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### **Making America A Better Place for All: Sustainable Development Recommendations for the Biden Administration**

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2021

## Making America A Better Place for All: Sustainable Development Recommendations for the Biden Administration

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# MAKING AMERICA A BETTER PLACE FOR ALL: SUSTAINABLE DEVELOPMENT RECOMMENDATIONS FOR THE BIDEN ADMINISTRATION

edited by John C. Dernbach and Scott E. Schang

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## SUMMARY

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In 2015, the United Nations Member States, including the United States, unanimously approved 17 Sustainable Development Goals (SDGs) to be achieved by 2030. The SDGs are nonbinding; each nation is to implement them based on its own priorities and circumstances. This Article argues that the SDGs are a critical normative framework the United States should use to improve human quality of life, freedom, and opportunity by integrating economic and social development with environmental protection. It collects the recommendations of 22 experts on steps that the Biden-Harris Administration should take now to advance each of the SDGs. It is part of a book project that will recommend not only federal actions, but also actions by state and local governments, the private sector, and civil society. In the face of multiple challenges and opportunities, this Article is intended to contribute to a robust public discussion about how to accelerate the transition to a sustainable society and make America a better place for all.

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In 2015, the United Nations Member States, including the United States, unanimously approved the 2030 Agenda for Sustainable Development, which at its core includes 17 Sustainable Development Goals (SDGs) to be achieved by 2030.<sup>1</sup> The United States took an active role in developing these goals and endorsing them.<sup>2</sup> The goals aim to integrate government, private-sector, and civil society strategies across areas such as poverty, hunger, infrastructure, education, gender and racial equity, and environmental degradation for the purpose of achieving sustainable development. Each of the goals is accompanied by a set of more discrete targets as well as metrics or indicators for

measuring progress.<sup>3</sup> They thus provide a clear lens for all countries, whether developing or developed, to identify, prioritize, measure, and report on concrete targets and indicators on making progress toward sustainability.

The United States faces significant headwinds with economic and racial inequality, spikes in hunger and poverty, political polarization, and declines in infrastructure reliability and environmental protection. In this context, the SDGs provide an important framework for measuring current U.S. progress, lack of progress, or backsliding toward sustainability. While the COVID-19 pandemic is an enormous setback for public health, economic development, and other SDGs, the SDGs also provide a framework for recovery, including inclusive growth, a strengthened public health system, and clean energy.<sup>4</sup>

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1. Transforming Our World: The 2030 Agenda for Sustainable Development, G.A. Res. 70/1, U.N. GAOR, 70th Sess., U.N. Doc. A/RES/70/1 (2015), [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf). See also United Nations Department of Economic and Social Affairs, *The 17 Goals*, <https://sdgs.un.org/goals> (last visited Feb. 14, 2021).
  2. Anthony F. Pipa & Kaysie Brown, *American Leadership on the Sustainable Development Goals*, BROOKINGS, Oct. 14, 2019, <https://www.brookings.edu/blog/up-front/2019/10/14/american-leadership-on-the-sustainable-development-goals/>.

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3. This Article's authors frequently refer to targets and indicators in their discussion of specific SDGs.
  4. See generally UNITED NATIONS, *THE SUSTAINABLE DEVELOPMENT GOALS REPORT 2020* (2020), <https://unstats.un.org/sdgs/report/2020/The-Sustainable-Development-Goals-Report-2020.pdf> (most recent United Nations report on SDGs).

This Article collects the recommendations of experts across the 17 different categories on steps that the Joseph Biden-Kamala Harris Administration should take now to advance the SDGs. The Administration's four priority areas are COVID-19, economic recovery, racial equity, and climate change, which it understands as interrelated. Similarly, sustainable development is a normative framework for improving human quality of life, freedom, and opportunity by integrating economic and social development with environmental protection.<sup>5</sup> This interrelationship is nicely captured by economist Kate Raworth, who describes sustainable development as “human prosperity in a flourishing web of life.”<sup>6</sup> By contrast, the economic, social, environmental, and security aspects of sustainable development are traditionally siloed. The SDGs thus provide relevant insights and guides for the new Administration on its agenda.<sup>7</sup>

Each author was asked to identify key recommendations on steps the Biden Administration can take to accelerate sustainable development, with a focus on the SDG for which they were responsible. They were asked to identify plausibly achievable changes at the federal level, given a closely divided federal government, that would have the highest impact on accelerating U.S. progress toward achievement of the SDG by 2030.

For the past four years, there has been no visible national U.S. commitment to the SDGs. But the SDGs matter, or should matter, to this country. They provide a set of actions that, if successfully undertaken, would improve human quality of life and opportunity—for current and future generations. They would strengthen our economy, improve our national security, provide more and better opportunities for all citizens, and better protect the environment on which we all depend. Importantly, they also give citizens a set of goals and metrics by which to judge national prog-

ress toward, or backsliding from, key social, economic, and environmental outcomes. By rejoining the international effort to implement the SDGs, the United States would also encourage greater progress in other countries.

This Article is a precursor to a book project with the same contributing authors.<sup>8</sup> The purpose of the book is to help accelerate progress toward sustainability in the United States by focusing on the SDGs. The book will use them to measure U.S. progress toward sustainability, and to propose approaches for more rapid achievement of sustainability goals by providing actionable recommendations to public and private policymakers. It is expected to be published in 2022 to mark the 30th anniversary of the United Nations Conference on Environment and Development, or Earth Summit.

The Article begins with an overall assessment of what is needed under the SDGs, followed by a brief analysis with key recommendations for each of the 17 SDGs. Several themes stand out in this Goal-by-Goal discussion. First, there is a striking parallel between the SDGs and the Biden-Harris agenda. While they are not identical, the focus of the authors on COVID-19, racial inequality, climate change, and economic development—the Biden-Harris Administration's stated priorities<sup>9</sup>—has a strong foundation in the SDGs themselves.

Second, while there is considerable overlap between the recommendations contained in this Article and the Biden-Harris priorities, the recommendations here reflect a wide range of actions required for sustainable development. These include, but are not limited to, reengaging with the SDGs themselves in this country and internationally; combatting growing wage, wealth, and racial inequality; addressing water equity; improving access to broadband; supporting sustainable communities; and, as explained below, much more. The SDGs themselves provide a broad agenda for improving human quality of life and opportunity for everyone, and that does not change from administration to administration. They provide a platform for acting, measuring, and reporting across administrations and across parties.

Third, the social dimension of sustainable development gets considerable attention, in no small part because a significant fraction of the SDGs themselves are primarily social in nature. But there is nothing inappropriate about this; the twin problems that led to the 1992 Rio Summit were widespread environmental degradation and large-scale extreme poverty.<sup>10</sup> Indeed, among lawyers who practice in the sustainability area, particularly but not exclusively

5. JOHN C. DERNBACH ET AL., *ACTING AS IF TOMORROW MATTERS: ACCELERATING THE TRANSITION TO SUSTAINABILITY* 3-7 (Env't. L. Inst. 2012) (explaining sustainable development). Although not given as much attention in the sustainable development context, the economic, social, and environmental components of sustainable development all rest on a foundation of national security. See Sanford E. Gaines, *Sustainable Development and National Security*, 30 WM. & MARY ENV'T L. & POL'Y REV. 321 (2006). President Biden signed an Executive Order on January 27 recognizing climate change as, among other things, a threat to national security. Tackling the Climate Crisis at Home and Abroad, Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 1, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/> (last visited Feb. 14, 2021).

6. KATE RAWORTH, *DOUGHNUT ECONOMICS: SEVEN WAYS TO THINK LIKE A 21ST CENTURY ECONOMIST* (2017).

7. As this Article goes to press, the Administration is already carrying out many of the recommendations in this Article, such as rejoining the Paris Agreement and directing that regulatory review processes be revamped to “promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.” See Statement, The White House, Paris Climate Agreement (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/>; Memorandum from President Biden to the Heads of Executive Departments and Agencies, Modernizing Regulatory Review (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>. The Article includes these recommendations anyway to give readers a complete sense of what the authors believe is most needed to achieve the SDGs.

8. It is part of an ongoing review of U.S. progress toward sustainability that began in 1997, five years after the 1992 Rio Summit. John Dernbach & the Widener University Law School Seminar on Law and Sustainability, *U.S. Adherence to Its Agenda 21 Commitments: A Five-Year Review*, 27 ELR 10504 (Oct. 1997); *STUMBLING TOWARD SUSTAINABILITY* (John C. Dernbach ed., 2002); *AGENDA FOR A SUSTAINABLE AMERICA* (John C. Dernbach ed., 2009); DERNBACH ET AL., *supra* note 5.

9. The White House, *The Biden-Harris Administration Immediate Priorities*, <https://www.whitehouse.gov/priorities/> (last visited Feb. 14, 2021).

10. WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, *OUR COMMON FUTURE* (1987).

those with international practices, the social dimension is gaining more and more attention. In addition, there is growing recognition of the importance of environmental justice and climate justice. The authors' collective emphasis on COVID-19 and inequality, including inequality in the distribution of climate change impacts, as well as other social issues, simply reflects the importance of sustainability's social dimension.

Fourth, the authors make clear that the SDGs, taken as a whole, reinforce one another. The authors' recommendations highlight the extensive overlap among SDGs, particularly in areas of climate change, racial and economic equity, gender, poverty, health, and infrastructure. Accomplishment of one goal can also further other goals. What that means, in a time of limited public and private resources, is that use of the sustainable development framework can result in greater economic, social, environmental, and security benefits. The use of the SDGs as a lens can help policymakers identify overlap and underlap in federal and state governments' responses to issues. The SDGs, in other words, are not just additional nice thoughts; they are more essential than ever.

## Overview

by Tony Pipa

*Tony Pipa is a Senior Fellow at the Center for Sustainable Development at the Brookings Institution.*

Making a serious U.S. commitment to the SDGs will provide the Biden Administration a comprehensive framework to tie together the interdependent dimensions of its "build back better" agenda and enable greater U.S. federal leadership to accelerate progress on sustainable development.

The Administration has made clear its intention to take on multiple crises at once: putting an end to the COVID-19 pandemic and addressing its human and economic toll; reversing the legacy of systemic racism and injustice; taking ambitious action on climate change; and modernizing the country's degrading infrastructure while creating jobs.<sup>11</sup> The SDGs offer a common rationale, language, and discipline of development that can help focus its policies and partnerships on the root causes underlying these challenges.

While the SDGs provide a relevant policy framework for the Biden Administration's domestic priorities, they also provide an entry point for renewed U.S. engagement on the global stage. The United States is the only Organisation for Economic Co-operation and Development (OECD) and Group of Twenty (G-20) country that has not presented an SDG review at the United Nations. As the new Administration seeks to rebuild its international standing, a demonstration that it takes the SDGs seriously as a barometer of U.S. progress offers one path to restoring its credibility. The SDGs can help the United States

inject a dose of humility into its renewed embrace of global cooperation, acknowledging the work it has to do at home on issues ranging from strengthening its democratic institutions to reversing its ever-widening inequality. They provide one way to rebuild trust while affirming U.S. commitment to sustainable development.

Actions that the Administration can take within its first year include:

- **Commit to presenting a voluntary national review (VNR) in July 2022 that assesses U.S. progress on the SDGs at the United Nations.** In preparation, the Administration should apply SDG targets, metrics, and branding as it frames and measures its progress on its domestic priorities. This would include regular updates to the public dashboard available at <https://sdg.data.gov/>, disaggregating data according to race, sex, income levels, and other key demographic dimensions to incentivize policymaking that targets the most vulnerable and marginalized. By hosting a series of regional summits with local and state leaders, businesses, civil society, and citizens as it prepares its report, the United States could benefit from the innovations that American leadership have already produced and add to the momentum already underway at multiple levels of government and society.
- **Issue an Executive Order that establishes a Cabinet-level interagency committee, co-chaired by the national security advisor and the head of the Domestic Policy Council, to meet regularly to focus U.S. policy and resources on key gaps and opportunities.** This will enable improved processes and capacity within the U.S. government to maximize its capabilities, and establish a strong link between its domestic policy priorities and its leadership abroad.
- **Use the SDGs as its policy framework to guide investments in global development made through the U.S. Agency for International Development (USAID), the Millennium Challenge Corporation, and the U.S. International Development Finance Corporation.** The SDGs should also be used to engage in multilateral processes to identify gaps and opportunities, address global financing and policy issues, and create innovations and partnerships to accelerate global SDG progress. A serious commitment to the SDGs at home will provide credibility to this agenda, and help the United States reestablish its global position quickly and with some authority.

11. The White House, *supra* note 9.

## Goal 1: End Poverty in All Its Forms Everywhere

by Audra Wilson and John Bouman

*Audra Wilson is President and Chief Executive Officer at the Shriver Center on Poverty Law. John Bouman is Director of Legal Action Chicago.*

Goal 1 seeks to eradicate extreme poverty and cut by at least one-half the number of people living in poverty by 2030. It also calls for a policy environment that gives equal rights to economic resources and access to basic services.<sup>12</sup>

The United States is moving backwards with regard to this goal: nearly eight million people fell into poverty in the United States between June and November 2020.<sup>13</sup> The United States also fails to embrace the target's focus on ensuring progress for "all people everywhere." The salient feature of American poverty continues to be race; in November 2020, the poverty rate for Blacks was an alarming 21.3%, double the 10.1% rate for whites.<sup>14</sup>

The official poverty rate is useful as a point of reference, but it is an inadequate measure of need.<sup>15</sup> It does not measure many of the factors relevant to quality of life and chances for upward mobility, such as education level<sup>16</sup> or access to health care.<sup>17</sup> People experience poverty's effects in every area of life. Policies to address poverty can and should involve many factors beyond monthly income.

The Biden Administration can take several actions quickly to address poverty that not only address Goal 1, but also Goals 2 (zero hunger), 3 (good health and well-being), 4 (quality education), 5 (gender equality), 8 (decent work and economic growth), 10 (reduced inequalities), and 16 (peace, justice, and strong institutions):

- **Enhance civil rights and racial equity.** Because poverty is tied so closely to inequity, the new Administration should instruct all executive branch agencies and the U.S. Department of Justice (DOJ) to aggressively enforce the civil rights laws involving all protected groups. It should also restore the Deferred Action for Childhood Arrivals (DACA) program, which provides protected immigration status for undocumented noncitizens brought to the country as children, including considering all DACA persons as "legally

present," and thus eligible, for COVID-19, safety net, work support, and education programs.

- **Increase household income.** To address the immediate impact of the pandemic, additional stimulus should provide substantial support to state and local governments, which provide most poverty relief. The Administration should support enactment of a universal national \$15 minimum wage, and immediately make this a requirement for all federally funded employment by Executive Order. The Administration can also increase food assistance under the Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps) by 15%. The temporary measures adopted to deal with COVID-19 should form the basis for permanent requirements to provide workers with paid sick leave, increased Earned Income Tax Credit, expanded unemployment compensation, and basic income maintenance for everyone.
- **Increase health care access.** Health and access to health care are keys to quality of life and upward mobility for people in poverty. The Biden Administration should immediately extend the public health emergency declaration<sup>18</sup>; reverse the Donald Trump Administration's position in the *California v. Texas*<sup>19</sup> litigation (Affordable Care Act (ACA) challenge); and open the health insurance marketplaces at any time for anyone whose need for health insurance is caused by the pandemic. It is also vital to ensure racial equity in testing, treatment, and vaccination for COVID-19 and to expand Medicaid eligibility rules to cover more prenatal, birthing, and postpartum women and babies.
- **Ensure affordable, accessible housing.** There should be rental assistance for people who fell behind during the pandemic. Access to affordable and safe housing is another essential component of quality of life and upward mobility for people in poverty. It is vital to freeze and rescind Trump Administration actions eroding Fair Housing Act rights and remedies, including restoration of the "Affirmatively Furthering Fair Housing" rule.<sup>20</sup> The new Administration should confirm and formalize Barack Obama-era guidance

12. United Nations Department of Economic and Social Affairs, *Goal 1: End Poverty in All Its Forms Everywhere*, <https://sdgs.un.org/goals/goal1> (last visited Feb. 14, 2021).

13. JEEHOON HAN ET AL., REAL-TIME POVERTY ESTIMATES DURING THE COVID-19 PANDEMIC THROUGH NOVEMBER 2020 (2020), [https://harris.uchicago.edu/files/monthly\\_poverty\\_rates\\_updated\\_thru\\_november\\_2020\\_final.pdf](https://harris.uchicago.edu/files/monthly_poverty_rates_updated_thru_november_2020_final.pdf).

14. *Id.*

15. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, MEASURES OF MATERIAL HARDSHIP: FINAL REPORT (2004), <https://aspe.hhs.gov/system/files/pdf/73366/report.pdf>.

16. HAN ET AL., *supra* note 13.

17. NIHCM Foundation, *Systemic Racism & Health Care, COVID & Treatment*, <https://nihcm.org/publications/systemic-racism-health-care-covid-treatment> (last visited Feb. 14, 2021).

18. *See* Press Release, U.S. Department of Health and Human Services, Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus (Jan. 31, 2020), <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>.

19. No. 19-840 (U.S. June 25, 2020). On February 10, 2021, in a letter to the Court, the Biden Administration took this recommended step and reversed the federal government's position in the case so that it now favors the constitutionality of the Affordable Care Act. *See* Letter to Honorable Scott S. Harris, Clerk, U.S. Supreme Court, re: *California, et al. v. Texas, et al.*, No. 19-840, and *Texas, et al. v. California, et al.*, No. 19-1019 (Feb. 10, 2021), [https://www.supremecourt.gov/DocketPDF/19/19-840/168649/20210210151147983\\_19-840%2019-1019%20CA%20v%20TX.pdf](https://www.supremecourt.gov/DocketPDF/19/19-840/168649/20210210151147983_19-840%2019-1019%20CA%20v%20TX.pdf).

20. *See* Press Release, U.S. Department of Housing and Urban Development, Secretary Carson Terminates 2015 AFFH Rule (July 23, 2020), [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_20\\_109](https://www.hud.gov/press/press_releases_media_advisories/hud_no_20_109).

enhancing access to affordable housing by people with criminal records, and also appoint a task force to take action on environmental hazards affecting public and federally assisted housing across the country.<sup>21</sup>

- **Implement criminal justice reforms.** Criminal justice reform must center on reducing the number of people incarcerated, rooting out racial inequities in the system, and strengthening individuals to return to their communities with the resources and ability to thrive.

## Goal 2: Zero Hunger

by Claire Babineaux-Fontenot and Corey Malone-Smolla

*Claire Babineaux-Fontenot is Chief Executive Officer of Feeding America. Corey Malone-Smolla is a Policy Specialist at Feeding America.*

Goal 2 seeks to “end hunger, achieve food security and improved nutrition, and promote sustainable agriculture.”<sup>22</sup> Its targets include ending hunger and all forms of malnutrition by 2030, as well as increasing sustainable food production and resilient agricultural practices.

Ending hunger and improving food security in the United States are achievable goals, yet during this challenging time putting food on the table is harder than ever for millions of families. Before the pandemic, national food insecurity levels were the lowest they had been in 20 years, but still 37 million people were food-insecure.<sup>23</sup> Feeding America, the largest hunger-relief organization in the United States, estimated that as a result of the pandemic that number could rise above 50 million with one in six individuals food-insecure in 2020.<sup>24</sup> Despite best efforts by Feeding America and our member food banks, we have witnessed a dramatic and sustained 60% increase in need for food assistance—a meteoric rise that has strained our network’s capacity.<sup>25</sup>

The pandemic has highlighted what we already know: too many people, particularly people of color, face hunger in the United States. But this is a solvable problem, and our government can act now to end hunger. To do so and achieve the SDG of zero hunger by 2030, the most important steps the Biden Administration can take are to strengthen and invest in federal nutrition programs.

We recognize this challenge has been made harder by the pandemic, and we recommend the Administration address food security by taking swift action to:

- **Increase SNAP benefits to address increased need due to the pandemic and economic downturn.** SNAP is our country’s most important tool against hunger and has proven for decades to be critical to safeguarding food security for millions of households in need. In fact, for every meal the Feeding America network provides, SNAP provides nine.<sup>26</sup>
- **Ensure access to meals for children through continued administrative flexibility and robust implementation of Pandemic Electronic Benefit Transfer (P-EBT).** The P-EBT program allows eligible school children to receive nutrition benefits through electronic cards that allow food purchases.<sup>27</sup> Administrative flexibility allows for adjusting requirements in order to best serve children during a pandemic, such as permitting parents to pick up meals for their children and not requiring children to congregate in order to receive meals.
- **Increase federal funding for U.S. Department of Agriculture (USDA) food purchases to ensure food banks can continue to meet the increased demand for assistance.** Federal nutrition programs are our nation’s most effective response to food insecurity, lifting millions of people out of poverty each year. Charitable food assistance can provide additional help but not without a strong and effective federal response. If the charitable sector works hand-in-hand with strengthened federal food-assistance programs, we have the power to help fill empty plates across the nation.

## Goal 3: Good Health and Well-Being

by Alexandra Phelan

*Alexandra Phelan is an Assistant Professor at Georgetown University Medical Center and Adjunct Professor at Georgetown University Law Center.*

Goal 3 recognizes that sustainable development requires the government to ensure healthy lives and promote well-being across all ages and genders within the United States.<sup>28</sup> As of March 2021, the United States has the

21. See SHRIVER CENTER ON POVERTY LAW & EARTHJUSTICE, POISONOUS HOMES (2020), [https://www.povertylaw.org/wp-content/uploads/2020/06/environmental\\_justice\\_report\\_final-rev2.pdf](https://www.povertylaw.org/wp-content/uploads/2020/06/environmental_justice_report_final-rev2.pdf).

22. United Nations Department of Economic and Social Affairs, *Goal 2: End Hunger, Achieve Food Security and Improved Nutrition, and Promote Sustainable Agriculture*, <https://sdgs.un.org/goals/goal2> (last visited Feb. 14, 2021).

23. FEEDING AMERICA, THE IMPACT OF THE CORONAVIRUS ON FOOD INSECURITY (2020), [https://www.feedingamerica.org/sites/default/files/2020-04/Brief\\_Impact%20of%20Covid%20on%20Food%20Insecurity%204.22%20%28002%29.pdf](https://www.feedingamerica.org/sites/default/files/2020-04/Brief_Impact%20of%20Covid%20on%20Food%20Insecurity%204.22%20%28002%29.pdf).

24. *Id.*

25. Press Release, Feeding America, Feeding America Network Stays Resilient as COVID-19 Crisis Endures (Nov. 20, 2020), <https://www.feedingamerica.org/about-us/press-room/feeding-america-network-stays-resilient-covid-19-crisis-endures>.

26. Statement from Kate Leone, Chief Government Relations Officer, Feeding America Statement on House Introduction of HEROES Act (May 12, 2020), <https://www.feedingamerica.org/about-us/press-room/feeding-america-statement-house-introduction-heroes-act-1>.

27. See U.S. Department of Agriculture Food and Nutrition Service, *State Guidance on Coronavirus Pandemic EBT (P-EBT)*, <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt> (last updated Feb. 19, 2021).

28. United Nations Department of Economic and Social Affairs, *Goal 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages*, <https://sdgs.un.org/>



highest global case count and death toll from COVID-19, with over 30 million reported cases and more than 530,000 deaths.<sup>29</sup> COVID-19 has also accentuated other systemic health problems in the United States, particularly relating to access to health care and the impacts of racism on the health of historically marginalized and vulnerable populations.

One particular target of Goal 3, universal health coverage (UHC), is fundamental to the realization of good health and well-being. UHC comprises financial risk protection and access to quality essential health care, including essential medicines and vaccines to all, without discrimination.<sup>30</sup> The United States is the only member of the OECD without UHC, even though the United States spends more on health care per capita than any other high-income country.<sup>31</sup>

The United States has a complex health care system with multiple payers and multiple layers. This leaves significant gaps in access to health care without catastrophic financial risk protection given high health care costs. Only 34% of the U.S. population have access to Medicaid or Medicare government assistance.<sup>32</sup> Approximately 29 million Americans do not have any insurance, either through public programs or the private market, while 49% of Americans' insurance is tied to their employment.<sup>33</sup> In total, 65% of Americans are covered through the private insurance market.<sup>34</sup> Still, rising out-of-pocket costs despite insurance means that one-third of Americans are underinsured.<sup>35</sup>

The adoption of the ACA<sup>36</sup> in 2010 saw health coverage rates increase the most across Native American, Hispanic, and African-American populations.<sup>37</sup> However, significant disparities in access persist, with coverage gains stalling and even reversing after the Trump Administration introduced policy changes undermining the ACA.<sup>38</sup> In addition, the past four years have seen a national ramping-up

of efforts to restrict access to women's reproductive health care and rights.<sup>39</sup>

An active disregard of science and health justice, particularly in regard to gender and race, has permeated the past four years of policymaking. The impacts of this are evident not only in the disproportionate burden of COVID-19, but also in the climate crisis.<sup>40</sup>

To meet Goal 3, the Biden-Harris Administration should:

- **Implement UHC in the United States.** This must mean not simply insurance coverage, but available, financially accessible, acceptable, and quality health care, without discrimination or burdensome out-of-pocket costs. This must include reducing health care costs that contribute to underinsurance and removing coverage gaps by decoupling health care stability from employment. The Biden Administration should expand access to public insurance, and consider single-payer options, such as Medicare for All, particularly in light of COVID-19 and long-term chronic health impacts of the pandemic.
- **Reverse Trump Administration policies undermining access to health care that disproportionately impact racial minorities and women.** This includes withdrawing federal government support from ongoing litigation that would undermine the ACA and removing moral exemptions that reduce access to health care services. In addition, the Biden Administration should address racism as a public health crisis, including in maternal health care, and center gender and race perspectives in national health policymaking.
- **Rebuild the public health system.** The Biden Administration should take a national public health leadership role in response to the COVID-19 pandemic and the post-pandemic recovery. This includes using available laws and powers to properly address the current crisis, including implementing measures to interrupt ongoing transmission and coordinate a national vaccine rollout. This should also include a budget that appropriately finances state and territorial public health agencies, and recentering science and health justice in national policymaking.
- **Address health service gaps, particularly childhood vaccines, caused by COVID-19.** Many critical health services have been paused due to COVID-19, risking unwinding progress on Goal 3. The Biden Administration should act to rapidly redress these retreats, particularly on childhood vaccines.

goals/goal3 (last visited Feb. 14, 2021).

29. Centers for Disease Control and Prevention COVID Data Tracker, *United States COVID-19 Cases and Deaths by State*, [https://covid.cdc.gov/covid-data-tracker/#cases\\_casesper100klast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days) (last visited Mar. 22, 2021).

30. Lisa Forman et al., *What Do Core Obligations Under the Right to Health Bring to Universal Health Coverage?*, 18 HEALTH & HUM. RTS. 23 (2016); Helena Nygren-Krug, *The Right(s) Road to Universal Health Coverage*, 21 HEALTH & HUM. RTS. 215 (2019).

31. OECD, HEALTH AT A GLANCE 2019: OECD INDICATORS 104, 150 (2019).

32. Kaiser Family Foundation, *Health Insurance Coverage of the Total Population: Timeframe 2019*, <https://www.kff.org/other/state-indicator/total-population> (last visited Feb. 14, 2021).

33. *Id.*

34. EDWARD R. BERCHICK, U.S. CENSUS BUREAU, HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2018 (2019) (P60-267(RV)).

35. Andrew P. Wilper et al., *Health Insurance and Mortality in US Adults*, 99 AM. J. PUB. HEALTH 2289 (2009).

36. Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119 (codified as amended at 42 U.S.C. §18001).

37. Thomas C. Buchmueller, *Effect of the Affordable Care Act on Racial and Ethnic Disparities in Health Insurance Coverage*, 106 AM. J. PUB. HEALTH 1416, 1416-21 (2016).

38. SAMANTHA ARTIGA ET AL., KAISER FAMILY FOUNDATION, CHANGES IN HEALTH COVERAGE BY RACE AND ETHNICITY SINCE THE ACA, 2010-2018 (2020).

39. Patient Protection and Affordable Care Act; Exchange Program Integrity, 84 Fed. Reg. 71674 (Dec. 27, 2019) (to be codified at 45 C.F.R. pts. 155, 156).

40. Carly A. Phillips et al., *Compound Climate Risks in the COVID-19 Pandemic*, 10 NATURE CLIMATE CHANGE 586 (2020).

- **Commit to immediate climate mitigation and adaptation measures.** The direct and indirect impacts of climate change will increasingly and disproportionately affect historically marginalized and vulnerable populations in the United States, yet climate action for health has been actively undermined. In addition to recommitting to the Paris Agreement, the Biden Administration must mount nationwide climate mitigation and adaptation measures for health.

## Goal 4: Quality Education

by Mark Dorosin

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Goal 4 aims to ensure “inclusive and equitable quality education and promote lifelong learning opportunities for all.”<sup>41</sup> Its targets call for provision of early childhood development to all, as well as substantially increasing technical and vocational skills.

In pursuing an inclusive and equitable quality education, the Administration must overcome both the legacy of educational policies designed to intentionally undercut progress toward this goal and the adverse educational impacts of the COVID-19 pandemic, which have been disproportionately borne by low-wealth students and students of color, exacerbating already existing inequities. Given these challenges, the recommendations below are offered to establish priorities that will have the most substantial impact. While compromise may be politically necessary to pass new legislation, these proposals are offered to stake out the most forward-looking, principled positions. They also show the significant overlap between Goal 4 and Goals 5 (gender equality) and 10 (reduced inequalities).

- **Increase federal funding for traditional public schools.** There is no longer any serious question that additional financial resources are necessary to improve educational outcomes. While this has been primarily considered the responsibility of the states, the federal government can also direct Elementary and Secondary Education Act Title I<sup>42</sup> funds and other federal resources toward higher teacher salaries, increasing the teacher development pipeline, and providing support services including mental health counselors, school social workers, and nurses. These direct support services for students and families, especially in high-poverty schools, are vital to ensuring equitable access to educational opportunities.

41. United Nations Department of Economic and Social Affairs, *Goal 4: Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All*, <https://sdgs.un.org/goals/goal4> (last visited Feb. 14, 2021).

42. 20 U.S.C. §§6301 et seq.

- **Renew the federal government's commitment to eliminating racial segregation in schools.** Our public schools are nearly as segregated as they were 50 years ago.<sup>43</sup> Racially segregated and high-poverty schools often have less access to necessary educational resources, including highly effective teachers and administrators, rigorous curricular offerings, and technology and other infrastructure. Additionally, racially homogeneous schools deprive students of the diverse learning environments needed to develop critical thinking and social skills that create engaged and effective citizens.

First steps in addressing racial segregation in schools include setting diversity priorities in all federal education grants; strengthening and reinstating the 2011 School Integration Guidance<sup>44</sup>; prioritizing investigation and enforcement of race discrimination claims under Title VI of the Civil Rights Act by the Department of Education Office for Civil Rights<sup>45</sup>; expanding, annualizing, and publicizing the Civil Rights Data Collection,<sup>46</sup> in order to effectively monitor and address the scope and impact of school segregation and support the development of new policies or guidance to address the educational

43. See, e.g., RICHARD ROTHSTEIN, ECONOMIC POLICY INSTITUTE, FOR PUBLIC SCHOOLS, SEGREGATION THEN, SEGREGATION SINCE: EDUCATION AND THE UNFINISHED MARCH 13-15 (2013), <https://files.epi.org/2013/Unfinished-March-School-Segregation.pdf>; GARY ORFIELD ET AL., CIVIL RIGHTS PROJECT-UNIVERSITY OF CALIFORNIA, LOS ANGELES, BROWN AT 60: GREAT PROGRESS, A LONG RETREAT, AND AN UNCERTAIN FUTURE 9-12 (2014), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf>.

44. In 2011, the U.S. Departments of Justice and Education issued Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools. This formal guidance—since rescinded by the Trump Administration—expressly noted:

[W]here schools lack a diverse student body or are racially isolated (i.e., are composed overwhelmingly of students of one race), they may fail to provide the full panoply of benefits that K-12 schools can offer. The academic achievement of students at racially isolated schools often lags behind that of their peers at more diverse schools. Racially isolated schools often have fewer effective teachers, higher teacher turnover rates, less rigorous curricular resources (e.g., college preparatory courses), and inferior facilities and other educational resources. Reducing racial isolation in schools is also important because students who are not exposed to racial diversity in school often lack other opportunities to interact with students from different racial backgrounds.

U.S. DEPARTMENT OF JUSTICE & U.S. DEPARTMENT OF EDUCATION, GUIDANCE ON THE VOLUNTARY USE OF RACE TO ACHIEVE DIVERSITY AND AVOID RACIAL ISOLATION IN ELEMENTARY AND SECONDARY SCHOOLS 1 (2011), <https://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>.

45. 42 U.S.C. §§2000d et seq. Title VI, which prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive federal funds, was historically a critical tool in securing meaningful integration of public schools. *Id.* §§2000d-2000d-7.

46. The Civil Rights Data Collection (CRDC) is part of the Department of Education Office for Civil Rights, and it collects a broad range of student and education-related information, including enrollment, achievement and outcomes, and school discipline. Most significantly, the data are disaggregated by a range of metrics: race/ethnicity, sex, disability, and limited English proficiency. U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC)*, <https://www2.ed.gov/about/offices/list/ocr/data.html> (last modified Jan. 15, 2021).

impacts of racially segregated, high-poverty schools<sup>47</sup>; and issuing guidance to support integrated and inclusive learning.

- **Implement targeted programs to address COVID-19 impacts.** The pandemic exposed and further entrenched adverse educational inequities impacting students in racially isolated, high-poverty schools—most significantly, the lack of resources and technology needed to access virtual learning options. As schools develop and implement plans to resume in-person learning in the wake of anticipated and significant learning losses, the Administration must provide additional funding to prevent state budget cuts for schools, directly subsidize expansion of broadband Internet to rural communities, and provide flexibility for mandated student assessments and testing.
- **Establish limitations on charter schools and private school vouchers.** Current educational privatization policies incentivizing charter schools and private school vouchers have resulted in increased segregation and reduced funding for traditional public schools.<sup>48</sup> The unchecked growth of these privatized programs has also undermined the unifying public good and democratic values that underlie public education. Rules and funding incentives should be established to prohibit any “school choice” programs that increase racial segregation.

## Goal 5: Gender Equality

by Karol Boudreaux

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Goal 5 is focused on ending discrimination against women and girls, and taking steps to empower them to participate fully in economic, social, and political life.<sup>49</sup> Because the SDGs are interrelated, strengthening the legal framework and addressing discriminatory norms that create powerful biases against women will help achieve other SDGs, including those to eradicate poverty (Goal 1), end hunger (Goal 2), promote good health (Goal 3), and support quality education (Goal 4).

Making progress toward the 17 SDGs is no easy feat, but President Biden has already signaled strong alignment with Goal 5 by sharing executive authority with the country’s first woman and woman-of-color vice president, Kamala Harris, and by siting the Council on Gender Equality in the White House. With these choices, the Administration makes a powerful statement about the importance of bringing women’s and other underrepresented voices to the political table.

2020 was also a watershed election for women members of the U.S. Congress. The Center for American Women and Politics reports that at least 141 women, 105 Democrats and 36 Republicans, will serve in the 117th Congress, a record number.<sup>50</sup> It was a record year for women serving in state legislatures as well, where the overall number of women elected has been slowly, if steadily, rising for the past 20 years.<sup>51</sup> These changes, along with improvements to women’s educational attainments and their work force participation, demonstrate that the United States is making some progress toward securing gender equality and women’s empowerment. But there is much more that the new Administration can do to support women’s equality and empowerment.<sup>52</sup>

The Biden-Harris campaign outlined a robust agenda to tackle discriminatory policies and practices.<sup>53</sup> Much of this agenda could have impact at scale for women and help move the needle on gender equality and women’s empowerment. The Administration has outlined many worthy issues to address to promote gender equality, including the use of child tax credits to support working families and mothers. To make important progress, the following actions should be prioritized:

- **Support ratification of the Equal Rights Amendment to the U.S. Constitution.** In 1972, Congress passed a joint resolution proposing the Equal Rights Amendment to the states for ratification. At the time, this resolution included a seven-year time limit to secure a three-fourths vote of approval by states.<sup>54</sup> This time limit expired without a sufficient number of states approving.

47. See, e.g., U.S. DEPARTMENT OF JUSTICE & U.S. DEPARTMENT OF EDUCATION *supra* note 44.

48. See, e.g., Helen F. Ladd, *How Charter Schools Threaten the Public Interest*, 38 J. POL’Y ANALYSIS & MGMT. 1063 (2019); ERIKA FRANKENBERG ET AL., CIVIL RIGHTS PROJECT-UNIVERSITY OF CALIFORNIA, LOS ANGELES, CHOICE WITHOUT EQUITY: CHARTER SCHOOL SEGREGATION AND THE NEED FOR CIVIL RIGHTS STANDARDS (2010), <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/frankenber-choices-without-equity-2010.pdf>; JENN AYSUE ET AL., CIVIL RIGHTS PROJECT-UNIVERSITY OF CALIFORNIA, LOS ANGELES & UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, CHARTERS AS A DRIVER OF RESEGREGATION (2018), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/charters-as-a-driver-of-resegregation/Charters-as-a-Driver-of-Resegregation-012518.pdf>.

49. United Nations Department of Economic and Social Affairs, *Goal 5: Achieve Gender Equality and Empower All Women and Girls*, <https://sdgs.un.org/goals/goal5> (last visited Feb. 14, 2021).

50. Kelly Dittmar, *The 2020 Primaries Are Over. Here’s What You Need to Know About the Record Numbers of Women Nominees*, CTR. FOR AM. WOMEN & POL., Sept. 18, 2020, <https://cawp.rutgers.edu/election-analysis/post-primary-analysis-women-2020>.

51. Kelly Dittmar & Chelsea Hill, *A Record Number of Women Will Serve in State Legislatures in 2021*, CTR. FOR AM. WOMEN & POL., Feb. 17, 2021, <https://cawp.rutgers.edu/election-analysis/record-number-women-state-legislatures-2021>.

52. Sustainable Development Report, *United States*, <https://dashboards.sdgindex.org/profiles/usa> (last visited Feb. 14, 2021).

53. Biden for President, *The Biden Agenda for Women*, <https://joebiden.com/womens-agenda> (last visited Feb. 14, 2021).

54. See 86 Stat. 1523 (1972). This deadline was extended to June 30, 1982 (92 Stat. 3799); however, this deadline was also not met as only 35 states had ratified. In 2017, Nevada ratified the amendment, followed in 2018 by Illinois. Virginia ratified the amendment in January 2020, reaching the 38-state threshold. However, Idaho, Kentucky, Nebraska, Tennessee, and South Dakota have also rescinded their ratification. Constitutional questions related to time limits for ratification and rescission are outstanding.

In January 2020, the state of Virginia ratified the amendment to achieve the needed 38 votes. Following this, the U.S. House of Representatives approved H.R. 79 to remove the deadline for ratification.<sup>55</sup> Passage of a U.S. Senate resolution could open the way for final ratification.<sup>56</sup> Ratification of this amendment would recognize important gains in women's participation in political, social, and economic arenas, strengthen the legal framework for making continued progress, and provide clear protection and enhanced levels of legal scrutiny of potentially discriminatory laws.

- **Strengthen and stabilize the funding base for the Victims of Crime Act (VOCA).**<sup>57</sup> VOCA was passed in 1984 to provide federal support to programs at the state and local levels that assist victims of crime. VOCA also creates a Crime Victims Fund that is funded by criminal fines imposed on guilty parties. With rates of gender-based and intimate partner violence increasing during the COVID-19 pandemic, the Administration should work to strengthen this critical legislation by directing non-prosecution and deferred agreements (non-criminal payments made in lieu of criminal fines) into the Crime Victims Fund and by including funding provisions in any future COVID-19 appropriations.<sup>58</sup>
- **Support Small Business Administration programs that help women start and build small businesses.** Entrepreneurship is one of America's greatest strengths. Aiding Small Business Administration programs will promote women's economic empowerment and gender-equitable growth that helps families and communities. In addition, the Administration should couple this with financial literacy training for girls and women.

## Goal 6: Clean Water and Sanitation

by Robert Adler

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Goal 6 requires nations to “[e]nsure availability and sustainable management of water and sanitation for all.” Subsidiary goals include safe and affordable drinking water, adequate and equitable sanitation and hygiene<sup>59</sup>

improved water quality and reduced pollution, increased water-use efficiency, integrated water resources management, and restoration and protection of aquatic ecosystems.<sup>59</sup> Progress toward implementation of Goal 6 would also facilitate progress toward many of the other SDGs, most notably Goals 1 (reducing poverty), 3 (promoting healthy lives), 10 (reducing inequality), 11 (promoting sustainable communities), and 15 (protecting and restoring sustainable ecosystems).

The Administration can make progress in meeting Goal 6 in these areas:

- **Identify all U.S. communities suffering from water inequity due to inadequate or nonexistent water and sanitation services, or due to contamination; identify the sources and underlying causes of the problem; and implement strategies to overcome them.** The United States scores well in providing basic water and sanitation services on a national scale. A large percentage of the U.S. population has access to improved water supplies and to sanitation. A surprising number of Americans, however, lack in-home water supply and modern sanitation. Residents on tribal lands and other communities already facing significant economic challenges bear a disproportionate share of this burden.<sup>60</sup> Lead contamination of Flint, Michigan's, drinking water was only one example of toxic drinking water contamination, which also disproportionately affects minority and economically disadvantaged populations.
- **Restore the scope of the Clean Water Act (CWA)**<sup>61</sup> **as defined in the previous Obama Administration rule.** The United States made significant progress reducing water pollution through the CWA and other laws. We have reduced but not eliminated pollution from major sources such as factories and public sewage treatment plants. The previous Administration threatened the scope of those achievements by reducing the scope of water bodies covered by CWA protections in the waters of the United States (WOTUS) rule.
- **Strengthen CWA runoff controls with accompanying shifts in Farm Bill funding to help farmers implement stronger pollution controls.** The most significant remaining source of water pollution, runoff from farms and other more dispersed sources, continues to cause dramatic harm to aquatic ecosystems such as the Chesapeake Bay and the Gulf of Mexico, and to human communities that rely on them for

55. See Removing the Deadline for the Ratification of the Equal Rights Amendment, H.R.J. Res. 79, 116th Cong. (2020), available at <https://www.congress.gov/bill/116th-congress/house-joint-resolution/79>.

56. See A Joint Resolution Removing the Deadline for the Ratification of the Equal Rights Amendment, S.J. Res. 67, 116th Cong. (2020), available at <https://www.congress.gov/bill/116th-congress/senate-joint-resolution/67>.

57. Victims of Crime Act of 1984, 42 U.S.C. §§10601-10604.

58. NATIONAL ASSOCIATION OF VOCA ASSISTANCE ADMINISTRATORS ET AL., THE VICTIMS OF CRIME ACT: ADDRESSING THE CRISIS & ENSURING SUSTAINABILITY TO MEET THE NEEDS OF VICTIMS, <https://ovs.ny.gov/sites/default/files/publication/voca-covid-fact-sheet-7-24-2020.pdf>.

59. United Nations Department of Economic and Social Affairs, *Goal 6: Ensure Availability and Sustainable Management of Water and Sanitation for All*, <https://sdgs.un.org/goals/goal6> (last visited Feb. 14, 2021).

60. See U.S. WATER ALLIANCE, CLOSING THE WATER ACCESS GAP IN THE UNITED STATES: A NATIONAL ACTION PLAN (2019) (indicating that more than two million Americans lack indoor water and sanitation, with significant gaps on Indian lands).

61. 33 U.S.C. §§1251-1387, ELR STAT. FWPCA §§101-607.

jobs and food. Climate change will exacerbate the Gulf “dead zone” and other impacts of nutrient pollution as those waters warm. For half a century, the CWA and Farm Bill programs have failed to address this problem. Addressing this issue should be a top legislative priority.

- **Prioritize funding and approval of water efficiency investments over expensive new water projects that encourage and facilitate inefficient water use.** Climate change is the biggest threat to sustainable U.S. water supplies, particularly in arid regions of the country. Drought and aridification may imperil the economies of entire regions if water use efficiency is not a priority. An example is the Lake Powell Pipeline project, which the previous Administration rushed through the National Environmental Policy Act (NEPA)<sup>62</sup> process despite scientific consensus that insufficient water will be available in the Colorado River Basin to meet existing needs, much less demand stimulated by new projects.<sup>63</sup>

## Goal 7: Affordable and Clean Energy

by Uma Outka and Elizabeth Kronk Warner

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Affordable clean energy for all<sup>64</sup> is an SDG that the United States—even with abundant renewable energy resources and financial capability compared with other nations—has yet to achieve. The Sustainable Development Solutions Network’s *Sustainable Development Report 2020* observes that challenges remain for the United States in reducing carbon dioxide emissions from fuel combustion for electricity and heating, and in increasing the share of renewable energy in the total U.S. primary energy supply.<sup>65</sup> President Biden’s energy plan recognizes these critical needs.<sup>66</sup> The following are near-term changes that will help accelerate U.S. progress toward achievement of the affordable and clean energy SDG:

- **Restore the U.S. international commitment to the Paris Agreement and substantially increase ambition in the U.S. nationally determined contribution (NDC).** Building on President-elect Biden’s pledge to rejoin the Paris Agreement immediately upon taking office (which he did on inauguration day), the substantive work of the U.S. commitment to global climate change mitigation will be in the form of the domestic clean energy and emissions reduction policies put in place. This is consistent with SDG 13, which calls for “urgent action to combat climate change and its impacts.” The U.S.-intended NDC submitted during the Obama Administration laid out important goals,<sup>67</sup> but higher ambition, particularly in the area of clean energy, is needed to make up for lost time.

Under the Obama Administration, the United States expressed its commitment to reducing greenhouse gas (GHG) emissions. The Trump Administration, however, withdrew that commitment, and parties to the Agreement are expected not just to meet initial NDCs, but to increase their ambition over time. The Biden Administration will therefore need to work to achieve more significant goals than those of the Obama Administration, given the delay. Additionally, the Biden Administration should incorporate environmental justice principles into all domestic clean energy policies and advance the same principles in all international relations.

- **Invest financial and human capital into federal agencies best positioned to play a role in advancing clean energy.** Rebuilding and strengthening the U.S. Environmental Protection Agency (EPA), U.S. Department of Energy (DOE), and U.S. Department of the Interior (DOI) is essential. Newly appointed agency leaders will need a robust budget and strong, energetic work force to redefine priorities away from the Trump Administration’s emphasis on fossil energy. The Biden Administration should reinstate and initiate programs/offices within these agencies—such as the Bureau of Land Management’s (BLM’s) renewable energy permitting office—to focus on this renewed goal. Other agencies that can engage meaningfully on this SDG with sufficient budget and staffing include the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Labor.
- **Coordinate the work of federal agencies to amplify the shared goal of rapid GHG emissions reduction and expansion of renewable energy.** In the past, federal agencies have not coordinated as effectively as they might have toward these impor-

62. 42 U.S.C. §§4321-4370h, ELR STAT. NEPA §§2-209.

63. See U.S. Bureau of Reclamation, *Lake Powell Pipeline Project Environmental Impact Statement*, <https://www.usbr.gov/uc/DocLibrary/EnvironmentalImpactStatements/LakePowellPipeline/index.html> (last updated Sept. 29, 2020) (soliciting comments on draft environmental impact statement due September 20, 2020).

64. United Nations Department of Economic and Social Affairs, *Goal 7: Ensure Access to Affordable, Reliable, Sustainable, and Modern Energy for All*, <https://sdgs.un.org/goals/goal7> (last visited Feb. 14, 2021).

65. SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, *THE SUSTAINABLE DEVELOPMENT REPORT 2020* (2020) [hereinafter *SUSTAINABLE DEVELOPMENT REPORT 2020*], [https://s3.amazonaws.com/sustainabledevelopmentreport/2020/2020\\_sustainable\\_development\\_report.pdf](https://s3.amazonaws.com/sustainabledevelopmentreport/2020/2020_sustainable_development_report.pdf).

66. Biden for President, *The Biden Plan to Build a Modern, Sustainable Infrastructure and an Equitable Clean Energy Future*, <https://joebiden.com/clean-energy/> (last visited Feb. 14, 2021).

67. U.S. COVER NOTE INDC AND ACCOMPANYING INFORMATION, <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/United%20States%20of%20America/1/U.S.%20Cover%20Note%20INDC%20and%20Accompanying%20Information.pdf>.

tant goals. EPA's work on the Clean Power Plan<sup>68</sup> was undercut by continued fossil resource leasing on federal lands. Providing new frameworks for agency coordination on these critical common goals will accelerate progress more quickly. For example, Council on Environmental Quality (CEQ) leadership can reinvigorate programmatic environmental reviews to facilitate rapid renewable energy development responsibly and with sensitivity to environmental and cultural surroundings.

- **Set ambitious targets for large-scale renewable energy development—especially on federal land and offshore—and small-scale distributed energy resources, such as community solar, rooftop solar, and energy efficiency.** The Administration should craft a data-informed, detailed plan for a carbon-free energy sector by 2035, as discussed in the Biden-Harris campaign Clean Energy Plan.<sup>69</sup> This plan should build on the Clean Power Plan conceptual model, especially its provisions directing clean energy investment to low-income communities and communities of color.
- **Support increased Low Income Heating and Energy Assistance Program (LIHEAP) funding to reach more people in need and to pay accumulating energy bills during the pandemic.** LIHEAP provides essential assistance for households struggling with energy bills. The importance of preserving this lifeline has been painfully underscored during the pandemic. State moratoria on service disconnections are short-term solutions only.
- **Support continued federal-level financial support for clean energy development and jobs training.** Support renewed federal tax incentives/credits/subsidies for wind and solar projects and extend federal subsidies to tribal governmental development. The Administration should focus on skills training and creating jobs for low-income communities and communities of color, especially for those areas that have been historically underserved, lack adequate energy infrastructure, or are affected by fossil fuel industry job losses.

## Goal 8: Decent Work

by Stephen Herzenberg

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SDG 8 promotes inclusive growth, full employment, and “decent work.” Goal 8 metrics such as gross domestic

product (GDP) and employment measure overall growth.<sup>70</sup> While the United States could do better on these—especially in a pandemic and recession—the United States lags most on metrics related to the distribution of the economic pie, not its size. A rich country, the United States has ample resources for all to enjoy a family-sustaining income. U.S. inequality, however, delivers big shares of income to the top 1% and top 10%, while working families struggle.

Goal 8 measures that relate to inequality include hourly earnings and compliance with labor rights. Goal 10 directly aims to “reduce inequality,” with indicators including labor’s share of income and the Gini coefficient, a statistical measure of wealth or income inequality. These measures show U.S. inequality to exceed our peers.<sup>71</sup>

The Goal 8 metric that has causal impact on inequality is labor rights. Advanced countries with strong labor rights have strong unions, inclusive growth, and score well on most Goal 8 indicators.<sup>72</sup> The United States has not even ratified International Labour Organization (ILO) conventions on freedom of association and on organizing and collective bargaining rights.<sup>73</sup> Moreover, U.S. employers routinely violate international labor rights standards. When workers seek a union election, U.S. employers have great scope to “persuade” workers not to vote yes. When U.S. employers go beyond the law, firing union activists or threatening facility closure, penalties are a slap on the wrist.<sup>74</sup> In other countries, employers have less of a role in unionization decisions, which are considered workers’ choices.

The Biden Administration could help the United States achieve Goal 8 and Goal 10 (reduced inequalities)—and Goals 1 (no poverty), 4 (quality education), 5 (gender equality), and 16 (peace, justice, and strong institutions)—by bolstering labor rights. President Biden should take six actions:

- **Appoint people throughout the Administration—not just in labor agencies—who support union rights and know how to advance them within their agency.** Appointees to the General Services Administration as well as DOE and HUD should be knowledgeable about and supportive of construction unions. Those appointed to the U.S. Departments

70. United Nations Department of Economic and Social Affairs, *Goal 8: Promote Sustained, Inclusive, and Sustainable Economic Growth, Full and Productive Employment, and Decent Work for All*, <https://sdgs.un.org/goals/goal8> (last visited Feb. 14, 2021).

71. Ana Maria Santacreu & Heting Zhu, *How Does U.S. Income Inequality Compare Worldwide?*, FED. RES. BANK ST. LOUIS, Oct. 16, 2017, <https://www.stlouisfed.org/on-the-economy/2017/october/how-us-income-inequality-compare-worldwide>.

72. Examples of Goal 8 indicators that labor rights and strong unions help achieve include full employment; decent work with equal pay; high hourly earnings; shares of youth in employment, education, or training; and reductions in child labor and occupational injuries. See SDG Tracker, *Sustainable Development Goal 8: Promote Inclusive and Sustainable Economic Growth, Employment, and Decent Work for All*, <https://sdg-tracker.org/economic-growth> (last visited Feb. 14, 2021).

73. ILO, *Up-to-Date Conventions and Protocols Not Ratified by United States of America*, [https://www.ilo.org/dyn/normlex/en/?p=1000:11210:0::NO:11210:P11210\\_COUNTRY\\_ID:102871](https://www.ilo.org/dyn/normlex/en/?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102871) (last visited Feb. 14, 2021).

74. LAWRENCE MISHLE ET AL., ECONOMIC POLICY INSTITUTE, *EXPLAINING THE EROSION OF PRIVATE-SECTOR UNIONS* (2020), <https://files.epi.org/pdf/215908.pdf>.

68. See U.S. EPA, *FACTSHEET: OVERVIEW OF THE CLEAN POWER PLAN* (2015), <https://archive.epa.gov/epa/sites/production/files/2015-08/documents/fs-cpp-overview.pdf>.

69. See Biden for President, *supra* note 66.

of Transportation and Education, as well as the Federal Communications Commission, should be sophisticated proponents of their sectors' unions. The Administration should appoint to the U.S. Department of Commerce and the Office of the U.S. Trade Representative experts on manufacturing unions and unions across all sectors.

- **Use executive authority and National Labor Relations Board (NLRB) appointments to strengthen labor rights, including reversing executive and NLRB actions on President Trump's watch.** The Trump Administration issued Executive Orders to weaken the union rights of federal workers, and its NLRB eroded union rights for other categories of workers.<sup>75</sup> The Biden Administration should also craft Executive Orders that promote industrywide union elections—the future of unionism—wherever it can (as progressive governors have in home care and child care).
- **Working with labor and business, flesh out “build back better” visions—high-wage, high-skill, high union density—in every industry and promote implementation of those visions with all executive branch leverage (e.g., funding and regulation).**<sup>76</sup> The Department of Labor could lead these industry research and action planning efforts, with assistance from the Department of Commerce and agencies focused on specific sectors such as those listed above in the first bullet point.
- **Seek to enact the PRO Act (Protecting the Right to Organize Act), the strongest proposed federal labor reform in at least 40 years,** which passed the House on March 9.<sup>77</sup> The Act would make it easier to organize (e.g., increasing penalties for employer violations of workers' rights) and to reach a first contract; strengthen unions in bargaining (e.g., banning permanent replacement of strikers and broadening definitions of “joint employers” so that unions can bargain with the firm that has the power to make concessions); make it harder to misclassify workers as independent contractors in order to avoid benefits and reduce their organizing rights; eliminate “right-to-work” laws (allowing financial contributions from non-members that unions represent); and make it easier to organize industrywide (by legalizing secondary boycotts against non-represented employers, a

key tool for gaining union recognition at a critical mass of employers in a sector).

- **Pursue “leveling up” federalism—help progressive states and localities to strengthen labor rights and implement inclusive sectoral visions that go beyond what is possible nationally.** This could include planning grants for states (such as the Department of Labor's Women's Bureau grants that helped Washington State and others move paid family and medical leave forward). This “leveling up” could also include additional points for labor participation in apprenticeship or other work force grants to states as well as in grants from other agencies, including the Department of Education (e.g., make union participation part of “Race to the Top” 2.0 in early childhood).
- **Use the bully pulpit to have workers' and unions' backs in organizing efforts.** President Biden should say, repeatedly, “The President wants you to join a union,” and encourage workers to unionize at specific companies, such as Google, Amazon, or University of Pittsburgh Medical Center (a Pittsburgh-headquartered health care system). By lighting a fuse of mass organizing, President Biden could trigger another New Deal in which labor reform is possible that encodes basic associational and union rights in federal statutes.

## Goal 9: Industry, Innovation, and Infrastructure

by Samuel Markolf and Mikhail Chester

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Connectivity, both in terms of access to physical goods and services as well as information, is crucial to achieving growth in productivity, health, education, and overall well-being. It is also highly intertwined with the quality of our infrastructure systems, especially transportation and communication infrastructure systems—two cornerstone elements of Goal 9. As we continue to recover from COVID-19, protection and enhancement of this connectivity will be crucial drivers of meeting many SDGs—including Goals 1 (end poverty), 4 (quality education), 7 (affordable and clean energy), 11 (sustainable cities and communities), and 13 (climate action)—as well as successfully navigating the challenges and complexities of the 21st century.

The stated objective of Goal 9 is to “build resilient infrastructure, promote inclusive and sustainable industri-

75. See CELINE McNICHOLAS ET AL., ECONOMIC POLICY INSTITUTE, UNPRECEDENTED: THE TRUMP NLRB'S ATTACK ON WORKERS' RIGHTS (2019), <https://files.epi.org/pdf/177387.pdf>.

76. See, e.g., CENTER FOR SUSTAINABLE BUSINESS, UNIVERSITY OF PITTSBURGH, MARSHALL PLAN FOR MIDDLE AMERICA ROADMAP (2020), [https://www.sustainablebusiness.pitt.edu/sites/default/files/mp4ma\\_roadmap\\_-\\_final\\_1.pdf](https://www.sustainablebusiness.pitt.edu/sites/default/files/mp4ma_roadmap_-_final_1.pdf).

77. Lynn Rhinehart, *Six Ways the Protecting the Right to Organize (PRO) Act Restores Workers' Bargaining Power*, WORKING ECON. BLOG (Feb. 25, 2020), <https://www.epi.org/blog/six-ways-the-protecting-the-right-to-organize-pro-act-restores-workers-bargaining-power/>.

alization and foster innovation.”<sup>78</sup> Reliable and equitable infrastructure systems and services can catalyze economic growth and overall well-being.<sup>79</sup> Overall, the United States performs well on a number of indicators for Goal 9—especially indicators related to innovation (e.g., number of researchers per million inhabitants, research and development (R&D) spending as share of GDP, patents filed).<sup>80</sup>

However, there are three key opportunities under Goal 9 to accelerate sustainable development in the United States:

- **Improve access to reliable and affordable broadband/high-speed Internet.** Although more than 87% of the U.S. population has some form of access to the Internet,<sup>81</sup> challenges persist for reaching the remaining 13%. Of equal importance is the quality and affordability of Internet access—especially in a post-COVID-19 world where essential everyday functions and capabilities have increasingly moved online. According to a recent report from the Federal Communications Commission, “approximately 19 million Americans—6 percent of the population—still lack access to fixed broadband service at threshold speeds.”<sup>82</sup> Essentially, lack of regular, affordable, and sufficient Internet connectivity has moved beyond an inconvenience and started to have severe effects on millions of Americans<sup>83</sup> and the educational progress of millions of students.<sup>84</sup>

First, the Administration should make significant investments in high-speed broadband infrastructure *and* subsidies for access in rural, tribal, and underserved urban areas. Second, it should revise metrics of success for broadband to include aspects of quality and equity of access. Success should be measured not on the proportion of the population with access, but on the proportion of the population that has regular, reliable, affordable, and high-speed access.

- **Accelerate the widespread and equitable adoption of electric vehicles (EVs).** The transportation sector is the largest contributor of GHG emissions in the United States,<sup>85</sup> as well as a major source of harmful air pollutants.<sup>86</sup> In addition to continued investment and support for public transportation and high-density development, one of the most promising approaches for reducing the negative climate and human health impacts of the transportation sector is to transition to EVs.<sup>87</sup> This transition is in its nascent stages, but factors such as high vehicle costs, range anxiety, and lack of sufficient charging infrastructure (especially in traditionally underserved areas) persist as barriers to widespread adoption.<sup>88</sup>

In order to start overcoming these barriers, the Biden Administration should consider incentivizing and investing in EV charging infrastructure (especially in traditionally underserved areas), R&D for the advancement of EV technologies, and subsidies for the manufacture and purchase of EVs. These combined initiatives will not only help modernize the transportation system but, when coupled with decarbonization in the electricity sector, will also improve the United States’ performance in a key sustainable development indicator—carbon dioxide emissions per dollar of GDP.

The Biden Administration should also pilot/propose alternative revenue-generation regimes for transportation infrastructure. Increased fuel efficiency and a shift toward EVs are misaligned with the current mechanism of using federal and state gasoline taxes as a primary source of revenue for transportation infrastructure. Unless we start shifting toward a new paradigm (e.g., taxing miles driven rather than gallons of gasoline purchased), transportation infrastructure will be faced with increasingly large funding gaps and likely exhibit growing states of disrepair.

- **Enhance the adaptability of infrastructure systems.** Transportation and other infrastructure systems are increasingly confronted with a suite of convergent issues such as age, irregular maintenance, budget shortfalls, changing demand, emerging technologies (e.g., autonomous vehicles and EVs), climate change, extreme weather events, and cyberthreats. Additional investment, development, and innovation appears warranted if our infrastructure systems are to maintain, and ideally expand upon, the level of service that we have come to expect.

78. United Nations Department of Economic and Social Affairs, *Goal 9: Build Resilient Infrastructure, Promote Inclusive and Sustainable Industrialization, and Foster Innovation*, <https://sdgs.un.org/goals/goal9> (last visited Feb. 14, 2021).

79. Scott Thacker et al., *Infrastructure for Sustainable Development*, 2 NATURE SUSTAINABILITY 324 (2019), available at <https://www.nature.com/articles/s41893-019-0256-8>.

80. *Supra* note 65; Sustainable Development Report, *United States—Indicators*, <https://dashboards.sdgindex.org/profiles/usa/indicators> (last visited Feb. 14, 2021).

81. INTERNATIONAL TELECOMMUNICATION UNION, WORLD TELECOMMUNICATION/ICT INDICATORS DATABASE (24th ed. 2020), available at <https://www.itu.int/en/ITU-D/Statistics/Pages/publications/wtid.aspx>.

82. FEDERAL COMMUNICATIONS COMMISSION, EIGHTH BROADBAND PROGRESS REPORT (2012), <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/eighth-broadband-progress-report>.

83. John Lai & Nicole O. Widmar, *Revisiting the Digital Divide in the COVID-19 Era*, 43 APPLIED PERSP. & POL’Y 458 (2021), available at <https://onlinelibrary.wiley.com/doi/full/10.1002/aapp.13104>.

84. Kristin Blagg & Grace Luetmer, *Even Before the Pandemic, Students With Limited Technology Access Lagged Behind Their Peers*, URB. WIRE, Apr. 28, 2020, <https://www.urban.org/urban-wire/even-pandemic-students-limited-technology-access-lagged-behind-their-peers>.

85. U.S. EPA, INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990-2018 (2020) (EPA 430-R-20-002), <https://www.epa.gov/sites/production/files/2020-04/documents/us-ghg-inventory-2020-main-text.pdf>.

86. U.S. EPA, 2014 NATIONAL EMISSIONS INVENTORY REPORT (2018), <https://gispub.epa.gov/neireport/2014/>.

87. Ernani F. Choma et al., *Assessing the Health Impacts of Electric Vehicles Through Air Pollution in the United States*, 144 ENV’T INT’L 106015 (2020), <https://doi.org/10.1016/j.envint.2020.106015>.

88. NATIONAL RESEARCH COUNCIL, OVERCOMING BARRIERS TO DEPLOYMENT OF PLUG-IN ELECTRIC VEHICLES (2015).



The Biden Administration should provide COVID-19 recovery funding to state/local entities to ensure that backlogged/delayed infrastructure maintenance/improvement/expansion can continue as planned—especially for hard-hit public transportation agencies. Failure to do so runs the risk of infrastructure systems falling further into states of disrepair. Second, the Administration should facilitate the establishment of federal standards and training protocols for the design, implementation, and maintenance of agile and flexible infrastructure that are equally well-suited for conditions of stability and instability (e.g., climate change, cyber disruptions).

## Goal 10: Reduce Inequality Within and Among Countries

by Gerald Torres

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Goal 10 and its targets call for, among other things, greater income growth in the bottom 40% of the population than the national average, as well as empowerment and inclusion of all regardless of protected characteristics.<sup>89</sup> Given the increasing inequality within the United States and its history of greatly unequal treatment across racial groups, genders, and other categories, this indicator is of particular salience.

The overall assessment by the United Nations is that significant work needs to get done for the United States and other major States to achieve this goal. The following are those targets for Goal 10 that present the most realistic chances for success:

- **Promote universal social, economic, and political inclusion to ensure equal opportunity and end discrimination.** The Administration can vigorously enforce voting rights and antidiscrimination laws. It can take strong antidiscrimination positions in defense of existing laws. While these would not be enough to achieve the targets fully, aggressive, sustained attention can produce positive movement. Acting decisively to eliminate the barriers to the use of Title VI of the Civil Rights Act should be a first order of business in the new DOJ. The reorganization of the Environment and Natural Resources Division with an orientation driven by a commitment to environmental justice will be the test of the Administration's resolve. It is fortunate that this reorganization can be done solely through executive action.

- **Adopt fiscal and social policies that promote equality.** Here again, enforcement of existing laws would reverse the negative movement of the past four years. Moreover, government contracting, while not enough as a policy, can help get resources to those communities that are most in need and can promote more equitable growth. Because there is no capacity for private suits in this area, DOJ will have to provide the leadership.
- **Improved regulation of global financial markets and institutions.** Attention to the bilateral and multilateral trade agreements could reverse the protectionism that has evolved over the past few years. The Office of the U.S. Trade Representative could provide leadership, as could the unwinding of the tariffs that have worked a tax on American consumers and companies. The climate leadership that is centered in the White House will have to be one of the drivers in reforming our roles in international economic institutions and for the guidance in the developments of markets that will support the just transition to a green economy.
- **Responsible and well-managed migration policies.** Exacerbated by climate change, an unstable global economy, and political instability, internal and external migration will only continue to rise. Several targets of Goal 10 are tied to this problem. The focus must be on reducing the incentives to migrate by addressing the root causes of increased migration. Here again, climate policy is key. Research shows that climate disruption is only one cause of the ceaseless global migration. But where it is a driver, we must address it directly. The international initiative on climate led by John Kerry will have the rowing oar in directing this aspect of immigration policy. However, even before those policies can work, the Administration can reform the refugee and asylum policies that have generated much cruelty.
- **Reduce transaction costs for migrant remittances.** The Administration can tackle this problem as part of its effort to achieve other Goal 10 targets. Managing migration requires the United States to engage with those countries for whom remittances (money or goods that migrants send to family or friends in their country of origin) are normalized into those countries' economic forecasts. This is a complex economic problem that is not completely distinct from immigration policy, but it does give the Administration a way to integrate a variety of sustainability, climate, trade, and immigration policies. The Administration can begin this without congressional action, and the U.S. Department of the Treasury has to see it as part of its portfolio.

89. United Nations Department of Economic and Social Affairs, *Goal 10: Reduce Inequality Within and Among Countries*, <https://sdgs.un.org/goals/goal10> (last visited Feb. 14, 2021).

## Goal 11: Sustainable Cities and Communities

by Jonathan Rosenbloom

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Federal policies that focus on Goal 11, which calls for making “cities and human settlements inclusive, safe, resilient and sustainable,”<sup>90</sup> have an added benefit of achieving progress in many of the other 16 SDGs, and vice versa. This provides a high-value proposition for these efforts and, as such, should be a top priority of the Biden Administration. With attention to Goal 11, the new Administration’s implementation of the following four strategies has the potential to encourage nationwide unity and action among the 90,000 local governments, while respecting local culture, geography, and tradition, and inspiring innovative local action.

- **Express a desire to collaborate.** Following years of hostile behavior toward local governments, the new Administration should begin by reversing President Trump’s regressive strategy of demonizing cities.<sup>91</sup> While federal and local governments are at times in conflict, achieving sustainable cities and communities is facilitated by a collaborative approach that leverages their collective knowledge and differing sources of power and legal tools. The Biden Administration can express an intent to work with cities, and recognize that both levels of government strive to improve the health and safety of all Americans.
- **Improve local conditions that have national applicability.** The federal government can exercise its unique authority to pass legislation that is national in scope and that sets minimum standards to promote sustainable cities and communities. Examples include creating an immigration policy that is designed to help people and foster innovation and culture,<sup>92</sup> passing a progressive income and wealth tax policy to address economic inequalities,<sup>93</sup> increasing the minimum wage,<sup>94</sup> and enacting a green infrastructure law that promotes sustainable jobs, sustainable transportation, and supports increased efficiency and decentralized renewable energies.

90. United Nations Department of Economic and Social Affairs, *Goal 11: Make Cities and Human Settlements Inclusive, Safe, Resilient, and Sustainable*, <https://sdgs.un.org/goals/goal11> (last visited Feb. 14, 2021).

91. President Trump called cities “lawless,” “anarchist jurisdictions,” “rodent infested,” “ghost town,” and “violent,” and consistently threatened to reduce local funding. See, e.g., Rebecca Klar, *Trump Calls for Review to Cut Funding to Cities With “Lawless” Protests*, HILL, Sept. 2, 2020.

92. This would include revamping President Trump’s asylum, employment, and education immigration policies and processes. See U.S. Representative Pramila Jayapal, *Roadmap to Freedom Resolution*, [http://jayapaf.house.gov/wp-content/uploads/2020/12/Roadmap-to-Freedom-Resolution\\_Final.pdf](http://jayapaf.house.gov/wp-content/uploads/2020/12/Roadmap-to-Freedom-Resolution_Final.pdf).

93. See Juliana M. Horowitz et al., *Trends in Income and Wealth Inequality*, PEW RSCH. CTR., Jan. 9, 2020, <https://www.pewsocialtrends.org/2020/01/09/trends-in-income-and-wealth-inequality/>.

94. See H.R. 582, 116th Cong. (2019) (increasing minimum wage to \$15, but over seven years).

- **Support inter-local collaboration to identify, distribute, and implement best practices.** The U.S. population is estimated to grow by 23 million by 2030.<sup>95</sup> Millions more are expected to relocate as climate change challenges many communities. Revamping current development and land use codes is necessary to meet population changes and achieve sustainable cities and communities. The federal government is well-positioned to convene local collaborations. In doing so, the federal government should promote equity and regenerative practices, such as expanding tree canopy cover and wetlands, protecting biodiversity, prioritizing pedestrian mobility, and reducing energy, water, and natural resource use.
- **Fund local innovation.** Assisting individual cities and communities to flourish will support the collaboration and progression toward Goal 11 mentioned above. Since the 1960s, direct aid to local governments has declined. The March 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act directly funded only 36 of 90,000 local governments.<sup>96</sup> The federal government can increase local funding targeted at specific areas with specific metrics that address the SDGs. Some areas include funding affordable housing, particularly for disabled individuals; requiring more outreach and environmental considerations when funding development grants; helping identify ways to reduce local consumption; improving utility efficiencies; promoting public school healthy interior environments and wellness; and connecting land use, community, and local private development grants to long-term environmental and social metrics aimed at fulfilling the SDGs.

## Goal 12: Responsible Production and Consumption

by LeRoy Paddock

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Goal 12 points out that “achieving economic growth and sustainable development requires that we urgently reduce our ecological footprint by changing the way we

95. SANDRA L. COLBY & JENNIFER M. ORTMAN, U.S. CENSUS BUREAU, PROJECTIONS OF THE SIZE AND COMPOSITION OF THE U.S. POPULATION: 2014 TO 2060 fig.1, tbl.1 (2015), <https://www.census.gov/content/dam/Census/library/publications/2015/demo/p25-1143.pdf>.

96. Yucel Ors & Michael Wallace, *Local Governments Report Progress on Coronavirus Relief Funds, but Few Unobligated Dollars Remain for Cities and Towns Waiting for Aid*, NAT’L LEAGUE CITIES, Aug. 3, 2020, <https://www.nlc.org/article/2020/08/03/cares-act-coronavirus-relief-fund-not-enough-to-support-local-government-reopening-and-recovery/>.

produce and consume goods.”<sup>97</sup> One of the ways that the new Administration can accomplish this result is to focus on materials conservation and the emerging concept of a circular economy. By using fewer inputs in products, designing them for reuse, and creating the circumstances for product circularity, the Administration can not only support responsible production and consumption, but also advance Goal 7 by encouraging energy efficiency, Goal 8 by creating new types of jobs in product recovery and reuse, Goal 9 by promoting new types of businesses, Goal 13 by reducing GHG emissions from raw materials extraction and product manufacturing, and Goal 17 by promoting new partnerships between government and businesses.

The United Nations summarizes global consumption in stark terms:

[I]n 2017, worldwide material consumption reached 92.1 billion tons, up from 87 billion in 2015 and a 254 per cent increase from 27 billion in 1970, with the rate of extraction accelerating every year since 2000. This reflects the increased demand for natural resources that has defined the past decades, resulting in undue burden on environmental resources. Without urgent and concerted political action, it is projected that global resource extraction could grow to 190 billion tons by 2060.<sup>98</sup>

Responsible production and consumption is particularly important for the United States. For example, in 2012, the United States, with less than 5% of the world’s population, used one-third of the world’s paper, one-quarter of the world’s oil, 27% of the aluminum, and 19% of the copper, among other resources.<sup>99</sup> According to EPA, 42% of U.S. GHG emissions are associated with the energy used to produce, process, transport, and dispose of the food produced and products used.<sup>100</sup>

In order to address this situation, the Biden Administration should work to adopt laws, regulations, and policies that reduce materials use, promote materials conservation, and drive a circular economy. In particular, the new Administration can:

- **Convene a national dialogue on a circular economy and materials conservation.** With growing corporate interest in the idea of a circular economy, it is a good time to convene a national dialogue to discuss how to move to a circular economy in the United States. President Bill Clinton’s Council on Sustainable Development could serve as a model.

- **Propose extended producer responsibility (EPR) at the national level.** More than one-half the states have EPR legislation for electronic equipment. A national EPR for electronics waste would help reduce environmental impacts and could make it easier for businesses to set up systems. An important reference point for a new and broader EPR system is the European Union EPR system.<sup>101</sup>
- **Propose a national GHG policy that establishes a price on carbon that will help drive reductions in materials use and product redesign.** A price on carbon could drive business innovation by providing a financial incentive to look carefully at energy inputs needed to extract new resources, manufacture and transport products, and find ways to reuse them. These energy efficiency steps would also contribute to achieving Goal 13 (climate action).
- **Design federal procurement legislation and policies so that procurement criteria favor products and services that are consistent with a circular economy.** The federal government is the world’s largest purchaser. Further, as part of the economic recovery effort, the federal government is likely to spend a great deal on infrastructure. As a result, the new Administration can have a major impact on responsible production and consumption by taking materials conservation and circular economy principles into account in procurement, perhaps through Executive Orders that build on available authority related to procurement. By adjusting its procurement process, the federal government could model desired behavior for state governments, universities, and other large procuring organizations. This effort could also support Goals 7 (affordable and clean energy), 8 (decent work and economic growth), 9 (industry, innovation, and infrastructure), and 13 (climate action).
- **Revise Resource Conservation and Recovery Act (RCRA)<sup>102</sup> regulations to reflect the World Resources Institute (WRI) circular economy hierarchy.<sup>103</sup>** The WRI has suggested a new, more elaborate waste hierarchy that goes beyond the traditional reduce, reuse, recycle paradigm to include preventing the use of resources in the first instance, encouraging repairing and refurbishing, and supporting remanufacturing and repurposing. EPA could develop model legislation encouraging states to adopt this new circular economy waste hierarchy. This approach could

97. United Nations Department of Economic and Social Affairs, *Goal 12: Ensure Sustainable Consumption and Production Patterns*, <https://sdgs.un.org/goals/goal12> (last visited Feb. 14, 2021).

98. See United Nations Statistics Division, *Goal 12: Ensure Sustainable Consumption and Production Patterns*, <https://unstats.un.org/sdgs/report/2020/goal-12/> (last visited Feb. 14, 2021).

99. *Use It and Lose It: The Outsize Effect of U.S. Consumption on the Environment*, Sci. AM., Sept. 14, 2012, <https://www.scientificamerican.com/article/american-consumption-habits/>.

100. U.S. EPA, *Climate Change and Waste*, [https://19january2017snapshot.epa.gov/climatechange/climate-change-and-waste\\_.html](https://19january2017snapshot.epa.gov/climatechange/climate-change-and-waste_.html) (last updated Sept. 29, 2016).

101. Kleoniki Pouikli, *Concretising the Role of Extended Producer Responsibility in European Union Waste Law and Policy Through the Lens of the Circular Economy*, 20 ERA F. 491 (2020).

102. 42 U.S.C. §§6901-6992k, ELR STAT. RCRA §§1001-11011.

103. Mathy Stanislaus, *5 Ways to Unlock the Value of the Circular Economy*, WORLD RESOURCES INST., Apr. 15, 2019, <https://www.wri.org/blog/2019/04/5-ways-unlock-value-circular-economy>.

also support the same additional goals identified immediately above.

- **Introduce materials conservation as a factor that is considered in NEPA analysis.** Just as the impact of federal actions on climate change will be reintroduced to the NEPA process, CEQ could contribute to responsible production and consumption by providing guidance to agencies on how to consider materials use and conservation in environmental impact review. In much the same way as GHG emissions can both by themselves and cumulatively have important environmental impacts, materials use can have both significant impacts on a project and significant cumulative impacts that could be mitigated. The WRI circular economy hierarchy could be a useful analytical tool in this process.

### Goal 13: Climate Action

by Michael B. Gerrard

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Goal 13 is “[t]ake urgent action to combat climate change and its impacts.”<sup>104</sup> Unless climate change is brought under control, few of the other SDGs are attainable. Indeed, several of the SDGs are designed to help fight climate change, especially Goals 7 (affordable and clean energy), 11 (sustainable cities and communities), and 12 (responsible consumption and production). The jobs that would be created by the necessary massive buildout of clean energy facilities and equipment also support Goal 8 (decent work and economic growth).

The White House website lists climate change as one of their top four priorities (together with COVID-19, economic recovery, and racial equity).<sup>105</sup> If Democrats solidly controlled Congress, we might see legislation that would directly address the issue, such as through strong regulatory controls, a nationwide clean energy standard, large appropriations for clean energy and adaptation, and perhaps an economywide price on carbon. But even without help from Congress, there is a great deal the new Administration will be able to do under existing statutes.

These are among the items that it can do:

- **Adopt stronger motor vehicle emission standards.** Transportation is now the largest source of GHG emissions in the United States, and here EPA has clear authority under the Clean Air Act (CAA)<sup>106</sup> to regulate emissions from motor vehicles. The Biden EPA will almost certainly undertake a rulemaking to

reverse the Trump Administration’s weakening of the emission standards for passenger vehicles and move beyond those adopted under the Obama Administration. Heavy-duty vehicles are also large sources of both GHGs and conventional air pollutants that cause adverse health effects, and controlling their emissions will be another high priority.

- **Control emissions from coal plants.** Coal-fired power plants are the second-largest U.S. source of GHGs. Here, EPA’s authority is less clear. The Obama Administration’s Clean Power Plan, which was aimed largely at reducing the use of coal to generate electricity, was stayed by the U.S. Supreme Court in February 2016.<sup>107</sup> EPA will need to consider the best and most legally defensible ways to use its existing authorities to control these emissions.
- **Control methane releases.** A great deal of methane, a potent GHG, is released in producing and transporting oil and gas. The Trump Administration weakened the standards for venting, flaring, and leaking of methane. These need to be strengthened.
- **Control hydrofluorocarbons (HFCs).** HFCs are a potent GHG whose use, primarily as a refrigerant, has soared as a substitute for ozone-depleting chemicals that are being phased out under the Montreal Protocol. The Kigali Amendment of 2016 called for the phaseout of HFCs. The Consolidated Appropriations Act of 2021 (better known as the COVID-19 relief bill), reluctantly signed into law by President Trump in December 2020, includes new requirements for controlling HFCs.<sup>108</sup> EPA will now have to set up a new program to implement this law.
- **Expand renewable energy.** During his campaign, President Biden called for “a carbon pollution-free power sector” by 2035. Today, only 37% of U.S. electricity comes from clean sources (about one-half each from renewables and nuclear).<sup>109</sup> Moving to 100% is a big lift, especially since most nuclear plants will be retiring, natural gas needs to be controlled, and most current uses of fossil fuels will need to be electrified. A recent report from the Sustainable Development Solutions Network, *America’s Zero Carbon Action Plan*, said the United States needs to add about 3,000 gigawatts of renewable energy capacity by 2050; it now stands at 250 gigawatts.<sup>110</sup> This will require a massive program of building wind, solar, and transmission.

104. United Nations Department of Economic and Social Affairs, *Goal 13: Take Urgent Action to Combat Climate Change and Its Impacts*, <https://sdgs.un.org/goals/goal13> (last visited Feb. 14, 2021).

105. The White House, *supra* note 9.

106. 42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.

107. *West Virginia v. Environmental Prot. Agency*, 136 S. Ct. 1000 (2016).

108. Consolidated Appropriations Act, Pub. L. No. 116-260, Division S, §103 (2020).

109. U.S. Energy Information Administration, *Frequently Asked Questions (FAQS): What Is U.S. Electricity Generation by Energy Source?*, <https://www.eia.gov/tools/faqs/faq.php?id=427&t=3> (last updated Nov. 2, 2020).

110. SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, *AMERICA’S ZERO CARBON ACTION PLAN* (2020), <https://itp-cdn.multiscreensite.com/be6d1d56/files/uploaded/zero-carbon-action-plan.pdf>.

This can be a major job creation program and help advance the needed economic recovery.<sup>111</sup>

- **Address corporate disclosures.** In 2010, the U.S. Securities and Exchange Commission (SEC) adopted guidelines for publicly traded companies to disclose their potential financial exposure due to climate change and its regulation.<sup>112</sup> The SEC did little to enforce these guidelines, and under the Trump Administration they were only sporadically followed. The SEC should use its existing statutory authority to strengthen these guidelines and then to enforce them, to help push corporations to stronger action in reducing their GHG emissions and in preparing for the impacts of climate change.

## Goal 14: Life Below Water

by Anastasia M. Telesetsky

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Goal 14 calls upon States to “conserve and sustainably use the oceans, sea and marine resources.” The goal’s targets include a number of priorities for the United States, including reducing pollution, implementing sustainable fishery policies, and boosting the rule of law.<sup>113</sup>

The United States asserts jurisdiction over 3.4 million square miles of ocean bordering 90,000 miles of coastline—the second largest exclusive economic zone and potentially one of the largest continental shelves in the world.<sup>114</sup> In the coming four years, the Biden Administration will have numerous opportunities to sustainably steward the United States’ ocean resources. As priority subjects for policy action, the new Administration should:

- **Direct EPA to regionally regulate certain non-point source pollutants, including application of chemical fertilizers that contribute disproportionately to chronic coastal hypoxia.** Two targets of Goal 14 include significantly reducing coastal eutrophication and minimizing the impacts of ocean acidification. The United States’ Gulf of Mexico is home to one of the world’s largest hypoxic “dead zones.”<sup>115</sup> Warming oceans will exacerbate hypoxic

conditions. Together hypoxia and acidification will ravage coastal ecosystems and impact marine-based livelihoods. There are no easy solutions, but there are crucial steps forward, including federal engagement in reducing leakage of nonpoint source pollutants into vulnerable ecosystems.

- **Initiate ambitious blue carbon capture plans.** Regulating fertilizers and other nonpoint source pollutants alone will not be enough to avoid the impacts of ocean acidification. As explained in Goal 13 (climate action), the United States also needs to prioritize reducing atmospheric carbon inputs that contribute directly to acidification. This will require the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service to work in collaboration with state regulators and other stakeholders such as coastal communities, insurance agencies, and coastal-based industries. In addition to terrestrial carbon reduction, part of the long game to achieving safer atmospheric carbon levels will include implementing large-scale coastal restoration projects, such as rewetting drained wetlands and replanting seagrass habitats, as part of blue carbon strategies.
- **Work closely with Congress to respond to the plastic pollution crisis.** Another Goal 14 target is reducing global plastic pollution. The United States produces more plastic waste than any other country in the world—42 million metric tons (286 pounds per person)—and is likely to be the third largest contributor of unmanaged plastic waste being released into the environment.<sup>116</sup> In terms of the peril of plastic pollution, the United States must nationally regulate plastic production, particularly single-use plastics, to create a shift within the packaging industry to investing in new solutions. This can be achieved with (1) a robust carbon tax that properly prices externalities and provides economic advantage to industries demonstrating scalable, ocean-degradable, non-fossil fuel-based packaging materials, and (2) targeted subsidies to businesses cleaning up legacy plastic pollution.
- **Revive the National Ocean Policy and use it to network across agencies and different levels of government to ensure a “long game” strategy to manage diverse ocean areas.** After the catastrophic 2010 Gulf of Mexico oil spill, the Obama Administration adopted the National Ocean Policy that directed federal agencies to coordinate with each other, states, and tribal governments to develop regional planning for healthier seas.<sup>117</sup> This policy must be revived. Any investment in implementing a National Ocean Policy must be

111. Great detail on all these items and much more can be found in *Legal Pathways to Deep Decarbonization in the United States* (Michael B. Gerrard & John C. Dernbach eds., 2019).

112. Commission Guidance Regarding Disclosure Related to Climate Change, 75 Fed. Reg. 6290 (Feb. 8, 2010).

113. United Nations Department of Economic and Social Affairs, *Goal 14: Conserve and Sustainably Use the Oceans, Seas, and Marine Resources for Sustainable Development*, <https://sdgs.un.org/goals/goal14> (last visited Feb. 14, 2021).

114. 84 Fed. Reg. 64699 (Nov. 22, 2019).

115. Felipe de la Guerra, *The Gulf Dead Zone: Smaller Measurement Doesn't Hide Big Problem*, FLA. MUSEUM, Aug. 19, 2019, <https://www.floridamuseum.ufl.edu/earth-systems/blog/the-gulf-dead-zone-smaller-measurement-doesnt-hide-big-problem/> (noting that the size of the Gulf of Mexico dead zone fluctuates year-by-year but remains sizable).

116. Kara Law et al., *The United States' Contribution of Plastic Waste to Land and Ocean*, 6 SCI. ADVANCES eabd0288 (2020).

117. Stewardship of the Ocean, Our Coasts, and the Great Lakes (National Ocean Policy), Exec. Order No. 13547, 75 Fed. Reg. 43023 (July 22, 2010).

evidence-based, cross-disciplinary, and transboundary to adequately manage seascapes both upriver and across the deep sea. The present sectoral approach to marine management has generated conflict rather than coordination.

A new policy should also include formal collaboration among USDA, the National Marine Fisheries Service, and state coastal agencies to invest at scale in an environmentally responsible coast-based “ocean farming” industry. This industry would clean coastal waters through mariculture of filter feeders, increase seaweed farming production (to contribute to carbon mitigation), and reduce pressure on overharvesting of marine species.

- **Accede to the United Nations Convention on the Law of the Sea (UNCLOS) with or without the advice and consent of the Senate.** Former administrations across the political spectrum have expressed strong support for acceding to UNCLOS. The historical practice has been that the executive should not act without the advice and consent of the Senate. The United States can, however, proceed with a congressional-executive agreement with a simple majority in both houses of Congress to accede to UNCLOS. The United States should also advance environmental sustainability values in the ongoing United Nations Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction.<sup>118</sup>

## Goal 15: Life on Land

by William J. Snape III

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Goal 15 has a broad focus—to “protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.”<sup>119</sup> It calls for integrated management of natural resources and ecosystem services as well as equitable sharing of any benefits from genetic resources.

President Biden should immediately embrace these land-based initiatives:

- **Rethink our public lands.** The starting place for any discussion of the new Biden Administration’s land and species conservation policies should be his campaign promise and Executive Order to place a moratorium on new leases for fossil fuel extraction on federal lands and waters. This Biden pledge—which contains climate mitigation, environmental

justice, energy justice, and natural resource conservation objectives all rolled into one—can absolutely be fulfilled administratively and would ensure an ecologically sound future for the more than 600 million acres owned by the United States for the people. The pledge, when implemented, would also protect an additional 1.7 billion acres of submerged land underneath U.S. coastal waters.

- **Rapidly ramp down fossil fuel extraction.** While U.S. public lands and waters are governed by different legal authorities and standards, three statutes give the Biden Administration authority to end new leasing and permitting of coal, gas, and oil. The Federal Land Policy and Management Act (FLPMA)<sup>120</sup> allows the new Administration to withdraw BLM and U.S. Forest Service lands from fossil fuel extraction. The Outer Continental Shelf Lands Act<sup>121</sup> allows the president to withdraw offshore submerged lands from such leasing, as well as to deny permit and lease applications. The Mineral Leasing Act<sup>122</sup> also provides the Administration with considerable discretion to decline to issue new onshore fossil fuel leases and places conditions on new permits.

The collective impact of this fossil fuel ramp-down would tangibly and undeniably help achieve the objectives contained in Goal 15 as well as several other of the goals related to clean energy (Goal 7), infrastructure (Goal 9), reduced inequalities (Goal 10), responsible production and consumption (Goal 12), and climate action (Goal 13). For example, roughly one-quarter of all U.S. fossil fuel GHG emissions is attributable to federal fossil fuel production. In addition, more than 70 million acres of public land and ocean—an area 55 times larger than Grand Canyon National Park—are now leased to the fossil fuel industry.<sup>123</sup> These leases contain up to 42 billion tons of potential carbon dioxide pollution. Approximately 180 million acres, or 90%, of the public land administered by BLM in the 11 western states are now available for oil and gas leasing.<sup>124</sup> All this must end.

- **Promote green infrastructure.** Green infrastructure is a win-win for job creation and ecological restoration.<sup>125</sup> The United States can once again lead the world by declaring the extinction crisis to be a na-

120. 43 U.S.C. §§1701 et seq.

121. *Id.* §§1331 et seq.

122. 30 U.S.C. §§226 et seq.

123. EcoSHIFT CONSULTING, THE POTENTIAL GREENHOUSE GAS EMISSIONS OF U.S. FEDERAL FOSSIL FUELS (2015), [https://www.biologicaldiversity.org/campaigns/keep\\_it\\_in\\_the\\_ground/pdfs/Potential\\_Greenhouse\\_GasEmissions\\_US\\_Federal\\_Fossil\\_Fuels.pdf](https://www.biologicaldiversity.org/campaigns/keep_it_in_the_ground/pdfs/Potential_Greenhouse_GasEmissions_US_Federal_Fossil_Fuels.pdf).

124. See MICHAEL SAUL ET AL., CENTER FOR BIOLOGICAL DIVERSITY, GROUNDED: THE PRESIDENT’S POWER TO FIGHT CLIMATE CHANGE, PROTECT PUBLIC LANDS BY KEEPING PUBLICLY OWNED FOSSIL FUELS IN THE GROUND 3 (2015), [https://www.biologicaldiversity.org/campaigns/keep\\_it\\_in\\_the\\_ground/pdfs/Grounded.pdf](https://www.biologicaldiversity.org/campaigns/keep_it_in_the_ground/pdfs/Grounded.pdf).

125. See, e.g., Steve Zwick, *The Green New Deal Would Boost the Restorative Economy: What Does That Mean?*, GREENBIZ, Feb. 19, 2019, <https://www.greenbiz.com/article/green-new-deal-would-boost-restoration-economy-what-does-mean>.

118. United Nations, *Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction*, <https://www.un.org/bbnj/> (last visited Feb. 14, 2021).

119. United Nations Department of Economic and Social Affairs, *Goal 15: Protect, Restore, and Promote Sustainable Use of Terrestrial Ecosystems, Sustainably Manage Forests, Combat Desertification and Halt and Reverse Land Degradation, and Halt Biodiversity Loss*, <https://sdgs.un.org/goals/goal15> (last visited Feb. 14, 2021).

tional emergency and investing \$100 billion to stem the disappearance of the world's wildlife and plants, protecting irreplaceable places at home and around the world, and ending the trafficking and overexploitation of wildlife that has been linked to the emergence of COVID-19.<sup>126</sup>

- **Conserve wildlife habitat.** The Administration should launch an unprecedented campaign to protect wildlife habitat overall so that 30% of U.S. lands and waters are fully conserved and protected by 2030 and 50% by 2050. The Administration can clarify that the ultimate objective of federal public lands is to protect biological diversity, ensure clean water, provide recreational opportunities, increase climate resiliency, and sequester carbon dioxide.
- **Protect wildlife.** The new Administration must also restore the full power of the Endangered Species Act (ESA)<sup>127</sup> and invest up to \$20 billion to save the roughly 2,000 species on the list or that should be on the list.<sup>128</sup> President Biden's EPA must simultaneously crack down on all forms of air and water pollution, toxics, and pesticides to protect wildlife and our own species alike. The new Administration should embrace long-standing American commitments tarnished by President Trump including the Migratory Bird Treaty Act and Marine Mammal Protection Act.<sup>129</sup>

## Goal 16: Peace, Justice, and Strong Institutions

by Kimberly Brown

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Goal 16 calls for governments to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”<sup>130</sup> The targets

and indicators focus on rule of law, governance, and violence reduction.

Converging crises in 2020 emphasized the imperative role of Goal 16 relating to peace, justice, institutions, and the rule of law. The United States experienced demands for racial justice and institutional reforms, coupled with the COVID-19 pandemic and its secondary impacts, including economic and unemployment shocks that upended financial and social support systems, increased intimate partner violence, and worsened violence against children. All the while, emerging threats to the rule of law, access to information, and fundamental freedoms played out to varying degrees across the country, exacerbated by a highly polarized election cycle where violence threatened peace—as illustrated by the January 2021 insurrection at the Capitol. As the most contentious and fiercely negotiated global goal in the 2030 agenda, Goal 16 is also the most transformative and necessary to unlock and catalyze other ambitious SDGs.

To build back better and ensure a more inclusive, peaceful, and just America, the Biden Administration must ensure people-centered approaches to address issues at the crux of Goal 16:

- **Rebuild transparent and accountable public institutions.** Public trust in the federal government is at 20%.<sup>131</sup> U.S. institutions are in crisis, as demonstrated by increased corruption during the pandemic, loose adherence to ethical frameworks under the prior Administration's nepotism and sycophancy, and increased public funding to political interests.<sup>132</sup> To restore public confidence, the Administration should adopt policies and procedures to strengthen ethical frameworks relating to government institutions and public service, renew commitment to open government data, and utilize robust public engagement to promote institutional reforms.
- **Revitalize access to justice to ensure justice for all.** Accessible justice is not a reality for all in the United States. Global indicators on both criminal and civil justice are markedly low in comparison to regional neighbors and other high-income countries.<sup>133</sup> A national approach to ensuring justice for all should be developed, and DOJ's Office for Access to Justice should be revived to ensure comprehensive approaches to necessary reforms. The reduction of pretrial detention and concerted national-led efforts around bail reforms are also necessary to directly accelerate progress.

126. CENTER FOR BIOLOGICAL DIVERSITY, *SAVING LIFE ON EARTH: A PLAN TO HALT THE GLOBAL EXTINCTION CRISIS* (2020), [https://www.researchgate.net/publication/338584371\\_Saving\\_Life\\_On\\_Earth\\_A\\_Plan\\_to\\_Halt\\_the\\_Global\\_Extinction\\_Crisis\\_for\\_US\\_Policymakers](https://www.researchgate.net/publication/338584371_Saving_Life_On_Earth_A_Plan_to_Halt_the_Global_Extinction_Crisis_for_US_Policymakers).

127. 16 U.S.C. §§1531 et seq.

128. CENTER FOR BIOLOGICAL DIVERSITY, *supra* note 126.

129. *See, e.g.*, Press Release, Center for Biological Diversity, *More Than 180,000 Americans Oppose Trump's Plan to Cripple Migratory Bird Protections* (Mar. 19, 2020), <https://biologicaldiversity.org/w/news/press-releases/more-than-180000-americans-oppose-trumps-plan-to-cripple-migratory-bird-protections-2020-03-19/>; Press Release, Center for Biological Diversity, *Lawsuit Threatened Over the Federal Failure to Update Marine Mammal Assessments* (Dec. 1, 2020), <https://biologicaldiversity.org/w/news/press-releases/lawsuit-threatened-over-federal-failure-update-marine-mammal-assessments-2020-12-01/>.

130. United Nations Department of Economic and Social Affairs, *Goal 16: Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All, and Build Effective, Accountable, and Inclusive Institutions at All Levels*, <https://sdgs.un.org/goals/goal16> (last visited Feb. 14, 2021).

131. *Americans' Views of Government: Low Trust, but Some Positive Performance Ratings*, PEW RSCH. CTR., Sept. 14, 2020, <https://www.pewresearch.org/politics/2020/09/14/americans-views-of-government-low-trust-but-some-positive-performance-ratings/>.

132. Aryeh Mellman & Norman Eisen, *Addressing the Other COVID Crisis: Corruption*, BROOKINGS, July 22, 2020, <https://www.brookings.edu/research/addressing-the-other-covid-crisis-corruption/>.

133. WORLD JUSTICE PROJECT, *RULE OF LAW INDEX 2020*, at 156 (2020), [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf).

- **Adopt a national agenda to address peace.** A key target of Goal 16 is reduction of all forms of violence. Peace is threatened by unemployment, poverty, injustice, and the manifestation of other societal enablers and undercurrents that other SDGs seek to address (e.g., Goals 5 (gender equality), 10 (reduced inequalities), 11 (sustainable cities and communities)).<sup>134</sup> In light of recent events, a national conversation and a comprehensive agenda on inclusive peace to address various dimensions of violence and its societal undercurrents is needed. That conversation should include violent extremism, violence against women and children, urban and gun violence, and economic violence. It should also explore transitional and transformative justice programming and policies.
- **Address inequality through inclusive law and policy.** Inclusion and equity must be at the heart of all legal and policy efforts for the Administration to address continued systemic inequalities across race and gender. Goal 16's targets, when read together with those of other SDGs, including Goals 1 (no poverty), 5 (gender equality), and 10 (reduced inequalities), underscore what a comprehensive framework might include.<sup>135</sup> Reforms must foster greater social cohesion and include thoughtful participation by—and leadership from—all marginalized communities. Priorities should include ratification of the Equal Rights Amendment; a renewed civil rights agenda; and improved employment protections relating to equal pay, parental leave, and sexual harassment.
- **Recommit to global leadership.** The United States spends billions toward broad objectives related to Goal 16 through its multilateral and bilateral foreign policy priorities and, at the outset of the SDGs, championed its ambitious agenda. Recommitment to leadership on Goal 16 at the United Nations is critical, as is alignment of the Administration's relevant domestic and foreign policy priorities related to Goal 16.

## Goal 17: Partnerships for the Goals

by Jane Nelson

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Goal 17 calls on governments to “strengthen the means of implementation and revitalize the global partnership for sustainable development.”<sup>136</sup> This goal focuses predominantly on mobilization of resources for international direct and indirect assistance to developing nations as well as technology transfer, capacity-building, and sustainable debt between developed and developing nations.

Rebuilding old alliances and partnerships and establishing new ones, both domestically and internationally, will be one of the most urgent sustainability imperatives for the new Administration. Concerted and mutually accountable collaboration will be essential for meeting all the other recommendations outlined in this Article. At the same time, many of the initial priorities identified by the Biden-Harris Administration have direct implications for achieving the SDGs, and none of them can be achieved in the absence of partnerships between different levels of government, business, and civil society.<sup>137</sup> Delivering on ambitious “build back better” goals to beat COVID-19, support jobs and economic recovery, advance racial equity, and tackle the climate crisis will require a combination of smart policy and regulatory reform, capital market reforms and business incentives, science and technology innovation, and a variety of new collaborative R&D, financing, business, and delivery models.

Goal 17 provides a useful road map for action. The Administration can take immediate action to build or strengthen bipartisanship support and cross-sector leadership in these five areas:

- **Recommit to key global agreements and multilateral institutions.** The new Administration has demonstrated early and decisive leadership on reengaging in global agreements and institutions that are focused on sustainable development and building back better from the pandemic. This has included the Paris Agreement<sup>138</sup> and the World Health Organization and COVAX initiative, among others. As the government continues to reengage and reestablish trust and credibility, there is untapped potential to bring a multi-stakeholder approach to the table, drawing on expertise and resources not only from different federal government departments, but also from ongoing leadership and collaboration among U.S. states, cit-

134. See WORLD BANK, WORLD DEVELOPMENT REPORT 2011: CONFLICT, SECURITY, AND DEVELOPMENT 9 (2011), <https://doi.org/10.1596/978-0-8213-8439-8>; see also UNITED NATIONS & WORLD BANK, PATHWAYS FOR PEACE: INCLUSIVE APPROACHES TO PREVENTING VIOLENT CONFLICT (2018), <https://openknowledge.worldbank.org/handle/10986/28337>; see also FLÁVIA CARBONARI ET AL., CENTER ON INTERNATIONAL COOPERATION AT NEW YORK UNIVERSITY, A REVIEW OF THE EVIDENCE AND A GLOBAL STRATEGY FOR VIOLENCE PREVENTION (2020), [https://530cfd94-d934-468b-a1c7-c67a84734064.filesusr.com/ugd/6c192f\\_f6036b2b1ecf4fd1a3d7687ff7098a46.pdf](https://530cfd94-d934-468b-a1c7-c67a84734064.filesusr.com/ugd/6c192f_f6036b2b1ecf4fd1a3d7687ff7098a46.pdf).

135. See CENTER ON INTERNATIONAL COOPERATION AT NEW YORK UNIVERSITY, THE ROADMAP FOR PEACEFUL, JUST, AND INCLUSIVE SOCIETIES: A CALL TO ACTION TO CHANGE OUR WORLD (2019), [https://530cfd94-d934-468b-a1c7-c67a84734064.filesusr.com/ugd/6c192f\\_0349710665254122b0a00066c31fa8d2.pdf](https://530cfd94-d934-468b-a1c7-c67a84734064.filesusr.com/ugd/6c192f_0349710665254122b0a00066c31fa8d2.pdf).

136. United Nations Department of Economic and Social Affairs, *Goal 17: Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development*, <https://sdgs.un.org/goals/goal17> (last visited Feb. 14, 2021).

137. The White House, *supra* note 9.

138. See United Nations Climate Change, *The Paris Agreement*, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (last visited Feb. 14, 2021).



ies, nongovernmental organizations, and companies in many of the SDG priorities outlined in this Article.

In particular, U.S. government resources should be targeted to support established multi-stakeholder partnerships focused on climate action, economic recovery, and strengthening health, energy, housing, and food systems, as well as improving financial and digital inclusion, both within the United States and globally. The Administration should also commit to increasing its level of ambition in the U.S. NDC for the Paris Agreement and to preparing and presenting a VNR to the United Nations that provides a rigorous and multi-stakeholder assessment of U.S. progress on the SDGs.

- **Fund and fully resource U.S. global development efforts with the SDGs at the center.** A critical step for the Administration is to ensure ongoing bipartisan support for the U.S. global development budget and invest in strengthening the financial, operational, and human resources capacity of the U.S. Department of State, U.S. Agency for International Development, U.S. Trade Representative, and U.S. International Development Finance Corporation, among others. The U.S. Global Leadership Council offers a long-standing multi-stakeholder alliance that can bring valuable advocacy and implementation partners to the table. There are also well-established issue-specific alliances in crucial areas such as improving access to health care, food and nutrition, energy, finance, and digital inclusion, focused on the most vulnerable groups facing inequalities based on race, ethnicity, gender, age, and income. Feed the Future,<sup>139</sup> the U.S. President's Emergency Plan for AIDS Relief,<sup>140</sup> and Power Africa<sup>141</sup> provide three examples.
- **Invest in low-carbon, job-creating, and resilient infrastructure.** The Administration should establish a national infrastructure bank or invest in public-private financing vehicles, both domestically and globally, with clear criteria for financing essential infrastructure in a manner that prioritizes job creation, inclusion, and sustainability. This should include identifying a set of “early wins” in specific urban and rural areas, focused on both physical and digital infrastructure, alongside some more systemic and ambitious national goals and initiatives. As outlined elsewhere in this Article, the establishment of more consistent standards and protocols will be needed to ensure that the design, implementation, and maintenance of essential infrastructure is resilient in the face of climate change, cyberthreats, and other challenges.

- **Scale public funding and communications to advance science and technology.** Significant investments in science and technology are critical, especially in areas where the convergence of digital technology and platforms, life sciences, and material sciences can provide sustained solutions to delivering the SDGs. There is also a need to rebuild public trust in science and technology.

Investments could include, for example, the creation of a national pandemic platform to accelerate, coordinate, and scale responses to COVID-19, including but beyond vaccines. Coordinated R&D efforts across government departments and with the private sector will also be essential for scaling impact on climate action and most of the other SDGs. The Administration should ensure that public-private partnerships aimed at researching, developing, and distributing new technologies also have clear criteria for assessing potential negative impacts and externalities, especially on already vulnerable or marginalized communities or fragile ecosystems.

- **Improve the rigor and public credibility of data collection, analysis, and monitoring.** Recent years have demonstrated substantial gaps and inequities in the way that data on people and the planet are collected and analyzed, as well as concerns about the reliability of the data that are being used for decision-making and being communicated to the public. The Administration has taken immediate steps to start addressing these challenges. It has potential to harness the best of public- and private-sector expertise and technologies to substantially increase the quantity and improve the quality of data available for advancing the SDGs. At the same time, it must focus on rebuilding public trust in the data and information that are communicated by leaders in government.

## Conclusion

The SDGs provide a useful set of goals and indicators to help focus and track the Biden Administration's priorities toward a more sustainable America. With the Administration's focus on COVID-19, economic recovery, racial equity, and climate change, there is a natural fit between the SDG areas of focus and the Administration's top priorities. At a minimum, that confluence of agendas should provide a more robust and supportive enabling environment for discussion of sustainable development, and the use of the SDGs, at the federal level. We have not had that since 2016.

This Article's recommendations, however, cover a wide range of actions that are necessary to increase and maintain quality of life and opportunity for everyone, regardless of who is president. By focusing on human quality of life and opportunity as the ultimate objective, the SDGs provide a way to frame issues that could have broad appeal. The

139. See Feed the Future, *Home Page*, <https://www.feedthefuture.gov/> (last visited Feb. 14, 2021).

140. See U.S. Department of State, *The United States President's Emergency Plan for AIDS Relief*, <https://www.state.gov/pepfar/> (last visited Feb. 14, 2021).

141. See USAID, *Power Africa*, <https://www.usaid.gov/powerafrica> (last updated Sept. 23, 2020).

specific recommendations here provide a broad agenda, not just for this Administration, but for the future.<sup>142</sup>

In addition, the Article's recommendations may help concretize goals into actions. Being aware of the interlacing nature of these goals may help the new Administration better focus on areas of overlap between agencies and priorities in order to find synergies. It may also help identify and address areas of underlap where priorities may find no natural champion within the Administration and risk going unaddressed.

Finally, we wish to emphasize four points. To begin with, the Administration may have no more than two years of single-party control of both the legislative and executive branches. As a result, it would seem that the legislative priorities outlined above, such as climate and racial equity, deserve particular attention prior to the 2022 elections.

In addition, the Administration should take note of Tony Pipa's suggestion to prepare a VNR for 2022, and to use preparation of the review as the focus for promoting awareness of the SDGs domestically and to seek input from a variety of stakeholders on U.S. sustainability priorities. Since the defunding of CEQ's "state of the environment" report, the United States has lacked a comprehensive tracking system for gauging its progress, or backtracking, toward environmental progress. The SDGs offer a ready-made format for addressing the more holistic goal of tracking progress toward a more sustainable America.<sup>143</sup>

Moreover, while the Article focuses on recommendations for the Biden Administration, the federal government

cannot do all the work. State and local governments also have important roles to play, particularly but not exclusively on issues the federal government cannot or does not reach. In addition, as noted by Jane Nelson, the private sector and civil society should be engaged as partners in pursuit of these goals, which are not simply a governmental responsibility. Many corporations are looking to the SDGs as they consider their corporate social responsibilities and supply chain risks, and the SDGs provide a good opportunity to work across stakeholder groups to find common interests and pursue common goals.<sup>144</sup> For sustainability to work in the United States, all levels of government, the private sector, and civil society are important.

More basically, there is a need for robust public discussion and debate about how to accelerate the transition to sustainability, and how to achieve "human prosperity in a flourishing web of life."<sup>145</sup> That discussion needs to include everyone—business and labor, young people, farmers, scientists, technology developers, religious and spiritual leaders, educators, and even social media celebrities. Many Americans get their news from social media as opposed to their political leaders, and take cues from the pulpit or yoga mat on how to translate their beliefs into action.

Progress on the SDGs will depend in part on those not traditionally considered part of the policymaking process being aware of the SDGs and embracing the idea of a sustainable America. Therefore, communication and building bridges with a variety of stakeholders to increase awareness of the SDGs will be critical to success.

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142. Because this Article is focused on immediate steps the Biden Administration can take and because each author was limited to a small number of priority actions in his or her area, this Article's list of suggestions is far from exhaustive. Some critical elements, such as sustainable and regenerative agriculture, have not received adequate attention.

143. In the absence of federal tracking of SDG progress, others have published reports. See, e.g., SUSTAINABLE DEVELOPMENT REPORT 2020, *supra* note 65; see also SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, THE 2019 U.S. CITIES SUSTAINABLE DEVELOPMENT REPORT (2019), <https://www.sustainabledevelopment.report/reports/2019-us-cities-sustainable-development-report/>.

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144. See, e.g., UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS, THE BUSINESS AND HUMAN RIGHTS DIMENSION OF SUSTAINABLE DEVELOPMENT: EMBEDDING "PROTECT, RESPECT, AND REMEDY" IN SDGs IMPLEMENTATION (2017).

145. RAWORTH, *supra* note 6.