



Recommendations for Executive Action for the Remainder of President Biden's Term

Climate

Recommendation: Submit and publicize the U.S. government's next round of Nationally Determined Contributions (NDC).

Reasoning: An ambitious NDC will connect the Biden administration's major climate legislative accomplishments, such as the Inflation Reduction Act (P.L. 117-169) and the Infrastructure Investment and Jobs Act (P.L. 117-58), with the global goal of halting the climate crisis. Releasing the U.S. government's next NDC before 2025 will help state and local governments orient their climate goals around federal priorities, encourage private sector engagement in national decarbonization efforts, and signal continued U.S. leadership in the race to stop climate change.

FCNL recommends that the U.S. government's NDC encompass decarbonization in the power, transportation, industrial, and agricultural sectors. The U.S. government's NDC should also clearly reference the need for climate adaptation in addition to mitigation, outline a plan of action rooted in environmental justice, and pledge continued climate finance for developing countries struggling to cope with current climate impacts.

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Justice Reform

Recommendation: **Enact strong limits to the 1033 program.**

Reasoning: The 1033 program facilitates heightened police action, which is often more deadly to Black and Brown communities. The Pentagon’s 1033 program has transferred over \$7 billion to law enforcement agencies around the country between 1996 and 2020.ⁱ

The 1033 program can be used to provide police with bayonets, bazookas, and what a casual observer would call a tank. Beginning with the Obama administration, Executive Order 13688ⁱⁱ sought to rein in the 1033 program.

The current reforms to the 1033 program need further restrictions to limit the excesses of militarism in law enforcement. Limits to the 1033 program should be extensive and broad allowing only exceptions that permit transfer of items that police can use in emergencies like trucks, radios, and bullet proof vests and helmets.

Recommendation: **End the implementation of the death penalty for federal cases. Commute all death penalty sentences to life with the possibility of parole. Dismantle the death penalty facility in Terre Haute, Indiana.**

Reasoning: As a Quaker organization, FCNL views that every human holds the Light of God. Every life is precious. Our society has determined that taking a life is so reprehensible and evil that U.S. systems reserve the harshest punishment for those who commit these violent offenses. The U.S. government should not be the exception to this rule. Since 1973 there have been 200 exonerations from death row and over 1,600 people killed, with 50 executions at the federal level.ⁱⁱⁱ

To offer a powerful remark illustrating the problem: “The question we need to ask about the death penalty in America is not whether someone deserves to die for a crime. The question is whether we deserve to kill.”^{iv}

The federal government should set an example by ending this inhumane practice. The federal government must set the precedent for states to cease committing the horrors of the death penalty. FCNL is hopeful that states will follow President Biden’s leadership and end the horrible act of capital punishment. FCNL encourages moving to restorative justice where offenders face accountability and victims as well as communities are made whole. The act of state-sanctioned killing, by definition, eliminates the possibility of restoring the community and precludes a human being from contrition and achieving wholeness in their community.

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ⁱ “*ACLU Analysis Reveals Reforms to Controversial 1033 Program that Gives Police Weapons of War Had No Impact*” American Civil Liberties Union. May 12, 2021

ⁱⁱ “*Recommendations Pursuant to Executive Order 13688 Federal Support for Local Law Enforcement Equipment Acquisition*” White House. May, 2015

ⁱⁱⁱ “*Death Penalty*” Equal Justice Initiative.

^{iv} *Ibid*



Middle East Policy

Recommendation: Immediately suspend lethal U.S. arms transfers to Israel in light of repeated apparent violations of international and U.S. law and policy in Gaza and the West Bank.

Reasoning: U.S. law is clear: United States security assistance must never be used to violate human rights abroad. Ongoing U.S. military support and weapons sales to the Israeli government have made taxpayers complicit in catastrophic civilian harm and human suffering in Gaza.

Human rights groups, such as Human Rights Watch and Amnesty International, have repeatedly documented how Israeli forces have used U.S. weapons to destroy hospitals, schools, homes, and water and sanitation facilities, while they are also restricting humanitarian aid to millions of Palestinians. The continued provision of U.S. arms—including six recent sales totaling over \$20 billion—has sent a political signal of near-unconditional support for Israel’s actions and has made the possibility of a ceasefire and hostage deal even more remote.

The United States must use all its leverage to mitigate the suffering and finally bring this devastating war to an end for the sake of Israelis and Palestinians alike.

Recommendation: Restore United States funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), consistent with the recently introduced “UNRWA Funding Emergency Restoration Act of 2024, H.R. 9649”

Reasoning: In January 2023, the Biden administration paused U.S. funding to the UNRWA following Israeli government allegations that 12 UNRWA employees were involved in Hamas’ horrific October 7th attacks. In response to these claims, UNRWA immediately took action, firing the 12 employees in question. UNRWA has since implemented all recommendations and continues to strengthen its oversight and accountability measures.

UNRWA serves as the backbone of humanitarian operations in Gaza, and every other humanitarian operator in Gaza has repeatedly stressed its critical role in maintaining essential medical, food, and educational infrastructure that all these agencies on the ground rely on every day.

With millions of Palestinians facing a looming famine and polio epidemic, the Biden administration must lift its hold on UNRWA funding. While this action alone would not immediately restore U.S. funding, as Congress has paused funding UNRWA until March 2025, this would send a green light to Congress to lift remaining limitations during appropriations negotiations, thereby increasing aid access to millions of Palestinians.

Additionally, while grateful to the administration for directing Deferred Enforced Departure for Palestinians, FCNL encourages the administration to cement full humanitarian migration pathways for Palestinians seeking protection in the United States.

Recommendation: Deploy the United States hospital ships USNS Mercy and USNS Comfort, and/or other medical-capable ships, to the waters off Gaza to help provide Palestinian civilians with access to emergency medical care.

Reasoning: As Gaza faces one of the most severe human-made humanitarian crises in the world, further medical support could save countless lives. Globally, the United States plays a vital role in delivering humanitarian aid and life-saving support during conflicts and crises.

By deploying the hospital ships USNS Mercy and USNS Comfort to the waters off Gaza, the Biden administration could help alleviate some of the burden and pressure in an already dire situation, providing much-needed medical assistance to those in need.

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Migration

Recommendation: End the privatization of immigrant detention.

Reasoning: FCNL commends President Biden’s early promise to end the privatization of carceral institutions in the United States and for phasing out contracts with privately-operated criminal detention facilities. This commitment, however, remains unfulfilled, so long as for-profit immigration detention centers are still contracted and operated. As of July 2023, more than 90% of migrants in ICE custody were being detained in private detention facilities—an 11% increase from the first year of President Biden’s term.^v

These profit-driven institutions have a proven track record of prioritizing costs over the wellbeing of humanity—neglecting safety and security and creating dangerous and even deadly conditions for the migrants in custody.

Such conditions led to inexcusable tragedies, such as the deaths of Ernesto Rocha-Cuadra, a 42-year-old immigrant who suffered a heart attack after mistreatment and refusal of medical care by staff at the Central Louisiana ICE Processing Center, and Kesley Vial, a 23-year-old who died after facing inhumane conditions in the Torrance County Detention Facility. Delivering on the promise to eliminate the private operation of incarceration for immigrants will lessen the suffering of migrants at the hands of private prisons and end the unconscionable revenue soars for these corporations.

Recommendation: Increase the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants.

Reasoning: The Biden administration should create an automatic extension for employment authorization renewal applications for asylum seekers and other eligible individuals rather than allowing the temporary rule to expire on October 15, 2025.

This automatic extension should be for 730 days to protect the ability of individuals to work for years to come. Many faith traditions promote the call to work, and the right to work is essential for newcomers to meet their basic needs, live in self-sufficiency, and contribute to their new communities.

This year, the Department of Homeland Security estimated that 260,000 people stand to lose work authorization despite the temporary rule, and current employment authorization requests experience years-long backlogs.^{vi} An extension of the work permit authorization will prevent unnecessary lapses in a means for human security.

Recommendation: Permit renewals for parole grants through the Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) parole program.

Reasoning: Since the creation of the CHNV program, approximately 500,000 people from Cuba, Haiti, Nicaragua, and Venezuela, with U.S.-based sponsors, have arrived in the country to live and work. FCNL is deeply concerned by the Biden administration’s decision to cease renewals after the two-year parole grant period.

The administration introduced a necessary migration response when creating the CHNV program, a successful and life-changing initiative to reunite families and allow people to seek safety and stability away from the tumult of their home countries. CHNV bolsters the administration’s effort to direct migrants to enter the country through lawful pathways and decrease pressure on the U.S.-Mexico border, as the policy readily facilitated reduced encounters with people of these nationalities at the U.S. southern border.

Once parole expires as soon as this year, many Cubans, Haitians, and Venezuelans have avenues through asylum, Temporary Protected Status (TPS), or the Cuban Adjustment Act, by which to remain in the country. These programs are not all-inclusive. Without CHNV renewals, thousands of Nicaraguans will face a lapse in status and the threat of deportation. Allowing CHNV program renewals and redesignating TPS for Nicaragua will provide Nicaraguans with an accessible means to remain in the United States.

^v Eunice Hyunhye Cho “*Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*,” American Civil Liberties Union. August 7, 2023. Accessed 20 September 2024.

^{vi} 89 Fed. Reg. at 24655.



Militarism and Human Rights

Recommendation: Issue a presidential proclamation formally declaring an end to the Iraq War and terminating the authority of the 2002 Iraq AUMF.

Reasoning: The 2002 Authorization for Use of Military Force Against Iraq (2002 Iraq AUMF) was passed to authorize war against Saddam Hussein's Iraq. The Iraq War ended in 2011, yet subsequent administrations have sought to expand the scope of this AUMF far beyond congressional intent, culminating in President Trump's administration's claim that the resolution provided statutory authority for the assassination of Iranian general Qassem Soleimani.

The Supreme Court, in *Ludeke v. Watkins*, held that "the state of war may be terminated by treaty or legislation or Presidential proclamation." Issuing a presidential proclamation to formally end the Iraq War and terminate the authority of the 2002 Iraq AUMF would help to close the chapter of a disastrous war and ensure that no future president could invoke the resolution to justify future military operations that Congress has not authorized.

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Native American Advocacy

Recommendation: Pardon or commute the sentence of Leonard Peltier, American Indian Movement Activist.

Reasoning: FCNL urges President Biden to expand his legacy of clemency, as well as his commitment to justice, by pardoning Leonard Peltier. Mr. Peltier has been incarcerated for almost 50 years on charges of murdering two Federal Bureau of Investigation agents, despite serious questions about the integrity of his trial. Mr. Peltier has always maintained his innocence.

Earlier this summer, Mr. Peltier was denied parole at his first parole hearing in almost 15 years. This is despite his record of good behavior in Bureau of Prisons custody and serious concerns about the impact continued incarceration will have on his health.

Pardoning Mr. Peltier would acknowledge that many of the actions taken by federal officials surrounding the Wounded Knee occupation were not motivated by a desire to seek justice but rather a desire to take revenge for fallen colleagues. Commuting Mr. Peltier's sentence would allow him to return to his community and family and receive medical treatment for his failing health.

Peacebuilding

Recommendation: Replace the Trump Administration's 2017 policy on cluster munitions with a new U.S. policy that aligns with the requirements of Convention on Cluster Munitions^{vii} by banning the use, production, transfer, or stockpile of cluster munitions and laying out an accelerated timeline to destroy all U.S. stockpiles of cluster munitions.

Reasoning: Cluster munitions are designed to scatter small bomblets over large areas, indiscriminately falling on civilian and military targets alike. In 2023, civilians accounted for 93% of cluster munitions casualties, keeping communities in fear of harm from these deadly weapons during conflicts and for decades after, outweighing any military benefits of their use. Currently, the United States is not among the 124 signatories to the Convention on Cluster Munitions, which includes 18 NATO allies.

Despite this global consensus on the inhumanity of cluster munitions, the United States remains an outlier in allowing the continued transfer and use of these immoral weapons. President Biden should act to end the U.S. government's use and transfer of cluster munitions and set the country on the path toward joining the Convention.

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Recommendation: End arm sales to U.S. partners that are supporting warring parties in Sudan, including the U.A.E., and work urgently to initiate a new round of talks between the parties, with meaningful inclusion of Sudanese civil society.

Reasoning: Since war erupted in Sudan, more than 10 million people have been displaced, roughly a fifth of the population, and nearly 19,000 civilians have been killed and more than 33,000 injured. Secretary of State Antony Blinken determined in December 2023 that both parties to the conflict, the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF), have committed war crimes and the RSF and its allied militias have perpetrated ethnic cleansing. In the face of violence and atrocities, the U.S. can and must do more.

President Biden must urgently work with the international community to hold violators of the Darfur arms embargo accountable, including U.S. partners and allies, and to expand the arms embargo to the rest of the country. Additionally, the only way to peace for the people of Sudan is at the negotiating table. President Biden must begin a new round of talks between the warring parties and in line with the Women, Peace and Security Act (P.L. 115-68) ensure "the meaningful participation of women in [...] conflict resolution processes."

^{vii} *The Convention on Cluster Munitions*. 30 May, 2008. Accessed 20 September 2024.



Racial Justice

Recommendation: Establish a commission to investigate the impacts of the United States’ legacy of slavery and recommend appropriate remedies, including reparations proposals for African Americans.

Reasoning: The estimated economic value of the four million enslaved people held in 1860 is \$4 billion, more than all the factories, railroads, and banks combined^{viii} in the United States at that time. Yet, despite their enormous impact on the United States economy,^{ix} African American people were never paid for their contributions.

The effects of this foundational injustice continue to reverberate in American society with ongoing impacts on education, healthcare, housing, labor, income, and more. FCNL urges President Biden to issue an executive order establishing a commission to investigate the U.S. government’s role in supporting slavery and the role of public and private discrimination against freedmen and their descendants.

It is long past time the U.S. government examine the continuing adverse effects of slavery on African American people and society alongside recommending appropriate remedies. Such a commission would help the nation honestly study its racialized history and its effects to move forward towards a more perfect union.

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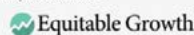
A snapshot of enslaved Americans’ contribution to pre-Civil War economic growth

Enslaved workers contribution to the growth in commodities output per capita, 1839-1859

Region	Growth in per capita output (%)	Percent of per capita growth derived from enslaved Americans (%)	
		(1)	(2)
New England	44.50	0.0	0.0
Middle Atlantic	34.36	1.37	1.60
East North Central	37.37	0.0	0.0
West North Central	17.38	32.36	42.13
South Atlantic	23.86	123.1	150.5
East South Central	24.24	128.4	158.4
West South Central	6.52	199.0	298.2
United States	33.38	18.7	24.3

Source: Data on growth in per capita output from Easterlin [1961] and Gallman [1960]. Data on enslaved Americans’ contribution to growth in output per capita from authors; see Mark Stelzner and Sven Beckert, “The Contribution of Enslaved Workers to Output and Growth in the Antebellum United States.” Working Paper [Washington Center for Equitable Growth, 2021], available at <https://equitablegrowth.org/the-contribution-of-enslaved-workers-to-output-and-growth-in-the-antebellum-united-states>.

Note: New England includes Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Middle Atlantic includes New York, New Jersey, Pennsylvania, Delaware, and Maryland. East North Central includes Ohio, Indiana, Illinois, Michigan, and Wisconsin. West North Central includes Minnesota, Iowa, Missouri, and Kansas. South Atlantic includes Virginia, North Carolina, South Carolina, Georgia, and Florida. East South Central includes Kentucky, Tennessee, Alabama, and Mississippi. West South Central includes Arkansas, Louisiana, and Oklahoma.



^{viii} Saraiva, Catarina. “Paycheck Podcast Episode 2: How Much Did Slavery in U.S. Cost Black Wealth?” Bloomberg.com, March 18, 2021.

^{ix} Zickuhr, Kathryn. “New Research Shows Slavery’s Central Role in U.S. Economic Growth Leading up to the Civil War.” Washington Center for Equitable Growth, August 22, 2022.



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