

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM  
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**MEMORANDUM**

**July 16, 2021**

**To: Members of the Committee on Oversight and Reform**

**Fr: Committee Staff**

**Re: Hearing on “Building Back with Justice: Environmental Justice Is Central to the American Jobs Plan”**

On **Wednesday, July 21, 2021, at 10:00 a.m.**, the Committee on Oversight and Reform will hold a hybrid hearing **in room 2154 of the Rayburn House Office Building and remotely on the Zoom video platform** on the Justice40 Initiative, the Biden–Harris Administration’s commitment to ensuring that the communities most impacted by pollution and the climate crisis receive at least 40% of the benefits of climate and clean energy infrastructure investments.

**I. DISPARATE IMPACTS OF POLLUTION AND CLIMATE CHANGE**

Climate change presents an immediate and present danger across the country, and poor communities and communities of color are disproportionately impacted. Low-income communities are more likely to suffer the consequences of more frequent and intense storms and other natural disasters due to failing infrastructure and chronic disinvestment. In addition, predominantly white communities receive greater reinvestment than predominantly minority communities after natural disasters.<sup>1</sup>

People of color are disproportionately exposed to pollution from a wide range of sources. Black Americans, and to a lesser extent Hispanic and Asian Americans, all have a higher risk of premature death as a result of pollution.<sup>2</sup>

**II. THE JUSTICE40 INITIATIVE**

On January 21, 2021, President Biden issued Executive Order 14008 (EO 14008), which declares that the climate crisis will be “at the forefront of this Nation’s foreign policy and

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<sup>1</sup> *Racial Disparities in Climate Change*, Princeton Student Climate Initiative, Princeton University (Aug. 15, 2020) (online at <https://psci.princeton.edu/tips/2020/8/15/racial-disparities-and-climate-change>).

<sup>2</sup> American Lung Association, *Disparities in the Impact of Air Pollution* (online at [www.lung.org/clean-air/outdoors/who-is-at-risk/disparities](http://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities)) (accessed July 16, 2021).

national security planning.” The EO includes the Justice40 Initiative to set the goal of ensuring 40% of the overall benefits of certain clean energy, transit, housing, workforce development, remediation, and infrastructure investments flow to disadvantaged communities. EO 14008 directed the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB), and the National Climate Advisor to publish within 120 days recommendations on how the government should target and analyze these investments to meet this goal.<sup>3</sup>

EO 14008 also established a White House Environmental Justice Advisory Council (WHEJAC), comprised of individuals with “knowledge about or experience in environmental justice, climate change, disaster preparedness, racial equity, or any other area determined by the President to be of value to the Advisory Council.”<sup>4</sup> CEQ, OMB, and the National Climate Advisor are directed to consult with WHEJAC when preparing the Justice40 Initiative implementation recommendations, and WHEJAC submitted its initial recommendations in May. Among other recommendations, WHEJAC requested that Justice40 be implemented immediately in the fiscal year 2022 budget cycle and in local investment tranches created by the American Jobs Plan (AJP).<sup>5</sup>

Justice40 is included in the AJP, which “targets 40 percent of the benefits of climate and infrastructure investments to disadvantaged communities.”<sup>6</sup> The Biden-Harris Administration also included Justice40 in the President’s Budget for Fiscal Year 2022, affirming “a whole-of-government approach to ... secure environmental justice for communities that have been left behind through the largest direct investment in environmental justice in history.”<sup>7</sup>

### **III. HEARING PURPOSE**

The hearing will examine the urgency of current environmental justice challenges and how the federal government can take a coordinated interagency approach to implementing the Justice40 initiative, delivering resources directly to frontline communities prepared to lead the way to a stronger, fairer, more prosperous America.

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<sup>3</sup> Exec. Order No. 14008, 86 Fed. Reg. 7619 (Jan. 27, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> White House Environmental Justice Advisory Council, *Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions* (May 21, 2021) (online at [www.epa.gov/sites/production/files/2021-05/documents/whiteh2.pdf](http://www.epa.gov/sites/production/files/2021-05/documents/whiteh2.pdf)).

<sup>6</sup> The White House, *Fact Sheet: The American Jobs Plan* (online at [www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/](http://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/)) (accessed July 15, 2021).

<sup>7</sup> Office of Management and Budget, *Fact Sheet: The President's Budget for Fiscal Year 2022* (May 28, 2021) (online at [www.whitehouse.gov/wp-content/uploads/2021/05/FINAL-FY22-Budget-Overview-Fact-Sheet.pdf](http://www.whitehouse.gov/wp-content/uploads/2021/05/FINAL-FY22-Budget-Overview-Fact-Sheet.pdf)).

#### **IV. WITNESSES**

**Richard Moore**

Co-Coordinator, Los Jardines Institute  
National Co-Coordinator, Environmental Justice Health Alliance  
Co-Chair, White House Environmental Justice Advisory Council

**Nicole Lee Ndumele**

Vice President, Racial Equity and Justice, Center for American Progress

**Harold Mitchell**

Founder and Executive Director, ReGenesis Community Development Corporation  
Member, White House Environmental Justice Advisory Council

**Raya Salter, Esq.**

Member, New York State Climate Action Council

**Michael Leon Guerrero**

Executive Director, Labor Network for Sustainability

**Shay Hawkins**

Chairman and Chief Executive Officer, Opportunity Funds Association

Staff contacts: Emily Burns, Harry Manin, Gina Kim, Jessica Heller, Taylor Edwards, David Clifton, Max Whitcomb, and Courtney Miller at (202) 225-5051.