. All appointed advisory boards and commissions are also required to complete a REIA when making policy recommendations to decisionmakers. REIA results are not binding on the outcome of legislation, nor do they trigger any special provisions. The Division of Race & Equity maintains an internal database of completed REIAs.

Assessment procedure. The Division of Race & Equity reminds requesters completing a REIA that it is a "process," not a checklist, summarized as follows:

1. Identify the outcome the action aims to achieve, and think about the desired outcome in the context of its impact on racial equity and whether that would change the proposal in any way.
2. Collect quantitative and qualitative data relevant to the policy area in question that provides insights on racial equity issues (i.e., disaggregated data).
3. Engage stakeholders using best practices in community engagement.
4. Analyze information from data and stakeholder engagement. Questions provided include the following:
 - » "Who would benefit? What do the data tell you about which communities might see their condition improve?"
 - » "What are possible unintended consequences of this action on BIPOC communities?"
 - » "Are there any community needs that this issue or decision would either meet or leave unaddressed?"
5. Think how you will measure whether you have succeeded. What will success look like?

As of this writing, given the lack of publicly available information on REIA results, it is unclear whether this process has affected the legislative process.

Cited resources. We could not find any cited resources for this process.

Iowa Racial Impact Statement

Establishment. Iowa was the first state to implement required racial impact statements in the context of the criminal justice system, though now, nine states have similar processes, many of them required as part of the legislative process, including Colorado, Connecticut, Florida, Oregon, Maine, Maryland, New Jersey, and Virginia.³³ Iowa's racial impact statement is known as a minority impact statement (MIS), which became law in 2008. The Legislative Services Agency (LSA) initially provided correctional impact statements as part of the state's fiscal note process in 1993. Building on that work, the LSA added MIS reports to the fiscal and correctional notes in 2008, which currently covers all legislation that creates a new public offense, changes an offense or penalty, or changes sentencing, parole, or probation procedures. "Minority persons" are defined as "women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans."³⁴

Legislative process context. The LSA is responsible for determining whether the legislation meets the requirements to trigger a minority impact statement and is responsible for compiling the MIS with support from the Criminal and Juvenile Justice Planning Division. The statements, in practice, are typically drafted after a bill moves out of committee and before debate on the floor begins, but legislators may request them at any point in the legislative process. MIS results are not binding on the outcome of legislation, nor do they trigger any special provisions, but they are made publicly available after voting is complete.

Assessment procedure. It is less clear from public materials how Iowa's LSA conducts the MIS analysis, and information on specific procedures is not publicly available. We plan to interview key actors as part of future work to provide more information in this regard. Researchers at the Community Empowerment Law Project at the University of Iowa College of Law studying the process also found that LSA minority impact statements were brief, had no standard methodology or definition of their outcomes categories, and were short, typically only a few sentences in recent years. In addition, a large portion of bills were identified as "could not be determined," undermining the purpose of the MIS.

Regarding impact, CELP identified 176 criminal justice bills that qualified for a minority impact statement between 2009 and 2019 and found six outcomes: negative (41), could not be determined (52), no MIS attached (19), minimal impact (18), no effect (23), and positive impact (11). The study found that among the proposed legislation studies, the largest passage rates were for "positive" (36 percent),

“minimal” (33 percent), and “could not be determined” (31 percent) scores, and the lowest rates were for “no MIS attached” (16 percent), “negative” (22 percent), and “no effect” (26 percent) (Gahn, Porter, and Dopp 2020). The group recommended that minority impact statements be more comprehensive, have a standard and well-defined methodology, be publicly available and completed earlier in the process, and trigger some requirement in the legislative process as a result, such as preventing the passage of bills with a “negative” impact statement.

Cited resources. A 2007 Sentencing Project report that found that Iowa had the greatest racial disparity in prison populations among all states was heavily cited by policymakers during the creation of the MIS bill.³⁵ Iowa’s senior legislative analyst has written that the LSA consulted The Sentencing Project after the bill was passed to help with implementation and consulted with the National Conference of State Legislatures and the National Association of Sentencing Commissions.

Montgomery County, Maryland, Racial Equity and Social Justice Legislative Review Tool

Establishment. In 2019, Montgomery County passed the Racial Equity and Social Justice Act (Bill 27-19), which legislated the establishment of a racial equity and social justice (RESJ) impact assessment tool. The act requires that policymakers examine a bill’s impact on diverse stakeholders, particularly communities of color and low-income residents, and provide these stakeholders an opportunity to relay feedback on the bill’s equity and justice implications. Beyond assessment, the tool facilitates the identification of strategies for addressing unintended consequences that exacerbate racial and social inequities.

Legislative process context. An RESJ assessment must be completed for every bill introduced for county council consideration after August 1, 2020. An RESJ must be done no later than 7 days before the public hearing on each bill introduced by the council president at the request of the county executive and no more than 21 days after a bill sponsored by a councilmember is introduced. RESJ assessments are carried out by the county’s Office of Legislative Oversight.

Assessment procedure. The Racial Equity and Social Justice Act lays out requirements for RESJ assessments. Each assessment must include

1. the sources of information, assumptions, and methodologies used;

2. an estimate of both positive and negative changes in racial equity and social justice equity in the county as a result of the implementation of the bill;
3. recommended amendments that may promote racial equity and social justice equity; and
4. if a bill is likely to have no racial equity or social justice equity impact, why that is the case.

The county lists best practices for councilmembers going through the RESJ process, including

- having a stakeholder be a scribe to document responses and
- having another stakeholder be the facilitator to walk the group through this tool, or the scribe can assume this role.

The RESJ tool offers guidance to policymakers through four procedures or thought areas for finishing an assessment. First is preparation, which starts with identifying contacts for filling out the tool and asking if representative voices for racial, ethnic, and social groups affected by the bill are involved.

The second and third procedures ask the “what” and “who” questions. “What” questions include asking what inequities shape the outcomes or opportunities associated with the bill and what data are available for analysis. The “who” questions include asking which groups are affected by the proposed legislation, including which would benefit and which would be burdened.

The RESJ tool’s final procedure walks through addressing adverse impacts if the legislation is likely to create unintended consequences. If adverse impacts are anticipated, it is up to the bill sponsor to revise the legislation before the bill is introduced. The tool offers the following questions for revision strategy:

- Is the recommended strategy for enhancing the bill realistic and adequately resourced?
- Who will be accountable for implementing the recommended strategy?
- How will the impacts of the recommended strategy on racial and social equity be documented and evaluated? What will be the success indicators and progress benchmarks?
- How will those affected by the bill be informed of progress and impacts over time?

Based on our research, we believe RESJ analysis results are not binding on the outcome of legislation, nor do they likely trigger any special legislative provisions. Though the county makes the reports publicly available, we could not locate any information on the impact of the reports on bill passage or correction rates. There appear not to be any clear scoring categories, though each report has

similar language such as “favorable,” “widen,” “impact is minimal,” and “unfavorable” in the impact summary statement. But in our research, we found some reports with both favorable and unfavorable impacts, indicating a desire to capture the nuances of the different impacts of the proposed legislation.

Notes

- ¹ Michael McAfee, Josh Kirschenbaum, Ashleigh Gardere, Tracey Ross, Shaibya Dalal, Vanice Dunn, Sarah Treuhaft, and Chione Flegal, *For Love of Country: A Path for the Federal Government to Advance Racial Equity* (Oakland, CA: PolicyLink, 2021), 11.
- ² “Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government,” White House, January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.
- ³ *Ensuring an Equitable Pandemic Response and Recovery*, 86 Fed. Reg. 7193 (January 26, 2021); and Sam Mintz, “DOT Halts Texas Highway Project in Test of Biden’s Promises on Race,” *Politico*, April 1, 2021, <https://www.politico.com/news/2021/04/01/dot-texas-highway-equity-478864>.
- ⁴ Phillip L. Swagel, “Analyzing How the Effects of Federal Policies May Differ by Race and Ethnicity,” letter to John Yarmuth, chair of the House Budget Committee, May 6, 2022, <https://www.cbo.gov/system/files/2022-05/58030-Yarmuth.pdf>.
- ⁵ The Congressional Budget Act of 1974 requires CBO to provide cost estimates after a committee orders legislation to be reported for full consideration by the House or Senate. See CBO (2018) and *Congressional Budget and Impoundment Control Act of 1974*, Pub. L. No. 93-344, 88 Stat. 297 (1974).
- ⁶ Social and Economic Equity Promotion Act, H.R. 2078, 117th Cong. (2021); and Office of Senator Elizabeth Warren, “Warren, Bennet, Khanna, Phillips to Introduce the CBO FAIR Scoring Act,” press release, August 11, 2021, <https://www.warren.senate.gov/newsroom/press-releases/warren-bennet-khanna-phillips-to-introduce-the-cbo-fair-scoring-act>.
- ⁷ Phillip L. Swagel, “Characteristics of People Receiving Regular Unemployment Benefits in July 2020,” letter to Richard Neal, chair of the House Ways and Means Committee, July 1, 2020, <https://www.cbo.gov/system/files/2020-07/56447-CBO-UI-letter.pdf>.
- ⁸ Steven Brown, Graham MacDonald, and Claire Bowen, “How the Federal Government Can Use Data to Make the Most of the Executive Order on Racial Equity,” *Urban Wire* (blog), Urban Institute, January 29, 2021, <https://www.urban.org/urban-wire/how-federal-government-can-use-data-make-most-executive-order-racial-equity>.
- ⁹ “The Equity Manifesto,” PolicyLink, accessed September 17, 2021, <https://www.policylink.org/about-us/equity-manifesto>.
- ¹⁰ “What Is Racial Equity,” Race Forward, accessed September 17, 2021, <https://www.raceforward.org/about/what-is-racial-equity>.
- ¹¹ “Why Working for Racial Equity Benefits Everyone,” Government Alliance on Race and Equity, accessed September 17, 2021, <https://www.racialequityalliance.org/about/our-approach/benefits/>.
- ¹² Angela Glover Blackwell, “The Curb-Cut Effect,” *Stanford Social Innovation Review*, Winter 2017, https://ssir.org/articles/entry/the_curb_cut_effect.
- ¹³ “Executive Order on Advancing Racial Equity,” White House.
- ¹⁴ “Why Am I Always Being Researched?” Chicago Beyond, accessed September 17, 2021, <https://chicagobeyond.org/researchequity/>.
- ¹⁵ Glover Blackwell, “The Curb-Cut Effect.”

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- ¹⁶ Ann P. Bartel, Soohyun Kim, Jaehyun Nam, Maya Rossin-Slater, Christopher Ruhm, and Jane Waldfogel, “Racial and Ethnic Disparities in Access to and Use of Paid Family and Medical Leave: Evidence from Four Nationally Representative Datasets,” Bureau of Labor Statistics, accessed October 11, 2021, <https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-and-medical-leave.htm>.
- ¹⁷ [Congressional Budget and Impoundment Control Act of 1974](#), Pub. L. No. 93-344, 88 Stat. 297 (1974).
- ¹⁸ See “About CBO: History,” Congressional Budget Office, accessed March 8, 2022, <https://www.cbo.gov/about/history>.
- ¹⁹ “Products,” Congressional Budget Office, accessed September 15, 2021, <https://www.cbo.gov/about/products>.
- ²⁰ Ezra Klein, “The Number-Cruncher-in-Chief,” *The American Prospect*, December 11, 2008, <https://prospect.org/features/number-cruncher-in-chief/>.
- ²¹ “Why Are the Bush Tax Cuts Expiring?” Tax Foundation blog, May 26, 2010, <https://taxfoundation.org/why-are-bush-tax-cuts-expiring/>.
- ²² See CBO (2010, 111–15); and Charles Krauthammer, “Obama Will Settle for Less on Health Care,” *Washington Post*, July 31, 2009, <https://www.washingtonpost.com/wp-dyn/content/article/2009/07/30/AR2009073002819.html>.
- ²³ See Richard Sorian, “Budget Reconciliation: A Powerful Tool To Set Bipartisan (Seriously!) Health Policy,” *Health Affairs*, February 8, 2021, <https://www.healthaffairs.org/doi/10.1377/forefront.20210202.401797/full/>.
- ²⁴ Historical data on CBO activities pursuant to UMRA can be found at “CBO’s Activities under the Unfunded Mandates Reform Act,” Congressional Budget Office, accessed March 8, 2022, <https://www.cbo.gov/publication/51335>.
- ²⁵ Social and Economic Equity Promotion Act, H.R. 2078, 117th Cong. (2021).
- ²⁶ FAIR Scoring Act, H.R. 5018, 117th Cong. (2021); and FAIR Scoring Act, S. 2723, 117th Cong. (2021).
- ²⁷ See Andre M. Perry and Darrick Hamilton, “Just as We Score Policies’ Budget Impact, We Should Score for Racial Equity as Well,” *The Avenue* (blog), Brookings Institution, January 25, 2021, <https://www.brookings.edu/blog/the-avenue/2021/01/25/just-as-we-score-policies-budget-impact-we-should-score-for-racial-equity-as-well/>; and the website for the DC Council Office of Racial Equity at <https://www.dcraciaequity.org/>.
- ²⁸ We welcome feedback and input to ensure we account for unmentioned examples in the future.
- ²⁹ Ally Schweitzer, “The D.C. Council Just Advanced an Updated Comprehensive Plan. Here’s What’s in It,” DCist, May 4, 2021, <https://dcist.com/story/21/05/04/the-dc-council-just-advanced-an-updated-comprehensive-plan/>; and Martin Austermuhle, “Update: D.C. Council Votes to Ban Sales of Flavored Tobacco, but Exempts Hookah Bars,” DCist, last updated June 29, 2021, <https://dcist.com/story/21/06/16/dc-council-ban-sales-flavored-tobacco-exempts-hookah-bars/>.
- ³⁰ “Racial Equity Impact Assessments,” DC Council Office of Racial Equity, accessed September 17, 2021, <https://www.dcraciaequity.org/racial-equity-impact-assessments>.
- ³¹ This system was introduced as this report was being finalized and moves CORE toward a focus on symptoms versus structures. For more information on this new approach, see “Symptoms and Structures: Reimagining Racial Equity Impact Assessments,” *Getting to the CORE* (blog), DC Council Office of Racial Equity, January 3, 2022, <https://www.dcraciaequity.org/blog-symptoms-structures>.

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- ³² Schweitzer, “The D.C. Council Just Advanced an Updated Comprehensive Plan”; and Austeruhle, “Update: D.C. Council Votes to Ban Sales of Flavored Tobacco.”
- ³³ Nicole D. Porter, “Racial Impact Statements,” The Sentencing Project, June 16, 2021, <https://www.sentencingproject.org/publications/racial-impact-statements/>.
- ³⁴ Holly Lyons, Beth Lenstra, and Jennifer Acton, “Correctional and Minority Impact Statements,” memorandum to members of the Iowa General Assembly, April 29, 2013, <https://www.legis.iowa.gov/DOCS/IsaReports/FiscalLunchLearn/MinorityImpactStatementPresentation.pdf>.
- ³⁵ Holly Lyons, Beth Lenstra, and Jennifer Acton, “Correctional and Minority Impact Statements,” letter to members of the general assembly, April 29, 2013, <https://www.legis.iowa.gov/DOCS/IsaReports/FiscalLunchLearn/MinorityImpactStatementPresentation.pdf>.

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Matthew Rogers is director of strategy in the executive office at the Urban Institute. He works with Urban executive leadership to identify and execute on institutional priorities and works with research and policy experts to build bodies of work in multiple policy areas. He has helped manage Urban initiatives, including work informing presidential elections, the US Partnership on Mobility from Poverty, and Urban's Next50. Previously, Rogers was deputy political director at ActBlue, a political nonprofit. A graduate of Brandeis University, he has a master's degree in public policy from Georgetown University's McCourt School of Public Policy. Rogers is a member of the board of directors of ActBlue Charities, which democratizes and facilitates giving to charitable organizations.

Michael McAfee is president and CEO of PolicyLink. He secured Promise Neighborhoods as a permanent federal program, led efforts to improve outcomes for more than 300,000 children, and facilitated the investment of billions of dollars in neighborhoods of concentrated poverty. He leads a growing body of corporate racial equity work, including the first comprehensive tool to guide private-sector companies in assessing and promoting equity in every aspect of their company's value chain. Before joining PolicyLink, McAfee served as senior community planning and development representative in the Chicago Regional Office of the US Department of Housing and Urban Development, and director of community leadership for the Greater Kansas City Community Foundation and Affiliated Trusts. He earned his EdD in human and organizational learning from the George Washington University and completed Harvard University's Executive Program in Public Management.

Josh Kirschenbaum is chief operating officer at PolicyLink and one of the original PolicyLink staff members. He has worked across the programmatic, communications, and operations teams, which allows him to bring comprehensive organizational knowledge to bear on supporting diverse alliances of internal and external teams to deliver on the promise of equity. Kirschenbaum's broad understanding of PolicyLink programs, funding, and partners enables him to design and launch new initiatives, drive organizational strategy, and chart the future of PolicyLink. Before joining PolicyLink, he was the director of special projects at the University of California, Berkeley, Institute of Urban and Regional Development, where he managed a defense conversion research program and fostered partnerships between the university and the City of Oakland to strengthen and revitalize low-income neighborhoods. He holds a BA from Brown University and an MS in city and regional planning from the University of California, Berkeley.

Tracey Ross is a director at Frontline Solutions, helping clients with strategic planning, program design, and implementation. Before joining Frontline, she was director of federal policy and narrative change at PolicyLink, advancing the organization's federal agenda. Before joining PolicyLink, Ross worked at the Center for American Progress focused on urban poverty and environmental justice, and at Living Cities on place-based efforts to address inequality. She began her career in the offices of former US Senator Hillary Rodham Clinton (D-NY) and former US Senator Ken Salazar (D-CO). Ross received a BA in political science and anthropology from the University of California, Berkeley, and completed her master's in public affairs with a focus on urban policy and planning at Princeton University.

Ashleigh Gardere is executive vice president at PolicyLink. She manages programs and strategy to deliver a higher level of leadership and partnership across the broader equity ecosystem, activating common and uncommon partners to realize a shared national equity agenda. Formerly, Gardere served as executive vice president and chief operating officer at the New Orleans Business Alliance, the city's economic development agency, and has been recognized by Living Cities as one of the nation's "Top 25 Disruptive Leaders" working to close racial opportunity gaps. She is an expert in economic and workforce development, organizational leadership and culture change, and large-scale systems transformation. Gardere holds a bachelor's degree in urban studies from New York University and a master's degree in public policy from the Harvard Kennedy School.

Sarah Treuhaft is vice president of research at PolicyLink, leading the organization's work to produce original research and data and policy tools (e.g., the National Equity Atlas and the Bay Area Equity Atlas) that support grassroots partners, boost local campaigns, and advance transformative policy wins nationally. Treuhaft built and now oversees the National Equity Atlas partnership with USC Dornsife Equity Research Institute. She holds master's degrees in city planning and international and area studies from the University of California, Berkeley, and is a part of the University of California, Los Angeles, Housing Justice in Unequal Cities Network.

STATEMENT OF INDEPENDENCE

The Urban Institute strives to meet the highest standards of integrity and quality in its research and analyses and in the evidence-based policy recommendations offered by its researchers and experts. We believe that operating consistent with the values of independence, rigor, and transparency is essential to maintaining those standards. As an organization, the Urban Institute does not take positions on issues, but it does empower and support its experts in sharing their own evidence-based views and policy recommendations that have been shaped by scholarship. Funders do not determine our research findings or the insights and recommendations of our experts. Urban scholars and experts are expected to be objective and follow the evidence wherever it may lead.



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