

POLICY

RECOMMENDATIONS

Modern thinking by Millennials, for Millennials, invested in the ideas of Freedom, Opportunity, and Community for All.

Volume I

Future of Work • Criminal Justice • Gender Equity • Education • Healthcare • Climate Change & Energy • Democracy & Voting Rights

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This past summer, New Leaders Council held its 10th National Convention in Houston, Texas with the theme of “The Future of Millennial America.” Throughout days of conversation and trainings it became clear that ‘Millennial America’ is not a future notion, but our current America. Now is millennials’ time to lead.

Soon to be the largest voting bloc in American history (~83 million voters) and with significant (if latent) economic power, millennials will be the generation to truly change our institutions in American society. Millennials are at the forefront of the public discourse in our debates about the economy, social justice, and how we interact with our democratic system. With these important facts in place, New Leaders Council launched the Millennial Policy Initiative (MPI) in January 2018.

MPI connects millennial leaders and thinkers to prominent thought, business and organizational leaders to develop modern policy ideas and have conversations about the challenges we face as a nation. MPI empowers a generation of leaders, thinkers and elected officials to solve problems and seize opportunities.

Throughout the spring and summer of 2018, 66 individuals met to discuss the most pressing public policy issues of our time and to determine smart and modern solutions with a vision of cooperation for the future. The result is the Millennial Policy Initiative Report Volume 1.

MPI Report Vol. 1 covers the issues of criminal justice, gender equity, healthcare, education, the future of work, climate change and the environment, and democracy and voting rights. The seven MPI reports were written by Commissions comprised of Senior Advisors – prominent thought, business and organizational leaders who tackle these issues in their day-to-day work – and Senior Fellows – exceptional NLC alumni who are some of our generation’s greatest thinkers and doers. The end result includes dozens of ideas that combined create a blueprint to a more just and inclusive America.

Working with these thought leaders and the nearly 7,000 alumni of the New Leaders Council Institute we must now turn ideas into action; coordinating with policymakers to enact the change needed to ensure a country where freedom, opportunity and community is available and accessible to all.

Respectfully,

Mark Riddle
President
New Leaders Council & the Millennial Policy Initiative

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Commission on the Future of Work Final Report

Recommendations to sustain the cornerstone of the American Dream

INTRODUCTION

Meaningful, sustaining, and valuable work is the cornerstone of the American Dream. As we move into the coming century, the American labor force confronts an ever-quickening pace of change within what exactly “work” means, how it is valued, and how we can ensure that all work—in every field and in every context—provides a stable basis for a meaningful life. We do not enter this challenge blindly, though. In our history, we have confronted similar periods of immense change in the nature and character of labor. This Commission has examined our nation’s history and doctrine, the current state of the American workforce, and the likely impacts of technological change on why and how Americans will work in the future.

The future of work will be fundamentally shaped by political and policy choices. How we define work, how we set baseline values for that work, and how we ensure that all labor market participants—workers and employers alike—receive fair and sustaining value from their work are all political questions and must be confronted with the understanding that their settlement will depend on smart policy choices that provide intelligent and workable rules for the marketplace.

Based on months of study by the members of the Millennial Policy Initiative Commission on the Future of Work (Commission), we make the following recommendations for short and long-term policy choices related to the future of work. All of these recommendations proceed from the understanding that our current model of workforce assistance and training is structured to address problems of the past. We therefore need to understand the shortcomings of that outmoded system, identify a new, equitable model for such assistance, and then establish new baselines for the minimum acceptable standard of living for American workers.

- 1. Re-examine and Re-invigorate Workforce Development Programs and current Federal Funding.**
- 2. Ensure all workers—regardless of classification—have access to Robust, Universal Benefits Programs.**
- 3. Plan for the Intersectional and Intergenerational Impacts of Coming Automation.**

REINVIGORATING AND MODERNIZING WORKFORCE DEVELOPMENT PROGRAMS

Work is an essential characteristic of identity. The work that an individual engages in during their lives provides them with a livelihood and a means to create for themselves and their families new opportunity. For many, it also provides a sense of purpose, accomplishment, and satisfaction. Conversely, unemployment or underemployment undermines basic stability in life; without work, and strong wages, people cannot pay rent, utilities, or put enough food on the table for their families. In turn, this can lead to dramatic social ills, including depression, antisocial behavior, and decreasing economic opportunities.

Recognizing the critical role meaningful work plays in the social and individual health of Americans, the Federal and state governments in this country provide a myriad of workforce training programs. As of 2018, federal workforce development programming is generally administered pursuant to the Workforce Innovation and Opportunity Act (WIOA).¹

To reinvigorate and modernize our model of workforce development, WIOA needs to be evaluated based, not strictly on quantitative outcomes, but also with an eye towards the future of our workforce in an ever-changing economy. Under WIOA, federal workforce development dollars are distributed through a highly-decentralized network of more than 2,500 American Job Centers. WIOA is built on the idea of cross-sectoral cooperation and calls

for its jobs centers to act as central coordinating entities to connect and train workers in a local area to in-demand work opportunities.² To attempt to tailor the training to the needs of local economies, WIOA requires states to establish workforce development boards. And to ensure these boards are responsive to local demands, these boards must be chaired by a business representative, at least 50% of the board be business community members, 20% must be workforce representatives, and the remaining slots are dedicated to public policy officials.³ The idea being to encourage public resources to respond to private business demands in the relevant jurisdiction.⁴

Within the WIOA paradigm, the Federal government provides direct resources on workforce development. According to recent data, the Federal government invests about \$3 billion dollars per year to core WIOA programming,⁵ with the clear majority (more than 80%) of that flowing through the state boards to local workforce development areas.⁶ This amounts to just 0.07% of total projected Federal expenditures in fiscal year 2018.⁷

While WIOA was recently passed, the core of the program and new legislation is still grounded in a philosophy and practice from the 1960's. A full history of these programs is far outside the scope of this report, but it is critical to note that—based on the Commission's review—the WIOA is limited in critical ways by its need to coordinate legacy programs.⁸ These programs were designed in the early to mid 1900's and generally were premised on a conceptual division that is untenable in the modern economy. They viewed workforce development as a distinct area of management separated from overall economic policy. That is, the remedial programs for workforce development were not inherently connected, and not conceptually planned, in a coherent way with overall economic strategy.⁹ Moreover, the economic system that predominated when these legacy programs were created generally assumed a firm-centric approach rather than a sectoral approach. That is, the workforce development programs conceived of unemployment stemming from large firm layoffs or changes rather than sectoral or cross-sectoral disruptions.¹⁰ Finally, these programs assumed that the type of work a participant would engage in after the program would be a similar employee position as before they entered. For instance, the current WIOA does not support independent work and does not credit post-WIOA programming entrepreneurship as a beneficial outcome.

To ensure a modern, responsive workforce development program, this division must be rejected. To do this, at least three approaches must be sustained. The Commission recommends that Millennial leaders expect at least the following three reform paradigms.¹¹

First, the overall workforce development strategy is in need of structural reform: The WIOA should be amended to abolish these legacy issues, focusing job training efforts on sectoral training, with a particular emphasis on a human-centered approach to service delivery. In part, this means equalizing labor and business representation on WIOA boards and program implementation. While the WIOA maintains a cross-sectoral representation, it still disadvantages labor representation. Also, this will require a cooperative approach between the newly-balanced employer and labor representatives on the boards. To ensure a cooperative approach, the governmental representatives must step forward to ensure a productive dialogue that is responsive to the needs of the local economy and workforce.

Second, WIOA and other federal and state workforce development programs are chronically underfunded. And, worse, what funding is provided often is not targeted effectively and thus results in waste and underproductive programs. While there is room in a modernized workforce development strategy for consolidating or eliminating legacy programs, this must not be an excuse for decreasing funding. As noted above, the federal government will spend a mere 0.07% of its total expenditures in 2018 on WIOA programs. This is well below the investments of other similarly developed nations.¹² And it is far short of the need for training to allow currently displaced workers to enter new sectors. Moreover, increases in funding should be tied to needed reforms, such as living stipends for those who enter the programs to ensure that those who enter are able to complete the training. Additionally, the funding allocation methods should be reformed. Currently, funding is tied to unemployment rates. But this results in a penalty for success, whereby successful programs are starved of funding due to their success in decreasing the local unemployment rate. A new, equitable model that encourages successful outcomes for participants is needed.

And third, these programs should be reformed to broaden their understanding of successful outcomes. While the traditional outcome—where a worker who has lost one employment relationship enters into another employment relationship—is likely to continue as the most common outcome, it is unlikely to be the only outcome in the modern economy. It is likely, and should be accepted, that some WIOA participants will take a path of entrepreneurship. This type of outcome should be encouraged, particularly by Millennial leaders who stem from a generation that—despite the common wisdom—suffers from a lower entrepreneurship rate than prior generations.¹³

Taken together, these three reforms would help to reorient workforce development to the modern economy, ensure that enough resources are committed to the program of development, and ensure that modern outcomes are encouraged results of that program. In so doing, these reforms would ensure that local employers are able to find qualified and productive employees, and individuals who enter these programs are provided training and opportunities that respect their inherent dignity and the value of work in their lives.

ENSURING UNIVERSAL BENEFITS

Like the current system for workforce development, the current system for worker benefits sits on a foundation of history. The current model whereby the most significant benefits programs are provided by workers by their employers is a remnant of the economy of the 1900's, particularly World War II and the immediately post-war economy.

Prior to the war years, most employees in the United States did not receive robust benefits packages. Instead, they paid their own way for medical care and other necessities. During the war, however, the Federal government was concerned about the risk of inflation domestically as a weakness in the war effort. To prevent employers from adding inflationary pressure by increasing salary offers to poach scarce workers, Congress passed the Stabilization Act of 1942, also known as the Inflation Control Act.¹⁴ Because wages were now set by the federal government, employers offered health insurance as a non-controlled wage-supplement. Combined with later tax advantages that ensured that the benefits were not taxable to the receiving employee in general, this rule began the current hybrid public-private system of expecting employers to provide benefits to employees.

Because significant value, both monetary and in terms of well-being, depend on whether an employer will provide a worker with benefits, the past several decades have seen ongoing disputes over whether an individual worker is an employee or a contractor. This distinction determines whether a worker has access to retirement, health, and wellness benefits; whether they are responsible for additional self-employment taxes instead of traditional, and generally employee-beneficial withholding of taxes due, and other critical employment law questions. These fights are of ever increasing salience as the so-called “gig economy” begins to grow.

The Commission believes that Millennial leaders should not be hidebound in their policy visions by such an overworn, legacy policy choice. Further, the Commission notes that the Millennial generation is an active participant in the “gig” economy, as both consumers and workers. The critical question, then, is not to take a position on the proper classification of workers as employees or as contractors; instead, it is to ensure that all workers—regardless of classification—have access to universal and portable benefit structures that ensure that no member of society falls beneath an equitable standard of living.¹⁵

Thus, the Commission endorses the concept of robust, universal, and portable benefits packages administered by the state or federal government for all workers within its jurisdiction. Several states and localities are considering proposals that are in line with this goal. These efforts are gaining steam in states such as California, New York, New Jersey, and Washington. Additionally, states have considered retirement plans that are held by the state for the benefit of citizens that otherwise do not have access to retirement benefits.

The Commission generally endorses efforts to ensure portable benefits. It notes that these efforts should at least ensure that the benefit account is owned fully by the worker, allow the company for which that worker works to provide a defined contribution amount for each hour the worker provides work, and be required regardless of the individual's classification status for employment law purposes.

This paradigm largely draws on the proposals in Washington state. There, pending legislation would require companies who use contractors to provide services to end-consumers to make contributions to private, nonprofit “benefit providers.” These contributions would include traditional worker’s compensation insurance payments as well as the lesser of 15% of the fee collected from a consumer per transaction with the worker, or \$2 per hour the worker worked to cover other benefits. The nonprofit benefit provider would use the collected funds to purchase the benefits the covered workers desired. And finally, the bill would bar companies from willfully misclassifying employees as contractors.¹⁶

The Washington bill would cover only contractors of gig economy companies, presumably. The Commission believes this is a strong start as these are the workers most likely to lack a benefits structure today. However, as the economy grows and changes in coming decades, it may be necessary for Millennial leaders to consider making portable benefits programs universal, regardless of employment law status. Critically, this shift would be in addition to –and not in lieu of – the current structure of universally available benefits, like Social Security, Medicare, Medicaid, and like programs. In combination with those programs, a true portable benefits system represent a paradigmatic shift in the American benefits systems. If done with an eye toward equitable provision of robust benefits, with a commitment that all workers regardless of industry and classification be entitled to substantial and sustainable benefits, it may be a successful model for future Americans.

PLANNING FOR COMING AUTOMATION

As has been noted above, the core principles of work in America are largely the result of policies developed during and in the wake of World War II. What this report has not addressed yet, is the source of these reforms. That is, what problem were these reforms meant to address? The easy answer to that question is the problems of the Great Depression and the now primed post-war economy.

But, that is only half the story. At a deeper level, those policies were an attempt to deal with the dramatic dislocations caused by the rapid transformation of the American economy beginning in the 1870’s as the impact of electrification, first-order globalization, and rapid communications and transit began to show themselves in the American economy. Those factors together created a fundamental change in the character of American life, and American work, in ways that had never been seen before.¹⁷

The challenges created by that fundamental transformation of American life—beginning 150 years ago and rippling over the past century—have defined our understanding of the economy, labor, and the history and nature of work. The Commission notes, however, that perhaps more than at any point in recent memory, we now sit a moment that will likely spur another, equally momentous shift in economic history.

The rise of substantial automation of labor and tasks in the coming decades is likely to have effects far beyond our current power to predict. Therefore, the Commission does not deign to predict the future by recommending specific policy plans for the short term, other than those noted already.

Instead, the Commission highlights for Millennial leaders the key fissures and values that it sees as critical as we begin to tackle the problem of automation in the decades to come.

The Commission notes that automation is, perhaps, the most intersectional problem in modern economics. It will precipitate policy choices that will have impacts across generations, across races, across economic sectors, across levels of government. And, with that, it will require an integrated approach based on the values of equity and human dignity.

As an initial matter, the Commission notes that the Millennial generation is less likely to see significant direct negative impacts than other generations. This is because the Millennial and subsequent generations have time to adjust to the coming realities, and are equipped with the skills as a digitally-native generation to adapt to auto-

mation. Instead, coming automation will require of Millennial leaders empathetic policy making that specifically can provide support and dignity to those that are not able to make the structural adaptations that automation will require.

A starting point for this type of policy making is the workforce development reforms noted above. Particularly, reforming those workforce development programs to include reintegration trainings for older worker to interface with automatic technologies. These training programs should take into account the labor force data to target those who may benefit from user-centric, evidence-based workforce development interventions. And they should be structured to encourage lifelong learning and upskilling, as these skills are required for success in an automated future. These should not necessarily be degree-based programs; but instead focused on developing concrete skills needed for then-current needs.

Similarly, automation will require policy makers to actively seek out and remediate class and racial barriers that may be exacerbated by the potential for automation to funnel vast economic gains to already privileged groups.

And fundamentally, automation represents a magnification. It will magnify the challenges already inherent in our economy, and it will simultaneously magnify the potential opportunity we face as a society to ensure the equitable distribution of wealth in our society. To meet the challenge of automation – the risks it presents in terms of vast unemployment, sectoral disruption, and increasing wealth and income inequality – we must make large public investments in social trust. Be that through workforce development, universal benefits, or other, non-economic policies, investments in social trust are essential to ensuring that the worst potential outcomes of automation are prevented.

Conversely Automation presents an opportunity to Millennial leaders to fundamentally alter the shape and values of the modern economy. It is the type of epochal shift in economic activities that can also occasion an epochal shift in the political choices that determine economic distributions of resources. If we can embrace the values called for here, there is an opportunity to more-equitably reshape the current distribution of wealth, work, and opportunity. Yet, it also presents a danger for current problems to be exponentially exacerbated. The Commission believes that as these challenges present themselves, a government and nation led by Millennial voices, and committed to the principles and values discussed here, will ensure that automation will be harnessed to provide a more equitable world.

CONCLUSION

More than a century ago, Russian author Fyodor Dostoevsky noted that “Deprived of meaningful work, men and women lose their reason for existence; they go stark, raving mad.” We agree that work is a critical feature of identity. It allows workers to have the means to build a life – to pay for rent, food, and the welfare of their families. And we believe that as a society we are obligated to protect the value of work. Yet, the state and nature of work in America – and the world – are in fundamental flux. The economic and legal paradigm that has governed work over the past century is, finally, showing its age. As the economy grows and changes in coming years, the fissures that now show in the foundations of this system will only grow. In an era of growing inequality, our economy has reached a tipping point whereby these fissures are more and more a part of the daily life of workers. This must be addressed.

To ensure that the trendline of the future of work is an upward one, some critical reforms should be undertaken. As has been developed in this report, our workforce development programs should be expanded and modernized, and our employee benefits system must be decoupled from antiquated conceptions of work relationships. At the same time, this moment of reform must not be allowed to degenerate into a moment of regression. All efforts to reform the superstructure governing the future of work should be suffused with, and stem from, the values of equity, justice, and economic security for all workers.

Commission on Criminal Justice

Final Report

Recommendations to overhaul the U.S. criminal justice system

INTRODUCTION

With a prison population of more than 2.2 million, the United States leads the world in incarceration. Numerous studies have demonstrated that the economic burden of incarceration far exceeds the cost of investing in preventative measures – high-quality education, community policing, and mental health services – and has long-term implications for individuals who have been incarcerated, their families and local communities.

An overhaul of the criminal justice system must include the adoption of community-based models, the decriminalization of substance abuse and an acknowledgment of the impact that institutional racism plays in the disproportionate profiling, arrest, prosecution, and sentencing of Black and brown people within America.

The Millennial Policy Initiative Commission on Criminal Justice (Commission) recognizes the discriminatory racial and socioeconomic factors that catapult youth as young as three years old into the school-to-prison pipeline, the dangers of monetizing freedom and criminalizing poverty through bail reform and other costs associated with arrest and conviction, and the obstacles that formerly incarcerated people face when reintegrating into society.

The members of this Commission convened for four months to assess and identify three key policy solutions to create greater equity within the criminal justice system:

Implement positive behavioral interventions and supports (PBIS) within schools.

Enact the Pretrial Integrity and Safety Act and the No Money Bail Act.

Restore voting rights to formerly incarcerated persons and adopt Ban The Box policies.

SCHOOL-TO-PRISON PIPELINE

The American Civil Liberties Union (ACLU) defines the school-to-prison pipeline as a national trend where children are funneled out of public schools and into the juvenile and criminal justice systems.¹⁸ As a result of zero-tolerance policies and increased police presence in schools, suspensions, expulsions, and arrests for misbehavior in school have skyrocketed. During the 2013-2014 academic year, nearly 5.5 million students nationwide were suspended or expelled.¹⁹ Police in schools increased 38 percent from 1997-2007, and by 2016, nearly 42 percent of high schools had School Resource Offices (SROs), resulting in more arrests.²⁰ Schools with SROs arrest children for “disorderly conduct” at almost five times the rate of schools without SROs.²¹ A majority of these students are expelled or arrested for nonviolent first offenses, including throwing a temper tantrum, scribbling on a desk, and playing music on a cell phone.²²

The school-to-prison pipeline disproportionately impacts students of color and those with mental health disorders. According to the Advancement Project, one out of every 20 White students will be suspended at least once, while the likelihood for Latino and Native American students increases to one in 14 and one in 13, respectively.²³ The number skyrockets for Black students, where one out of every six youth will be suspended – more than three times the rate of their White peers.²⁴ Although research has shown that there is minimal difference in behavior among youth, Black students routinely receive harsher punishments for less serious behavior.²⁵ Students with disabilities and youth identifying as LGBTQ+ are also far more likely than other students to be suspended or expelled.²⁶

We must dismantle the school-to-prison pipeline. Administrators, educators, law enforcement officers, and policy-makers can no longer rely on policies and practices that punish youth for normal adolescent behavior or for behavior that may be result from a disability.

Positive Behavioral Interventions and Supports (PBIS) is a comprehensive, evidence-based framework that improves school safety and promotes positive behavior among students.²⁷ PBIS results in improved test scores, grade-point averages, time management, goal setting and problem-solving skills, lowers rates of absenteeism and suspensions, and can lead to a healthier school climate.²⁸ The Commission recommends that schools implement PBIS and that state and local governments provide them with the financial support and human resources to produce highly-effective programs.

PBIS is best practice for all students, including students with disabilities. The Individuals with Disabilities Education Act (IDEA) credits PBIS with preventing exclusion and improving educational outcomes for students with disabilities.²⁹ Unfortunately, the IDEA has not been reauthorized since 2004. The Commission recommends that IDEA be updated to respond to current data and findings on the use and impact of punitive measures, including instituting civil and criminal penalties when banned practices, such as restraints and seclusion, are used as discipline for minor infractions; limiting the use of suspension and expulsion as disciplinary measures; and mandating training on de-escalation and redirection in a crisis.

There are a number of strategies to reduce school arrests, including removing SROs from schools and eliminating law enforcement responses to misbehavior that can be better addressed by school counselors, nurses, and school psychologists.³⁰ In Clayton County, Georgia and Jefferson County, Alabama, stakeholders from the school system, law enforcement, and the juvenile court have developed protocols requiring a series of graduated responses to youth misbehavior in schools before a referral is made to the juvenile justice system.³¹ The Commission recommends that other jurisdictions adopt similar protocols.

To end the school-to-prison pipeline, schools must put an end to zero tolerance policies, but they cannot stop there. Suspension, expulsion, and arrest must become the rare exception, rather than the norm, and should be replaced with strategies that create a positive, supportive and inclusive school environment.

BAIL REFORM

Many people who are charged with a crime must post bail in order to be released from jail while they await court hearings. This type of secured bond is called “cash bail” or “money bail.”³² The purported twin goals of bail are to keep dangerous people off of the streets and ensure that those accused of a crime show up to their court dates. A judge or magistrate will typically set the bail amount or it will be determined by an algorithm called a risk-assessment tool. Individuals who are deemed to be a danger to the public or a flight risk are charged higher rates to obtain their freedom.

To post bail, an individual promises to the court that if he or she does not show up at the next court hearing, he or she will pay the court a certain sum of money. The accused can promise to pay the full amount themselves, or if they cannot afford to do so, they can use a bail bondsman. Bondsmen charge those accused of a crime a fee, often 10 percent of the bail amount³³, and in exchange, the bondsman agrees to pay the full bail amount to the court if that individual does not show up to his next hearing and even if he or she is acquitted of all charges. In most cases, he or she will have forfeited the fee to the bail bondsman even if he or she does appear at the next hearing. Individuals can pay the bail amount in full or if they cannot afford the full amount, they can pay a smaller bond to a bail bondsman who will pay the remainder to the court.³⁴ When an accused person relies on a bail bondsman, he or she must eventually repay the debt over a period of months or, in some cases, years. This creates a system where the bail bond industry generates billions of dollars each year at the expense of individuals who are likely already under-resourced.

Many people accused of crimes cannot afford to pay a bail bondsman. Those who cannot make bail must wait in jail for their court date. As many as 400,000 people are held in local jails every day awaiting trial, which is more than the 293,000 people who are held in local jails following conviction.³⁵ Research shows that those who remain incarcerated while awaiting their trial are less likely to win their court cases. They are more likely to be convicted of a felony, receive a sentence of incarceration, and be sentenced to a longer length of incarceration.³⁶ Thus, the bail system disfavors low-income people and helps create a criminal legal system that, as social justice advocate

Bryan Stevenson said, “treats you better if you’re rich and guilty than if you’re poor and innocent.”³⁷

Another challenge with the bail system is that it produces and perpetuates racial disparities, whether it be the implicit bias of a judge or a risk assessment tool that sets the bail amount or requires pretrial detention. Judges, like all people, can be racially biased and may rely on dangerous racial stereotypes to assess risk, either consciously or subconsciously. Risk assessment tools can also further racial disparities since many rely on factors that are closely related to socioeconomic status and race, including the number of previous arrests and prior failures to appear in court, both of which are tied to the fact that marginalized communities are more heavily policed and people from these communities may encounter added obstacles to attending court.

Racial disparities in the bail system have long been studied. One recent study found that both Black and White judges in Miami and Philadelphia show bias against Black people who have been accused of crimes.³⁸ According to the study, Blacks are 2.4 percentage points more likely than Whites to be detained while awaiting their court dates.³⁹ It also found that the average bail for Black people accused of crimes is \$7,281 higher than that of their White counterparts.⁴⁰ Similarly, a recent study examining New York courts found that while 54 percent of Whites were released without bail, only 37 percent of Blacks and 32 percent of Latinos had the same fortune.⁴¹

These studies are consistent with other research in this area showing that low-income people of color pay higher bail rates, which translates to greater economic barriers and further deprivation of wealth. For example, a 2017 report by UCLA’s Million Dollar Hoods Research team found that from 2012 to 2016, the Los Angeles Police Department imposed \$19 billion in cash bail against people it arrested.⁴² During this time, people of color who could pay bail were more likely to pay higher bail deposits to bail bondsmen for their release. Latinos paid \$92.1 million in deposits and Blacks paid \$40.7 million; Whites paid just \$37.9 million during the same period.⁴³

The cash bail system monetizes freedom, which is antithetical to the ideals of a democracy, particularly one that values liberty above all else and proclaims to give a presumption of innocence in the justice system. It also discriminates against low-income people and people of color, especially low-income people of color. Hence, the Commission recommends that the use of cash bail cease and that the pretrial detention system be corrected.

At the state and local level, jurisdictions should end cash bail. Jurisdictions should implement low-cost, individualized methods to ensure that people accused of crimes are present for their court dates, such as sending text message reminders. Pretrial detention should be considered a last-resort, and should only be imposed following a thorough hearing that respects the presumption of innocence.

Many jurisdictions are turning to algorithmic risk assessment instruments (RAI) to determine who is released and who is detained pre-trial. Some jurisdictions have seen significant decreases in pretrial detention as a result of the RAIs; however, de-carceration is not an automatic outcome of risk assessment instruments. Further, most RAIs depend on data that appears objective, but is itself, seeped in racial bias. For example, static factors – such as age at first arrest and number of prior arrests – are heavily influenced by how a community is policed. In a predominantly-Black community, a young person may be regularly stopped (e.g., “stop and frisk”) resulting in a marijuana possession charge. However, a young person with marijuana in a predominantly-White community that is not overpoliced is unlikely to be stopped, and therefore, unlikely to be criminally charged for the same behavior. That discrepancy in policing translates into a higher score on the RAI for the young person from a predominantly-Black community.

If risk assessment instruments are used, they should be specifically designed to reduce unwarranted racial disparities. Individuals who score as “high-risk” on an RAI should be recommended for a pre-trial hearing with appropriate procedural safeguards; they should not be automatically recommended for detention. All RAIs should be transparent about the underlying algorithm; individuals who are detained should be told how they were determined to be “high risk” and should be able to challenge this label in court.⁴⁴

In January 2017, New Jersey implemented the Criminal Justice Reform Act, eliminating cash bail for most defendants. After a challenge by the bail bond industry, the constitutionality of the legislation was upheld by the United States Court of Appeals for the Third Circuit in July 2018. The District of Columbia and City of Atlanta, Georgia

have enacted similar measures.

Members of Congress must support bail reform efforts at the federal level, beginning with supporting the Pretrial Integrity and Safety Act of 2017 (S. 1593 in the Senate and H.R. 4019 in the House) and the No Money Bail Act introduced by Sen. Bernie Sanders (I-VT) in the Senate and Rep. Ted Lieu (D-CA) in the House. The first bill would replace bail systems that rely on cash bail with fairer, individualized pretrial assessments and implement a National Pretrial Reporting Program to collect data on the processing of defendants across U.S. courts. The latter bill would end money bail in federal criminal cases and provide grants to states that want to implement alternatives to money bail in the pretrial system. It would also withhold grant funding from states that continue to use money bail, a critical first step.

BARRIERS TO REENTRY

Upon release from prison, formerly incarcerated persons (FIPs) face legal barriers that limit opportunities for employment and training, restrict access to housing and student loans, and deny civic engagement by barring voting. The barriers to reentry following incarceration are compounded by stereotypes of untrustworthiness and dangerousness that make employers and educators inquire early on in selection processes about criminal backgrounds, and less inclined to extend opportunities if a criminal background is discovered.

The National Inventory of Collateral Consequences has identified tens of thousands of state and federal statutes that impose limitations. “[Collateral consequences] have become more pervasive and more problematic in the past 20 years for three reasons: they are more numerous and impactful, they affect more people, and they are harder to avoid or mitigate.”⁴⁵ Collateral consequences continue to punish FIPs after release and threaten efforts to rehabilitate and comply with parole requirements, contributing to a 68 percent re-arrest rate among those released from prison.⁴⁶

Collateral consequences resulting from a criminal record thrive due to associated biases. Efforts to eliminate collateral consequences should therefore prioritize people-centered language instead of terms such as “ex-felons” which stigmatize and re-create the vicious cycle.

Tackling housing challenges that affect FIPs is paramount in building a comprehensive criminal justice reform movement. In 1998, Congress passed the Quality Housing and Work Responsibility Act, which enabled Public Housing Authorities (PHAs) to determine whether a housing applicant was a potential safety risk. Subsequent laws have given PHAs increasingly broader power to ban and evict individuals with criminal records.⁴⁷

PHAs exclude FIPs from housing by 1) using excessively long “look back periods”; 2) failing to consider mitigating circumstances that would make the housing applicant’s profile more favorable; and 3) “one strike” policies to automatically deny housing.⁴⁸ Reform must remove these barriers. Federal entities must also provide more prescriptive guidance that discourages overly exclusive housing screening policies.⁴⁹

Supportive housing models combine permanent, affordable housing with supportive services. One example is the Oxford Housing Model, which combines peer-led recovery with housing.⁵⁰ Research shows that individuals with substance abuse histories living in Oxford Houses are less likely to reoffend and use substances, and more likely to be employed.⁵¹

FIPs experience a 27 percent unemployment rate – higher than the total U.S. rate during any historical period, including the Great Depression.⁵² Ban The Box policies, adopted in 31 states and 150 cities, are designed to give applicants a fair chance at employment by delaying employer inquiries about an applicant’s criminal record.⁵³ Additionally, some jurisdictions have incorporated guidance from the 2012 U.S. Equal Employment Opportunity Commission on the use of arrest and/or conviction records in employment. The Commission recommends adopting comprehensive, fair hiring practices, in addition to creating educational and employment training opportunities in correctional facilities.

Restoring the right to vote is a crucial piece of reintegration.⁵⁴ In 2016, 2.47 percent of Americans and 7.44 percent

of African Americans were disenfranchised, or unable to vote because of a conviction,⁵⁵ with 27 percent residing in Florida.⁵⁶ Legislation in California and Illinois would mandate voter education and in-person and absentee voting in jail for all eligible incarcerated voters. Similar initiatives should be championed across the nation.

Expungement and sealing provide mechanisms to reduce the consequences and stigma of a criminal record. Thousands of FIPs are ineligible based on charge, and others do not take advantage of this opportunity because they don't know how to access it or it's too expensive. Some states charge \$500 or more for an expungement. Between 2009 and 2014, 31 states and the District of Columbia passed more than 55 pieces of legislation to expand or facilitate expungement and sealing.⁵⁷ At the legislative level, the Commission recommends that states enact more statutes to broaden eligibility to include more misdemeanors and felonies, reduce the waiting period, make expungement more widely available for juveniles at little to no cost, and reduce the cost to apply. More civil legal aid groups are needed to increase access to expungement and help FIPs navigate the process cheaply. Cities should partner with these groups to do outreach and host expungement events.

CONCLUSION

The criminal justice system disproportionately and unjustly targets people of color, those with disabilities, and individuals who are low-income. Comprehensive reform must include mitigating the role that racial and implicit biases play in the suspension, expulsion and arrest of students at the elementary and secondary level; removing economic incentives for the criminalization of individuals who are low-income; and providing formerly incarcerated persons with meaningful opportunities to enjoy the unabridged rights of citizens, including the right to vote, to gain employment, and to live in safe and adequate housing.

Commission on Gender Equity

Final Report

Recommendations to create greater parity for women in society

INTRODUCTION

Millennial women are more educated, more politically active and more financially savvy than their predecessors yet they still lag behind in earnings and retirement savings and hold substantially fewer elected offices than their male counterparts. More than one-third of women between the age of 25 and 34 hold a bachelor's degree however millennial women are more likely to live in poverty than adult women of any other generation and more than one in five millennial women lives below the poverty line.⁵⁸ Research has shown that companies led by women CEOs are more profitable⁵⁹ and that female policymakers are more effective at driving consensus and passing legislation, yet women hold only five percent of corporate c-suites⁶⁰ and just one-quarter, on average, of legislative offices.

In addition, the release of numerous profiles detailing physical and verbal assaults by high-profile men and the endorsement of celebrity advocates has brought heightened awareness of the #MeToo movement and the pervasiveness of sexual harassment in the workplace and beyond. It is estimated that one in six women will be the victim of sexual violence, including an attempted or completed rape during her lifetime.⁶¹

It is imperative that the unique health, political, and professional challenges faced by women be met with innovative and sustainable solutions. The Millennial Policy Initiative Commission on Gender Equity (Commission) aims to identify solutions for challenges that plague all women, including those from racial and ethnic minorities, of lower socioeconomic statuses, and transgender women, all of whom suffer disproportionate rates of sexual violence, unequal pay, and maternal mortality.

The members of the Commission convened for four months to assess and identify four key policy solutions to create greater parity for women in society:

- 1. Ratify quota systems for political party committees at the national, state, and local level.**
- 2. Implement statewide salary history bans.**
- 3. Adopt comprehensive packages to prohibit sexual harassment, inclusive of training programs, reporting mechanisms, and anti-retaliation safeguards.**
- 4. Create culturally-competent health training and expand healthcare access.**

POLITICAL PARITY AND REPRESENTATION

Global analysis of political gender parity

Around the world, women are taking center stage in the political arena. Women like Angela Merkel, the Prime Minister of Germany, and Jacinda Ardern, the newly-elected Prime Minister of New Zealand have recently been heralded as global leaders for their compassion and thoughtful decisions on tough global issues. Increasingly, studies show that when women lead, they lead with compassion and often legislate through gender lenses that ultimately help transform significant structural issues in our society. Although there has been a rise in political leadership held by women in many developing countries, the United States falls behind when it comes to women holding political office. The Inter-Parliamentary Union (IPU) conducted a study to analyze the rate of gender balance in national legislatures and found that, in the Nordic countries, gender parity in representation has almost been achieved. Nearly 42 percent of legislators in that region are women. In the remainder of Europe, the figure is 27.6 percent.⁶² Sub-Saharan African legislatures also contain more female representatives than the U.S. Congress — 23.8 percent.⁶³ The United States has an unimpressive ranking - 102 out of the 188 countries examined by the IPU, falling

behind Rwanda (61.3 percent women), Mexico (42.6 percent), Afghanistan (27.7 percent), and the United Arab Emirates (22.5 percent).⁶⁴ Though American women make up slightly more than half of the population, they represent only one-quarter of officials elected to state legislatures. According to the Pew Research Center, there are 15 female world leaders currently in office, nine of whom are their country's first woman head of state. Surprisingly, the United States has yet to have its first female president although Democratic Presidential Nominee Hillary Clinton gave many hopes of shattering that glass ceiling when she unsuccessfully ran for U.S. President in 2016.

Benefits of women in politics

Studies have shown that many benefits result from engaging women in politics. Women legislators are more collaborative and consensus driven, which leads them to sponsor more bills, pass more legislation, and negotiate more "pork barrel" projects for their districts than male legislators.⁶⁵ One congressional study that evaluated the efficacy of representatives, beginning in 2009, found that the average female legislator had 2.31 of her bills enacted, compared with men, who turned just 1.57 bills into law.⁶⁶ Additionally, on average, female legislators sent nine percent more funds back to their home districts than their male colleagues. Districts represented by women received an additional \$49 million annually on average compared to their male-represented counterparts.⁶⁷ In addition, when women serve in elected leadership roles, they typically advocate and implement legislation that overwhelmingly supports women, children, and the greater social welfare.⁶⁸

Challenges women face running for office

Women remain underrepresented at the federal, state, and local levels for many reasons. Women are still less likely than men to participate in activities that encourage them to step into leadership roles and reinforce their political aspirations, which is a trend that researchers have found starts in high school and college.⁶⁹ Women do not have as many connections to financial resources as men, the political establishment keeps women on the outside, and gendered institutions in our society keep women from breaking glass ceilings.⁷⁰ When it comes to career and family, women typically take on more household responsibilities than men, leaving less time to devote to outside activities. Lastly, women are less likely than men to be asked to run for office, even though studies show that when women do step up to run, they win their races at the same or higher rates than male candidates.⁷¹ These issues and others undermine the pursuit of political leadership.

The Commission recommends that quota systems aimed at achieving gender parity be implemented. Gender quotas are a form of affirmative action with the goal of recruiting more women into political office. From 1992 to 2010, countries with nationally mandated quotas had two to five percent more women in their legislatures than countries without quotas.⁷² Overall, 126 countries have implemented a quota system of some sort according to the Quota Project, which leaves the U.S. in a small minority of countries without affirmative policies to promote gender diversity in government.⁷³

County and state political committees should develop quotas mandating that a greater proportion of women run for office and hold party leadership roles. State political parties should partner with national, state, and local organizations focused on recruitment and training to ensure that a pipeline of women candidates is developed for future elections. While this is happening in some state and local political parties, it is not happening everywhere and the Commission recommends that a training program framework be set up to replicate the models that are currently doing this successfully. This would not be a federal mandate, but a pledge taken by state political parties to demonstrate their commitment to a more equitable government.

Currently, the Democratic National Committee bylaws mandate that every state party must prescribe and enforce gender parity in their state party and county party leadership, with persons of different genders serving in the top two leadership roles within the county party. (DNC bylaws 3.1.e and 9.16)⁷⁴ The Republican National Committee (RNC) currently has zero references to gender parity in their bylaws at the federal, state and local levels.⁷⁵ As a result, 76 percent of the 494 women who ran for the House and Senate in 2018 are Democrats.⁷⁶

The Commission recommends that gender parity bylaws be extended to both major political parties, state and local affiliates and college and high school political chapters. Empowering women in political leadership early on leads to an increase in the number of women candidates seeking offices in the future. In addition to quota systems, the Commission also recommended that high schools and colleges expand their civic engagement and public service

curricula to educate young women on the opportunities and responsibilities of leadership within and out of politics.

While quotas have worked in the past, there also have to be systems in place to ensure that quotas are upheld in the early stages of political development, women are selected to run for competitive seats, and women are connected with more financial resources to support their campaigns. Finally, gender parity bylaws need to be inclusive of non-gender and gender non-conforming individuals, providing them with greater opportunities to pursue and excel in political leadership roles.

THE GENDER WAGE GAP

According to income data released by the U.S. Census Bureau in 2017, the gender wage gap continues to persist, with only a nominal increase of 1.1 percent in the female-to-male earnings ratio in 2016 as compared to 2015 – the first annual increase in the gender earnings ratio since 2007.⁷⁷ On average, women earned 80.5 cents for every dollar a man earned in 2016, but there is considerable variation when race is taken into account.⁷⁸ Hispanic women earned the least, just 54 cents for every dollar earned by a non-Hispanic white man. In comparison, Black women earned 63 cents, white women earned 79 cents, and Asian-American women earned 87 cents.⁷⁹

While the U.S. Census Bureau continues to exclude gender identity from its American Community Surveys, findings from the U.S. Transgender Survey, released in December 2016, provide perspective on the employment experiences of the transgender population.⁸⁰ According to the report, transgender individuals experience a 15 percent unemployment rate and 30 percent of employed transgender individuals report having been fired, denied a promotion or have experienced another form of employment discrimination as a result of their gender identity or expression.⁸¹

It is important to note that the slight narrowing of the wage gap reflected in U.S. Census Bureau data is not necessarily a sign of progress; in fact, it can be explained in part by the decline in men's wages.⁸² Significant barriers to women's earning potential remain, and include factors such as the devaluation of occupations historically held by women, pay and promotion, discrimination, career interruptions stemming from societal expectations that place a higher burden on women to perform caregiving tasks, and hiring decisions based on applicants' salary histories, which have a disproportionate impact on female applicants due to their lower wages.⁸³ Federal law already prohibits pay discrimination based on sex; however, we argue that reliance on salary histories when determining pay, retaliation of employers against employees who engage in wage discussions, and the wage gaps between employees of different genders performing comparable work, among other factors, contribute to the prevailing wage disparities. These earnings penalties result in fewer women being able to afford homes, having less saved for retirement and emergencies, being entitled to less in social security retirement benefits, and becoming even more economically vulnerable as they mature.⁸⁴

The Commission recommends that state and municipal governments enact policy measures that address wage disparities resulting from the aforementioned employer practices if they do not currently have salary bans and other protections in place. As of June 2018, 17 states and municipalities have enacted salary history bans, with some states enacting legislation with even more comprehensive pay equity provisions.⁸⁵ These policies should serve as a model for other states and municipalities to consider.

Specific provisions of existing salary bans prohibit employers in those states or municipalities from requesting the current compensation and salary histories of job applicants, from considering any known salary history in their hiring decisions that may have been voluntarily disclosed by the applicant, and requesting salary history information of an applicant from a third party. Certain provisions also make it illegal for an employer to prohibit its employees from discussing the amount of their wages with other employees and prohibit employers from retaliating against employees for engaging in wage discussions.⁸⁶ The practice of requesting an applicant's salary history and relying on that information when making hiring decisions is problematic because of the high likelihood that a female applicant has been paid a lower salary than her male counterpart in her previous job, and "to the extent employers consider applicants' salary history in setting salaries of new hires, historical patterns of gender bias and discrimination repeat themselves, causing women to continue earning less than their male counterparts and less than they would have earned, but for their gender."⁸⁷

Legislation enacted by the state of Massachusetts that took effect on July 1, 2018 not only prohibits the practice of requesting salary information, but also addresses pay disparities between women and men with different job titles by defining “comparable work.”⁸⁸ According to this law, “comparable work” refers to “work that is substantially similar in that it requires substantially similar skill, effort and responsibility and is performed under similar working conditions; provided, however, that a job title or job description alone shall not determine comparability,” and further defines “working conditions.”⁸⁹ Using this definition, the legislation prohibits employers from paying “any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.”⁹⁰ This is an important policy solution for other states to consider, as it goes beyond the traditional view of equal pay being reserved for “equal” work – in other words, the same job title. By acknowledging that certain jobs have historically been predominated by one gender, this legislation attempts to close a long-standing statutory loophole.

The proliferation of state and municipal policies addressing pay equity in the last few years is promising; however, we must build upon this momentum in order to truly start narrowing the persistent gender wage gap. There are numerous legal loopholes that states can address, many of which have been described in this report, and there are thoroughly vetted examples of legislation that can be used as a model in these efforts. By implementing additional pay equity policies and protections, state legislatures and municipal governments will play an integral role in improving the economic mobility and spending power of women, which will serve to advance the U.S. economy as a whole.

SEXUAL HARASSMENT IN THE WORKPLACE: A PROGRESSIVE MODEL FROM NEW YORK CITY

The #MeToo movement, founded by Tarana Burke, has increased awareness and mobilization around sexual harassment and gender-based violence. According to a 2016 federal Equal Employment Opportunity Commission Report, only 7-13% percent of survivors of sexual harassment file complaints.⁹¹ Often, survivors of sexual harassment fear repercussions if they report their experiences, fear that they will not be believed, and deserve the right to take the time they need to overcome trauma. In order to eliminate sexual harassment and gender-based violence, particularly in the workplace, both culture shift and public policies need to center survivors’ health and well-being, improve bystander intervention, and provide seamless reporting mechanisms.

Gender equity can only be achieved when both culture and public policy are aligned to end sexist, misogynist, homophobic, and transphobic practices. Title VII under the U.S. Equal Employment Opportunity Commission defines sex-based discrimination as “against an individual because of gender identity, including transgender status, or because of sexual orientation.”⁹² It is important that all gender equity policies reflect this broad definition of gender-based discrimination.

The New York City Council recently passed the “Stop Sexual Harassment in NYC Act,” a comprehensive 11-point legislative package aimed to be the most progressive and far-reaching workplace sexual harassment legislation in the country and serves as a model for multi-prong policies to eliminate workplace harassment for all people.⁹³

Key provisions of the Stop Sexual Harassment in NYC Act include:

Human Rights Law: Every employee, regardless of sector and size of organization, is protected by sexual harassment provisions of New York City’s human rights law;

STATUTE OF LIMITATIONS: EMPLOYEES CAN REPORT SEXUAL HARASSMENT UP TO THREE YEARS AFTER THE INCIDENT;

Training: The Human Rights Commission will design an interactive training that includes bystander intervention, reporting procedures, and scenarios on what constitutes sexual harassment and gender-based violence. Every workplace has to provide these trainings, and for businesses with 15 or more employees, these trainings must occur regularly. Additionally, training is required for managers and supervisors;

Visibility: Employers are required to post a sexual harassment policy within their businesses; and,

Public Accountability: City agencies and departments must report the number of complaints they receive annually, survey employees about the effectiveness of the annual sexual harassment trainings and assess their ability to take steps towards eliminating sexual harassment, and conduct risk assessments on factors that contribute to hostile workplace environments.

New York City’s legislative model reflects recommendations provided by the National Women’s Law Center (NWL-C).⁹⁴ The Commission supports these recommendations, including expanding protections for as many employees as possible across sectors and businesses. Currently, Alaska, Colorado, the District of Columbia, Hawaii, Maine, Michigan, Minnesota, Montana, New Jersey, Oklahoma, Oregon, South Dakota, Vermont, and Wisconsin have anti-discrimination laws that cover employers with one or more employees.⁹⁵ This ensures legal protection for small businesses, start-ups, and restaurant workers.

New York City’s legislation does not explicitly expand protection for independent contractors or freelancers. The NWLC highly recommends this expansion because healthcare and domestic workers, who are primarily immigrants and women of color, are often classified as independent contractors and have little protection under the law. Each municipality and state treats independent contractors differently under their fair employment protections. The Commission believes that it is imperative to design anti-sexual harassment legislation to expand coverage for all workers.

The NWLC also recommends disclosure and reporting of harassment claims, charges, and lawsuits to ensure transparency as both prevention and resolution measures. Additionally, transparency via reporting eliminates employer-imposed secrecy and reduces power imbalance by providing the survivor with the autonomy in deciding how to proceed with a settlement without jeopardizing their employment.

The most effective sexual harassment and bystander prevention trainings occur during regular intervals for employees to continue their learning and serve as checkpoints on assessing workplace culture. One-off trainings are ineffective, and New York City is addressing this barrier by designing requirements for evaluation and assessment.

Sexual harassment in the workplace is preventable and to fully eliminate it, cities and states must expand their protections, reporting mechanisms, and training procedures to be as far-reaching as possible.

REPRODUCTIVE RIGHTS & JUSTICE

In 2018, there is an incredible amount at stake for reproductive rights and justice. The Trump Administration has made clear that its goal is to overturn *Roe v. Wade* with the nomination of a Supreme Court justice, which would have implications not just for abortion access in our country but could impact rights to contraception and rights to have children. The administration has already restricted contraception access and made drastic changes to sex education and family planning with overhauls to the Affordable Care Act, the Teen Pregnancy Prevention Program,⁹⁶ and Title X⁹⁷ – including a domestic gag rule that threatens care for four million patients. In 2018, the U.S. Supreme decided *NIFLA v. Becerra*, ruling that “crisis pregnancy centers” do not have to provide complete and truthful information to pregnant women seeking care.⁹⁸ Meanwhile, states have continued to create obstacles to care, with 26 states enacting anti-choice measures in 2017⁹⁹ and 29 states having abortion restrictions on the books not based on scientific evidence.¹⁰⁰ Should *Roe v. Wade* be overturned, four states have trigger laws where abortion will be automatically banned¹⁰¹; and access to abortion care is already severely limited in many states, disproportionately impacting low-income women, rural women, and women of color. The United States also now has the worst rate of maternal mortality in the developed world¹⁰² – and is the only country where that number is rising. It is clear that both legal rights and access to comprehensive healthcare are at risk, particularly for marginalized communities like the LGBTQ+-identifying, people of color, immigrants, and low-income families.

In spite of recent policy changes, the American demographic strongly supports the right of women and families to make family planning decisions without government interference. Nearly all Americans support access to contra-

ception¹⁰³ and majorities in both political parties support *Roe v. Wade*.¹⁰⁴ In anticipation of court battles to come and federal inaction, states have started taking proactive and bold measures to protect access and choice. Progressive and impactful policies around reproductive justice should account for the range of challenges and needs facing women, pregnant people, and families, from the effective prevention of unintended pregnancy, to healthy pregnancies, to safe and legal abortion.

The Commission urges policymakers and state and local leaders to consider the following policies to ensure access and equity for their communities:

- Codify the protections of *Roe v. Wade* in state law and removing outdated laws criminalizing people seeking abortions;
- Require insurance coverage for abortion and contraception in private health plans without cost sharing, including over-the-counter methods;
- Require insurance coverage for abortion and contraception for low-income women and public employees through Medicaid and state plans;
- Allow patients to obtain up to a year's supply of contraception at one time;
- Regulate "crisis pregnancy centers" to ensure pregnant people receive comprehensive and accurate information about the range of healthcare options;
- Improve the conditions of pregnant people, including through workplace discrimination laws and standards for incarcerated pregnant women;
- Create comprehensive, medically accurate, and culturally-competent sexual education standards for providers and students, including competencies for LGBTQ+ communities;
- Combat harmful policies such as mandatory waiting periods, required and biased counseling, and unnecessary targeted regulation of abortion providers;
- Create review committees to investigate pregnancy-related deaths, particularly for women of color; and,
- Create paid leave policies that encourage maternal and family health.

CONCLUSION

It is indisputable that women make vital contributions to our society. This Commission understands the critical need to dismantle patriarchal structures, to equip women with equitable education, compensation and healthcare, and to protect them from gender-based discrimination and sexual violence regardless of their racial or ethnic background, sexual orientation, and socioeconomic status. Its members recognize the substantial contributions that women make as leaders and that our nation will thrive when women have meaningful representation from the state house to the White House. The elevation and equity of all Americans, including women, is central to our democracy.

Commission on Education

Final Report

Recommendations to address reforms in the U.S. education system

INTRODUCTION

The U.S. education system is one of the most unequal in the industrialized world and the divide between students who have access to high-quality teaching, facilities, and curricula and those who do not, is growing. Vulnerable populations, including racial and ethnic minorities, immigrants, LGBTQ+, disabled, low-income students, and adult learners, are the most impacted. With slashes to early childhood education programs, cuts to student aid, the elimination of affirmative action initiatives within some colleges and universities, and a declining teacher workforce, we face a crisis that will have economic and social implications for a generation.

Education must be accessible to students across the life span – from Head Start to higher education. Teachers must be provided with the skills training, resources, and cultural competency to meet the needs of students with diverse backgrounds and to cultivate incubators for innovation. Community stakeholders must be invested and engaged.

The Millennial Policy Initiative Commission on Education (Commission) recognizes the vast array of challenges faced by vulnerable students, their families and the professionals who serve them.

The members of this Commission convened for four months to assess and identify three key policy solutions to address the educational needs of vulnerable student populations:

- 1. Develop teacher residency programs and career ladders to recruit and retain highly effective professionals.**
- 2. Implement curricula that is culturally competent and hire and support teachers of color.**
- 3. Authorize the College For All Act.**

TEACHER RESIDENCY PROGRAMS & CAREER LADDERS

Over the past decade there has been a marked decline in enrollment in teacher preparation programs accompanied by teacher shortages throughout the United States. Further, in 2014, only 12 percent of graduating high school students cited any interest in the teaching profession.¹⁰⁵ Declines in enrollment and teacher shortages have a profound effect on our education system and disproportionately impact subject areas, including science, math, English Language Learners (ELL), and special education, and urban, rural, high-poverty, low-achieving schools and schools with significant minority populations.¹⁰⁶

In 2017, numerous states enacted legislation to address these issues. Policy initiatives included incentive programs, targeted recruitment, alternative certification, and emergency licensure measures.¹⁰⁷ While these measures can be beneficial, nearly all of them rely on placing new and inexperienced teachers into schools with the greatest need.

Extensive research has shown that teacher quality is the primary factor impacting student outcomes, including academic performance and engagement, standardized test scores, and future civic engagement.¹⁰⁸ Efficacy comes with experience and adequate preparation for the profession, however it is also crucial that we work to recruit and retain high-performing teachers who reflect the demographics and diversity of the students in their classrooms. Multiple studies have found that having at least one teacher of similar race and demographics can yield a significant positive impact on student outcomes.¹⁰⁹

To address challenges related to teacher recruitment and retention, we have identified two policy solutions that would address both issues. First, we recommend promoting teacher residency programs specifically targeting teachers of color and in high-need areas and, second, creating clearly outlined career ladders for advancement within the teaching profession to entice teachers to stay.

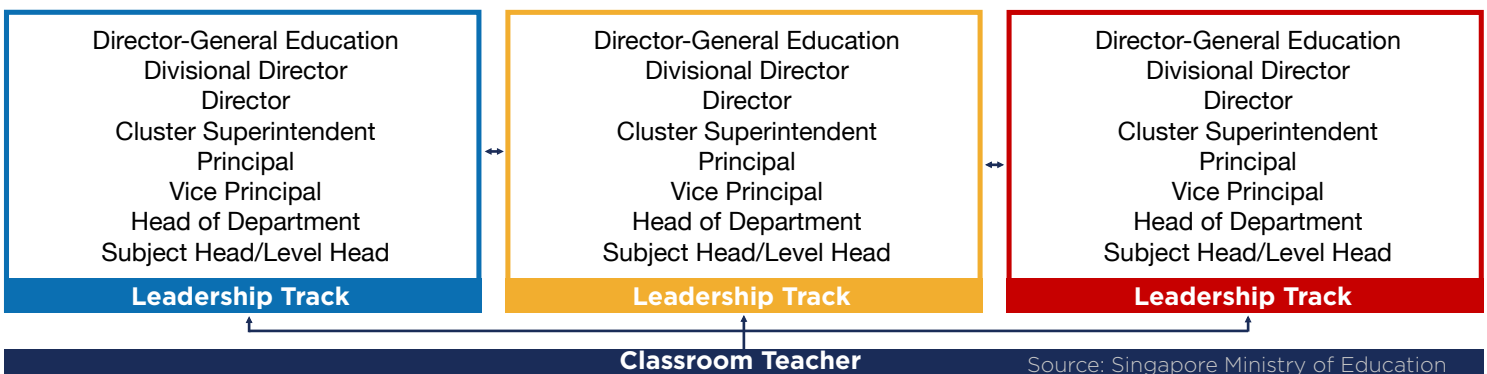
Teacher residency programs provide high-quality training to new teachers in their respective localities. These programs are typically funded through the state or district, provide significant financial support to teacher residents, and pair them with a highly-effective teacher for a year. During this year, the residents teach alongside their mentor teacher four days a week and attend courses at a partner university one day a week. In exchange for the educational and financial support, teachers commit to teaching three to four years in a high-need school and area in that district.¹¹⁰

These programs show significant promise for better equipping new teachers with practical experience in the classroom and providing access to the profession for educators of color. Given the financial incentives, teacher residency programs provide a less burdensome route to teaching for individuals already facing considerable student loan debt, particularly for Black and Latinx professionals who, on average, borrow more to fund their education.¹¹¹ Further, the rigorous training in a setting similar to the teaching environment more adequately prepares teacher residents. Over time, research on teacher residencies has shown that graduates of the programs are better equipped and stay in the profession longer than their counterparts coming from different licensure and training pathways.

We believe that more states should adopt and fund teacher residency programs as they improve new teacher preparedness, can specifically target and recruit teachers of color, have promise to improve teacher retention, and decrease the financial burden while maintaining selectivity.

To ensure teacher retention, we recommend that states and districts create clearly outlined career ladders within the teaching profession. This approach was successfully implemented in Singapore where the government created three tracks for advancement within teaching, shown below:¹¹²

Singapore’s Career Ladder for Teachers



These career ladders provide opportunities for growth for teachers that don’t require leaving the profession. They also provide teachers with a choice to pursue the areas of teaching that most interest them. In the United States, a few districts – Baltimore, New Haven, and Austin – have begun to implement career ladder programs. These programs, however, are primarily tied to monetary incentives for professional development and evaluation results.¹¹³

We recommend expansion of such career ladders within teaching, with an increased emphasis on the diverse possibilities for teachers within the profession, and a decreased emphasis on salary incentives tied to evaluation. We believe that providing educators with means of growth and change in responsibilities and title will serve to professionalize teaching and entice more educators to stay in the classroom.

CULTURALLY-RESPONSIVE CURRICULA

As we collectively strive to realize our aspirational values as a diverse, inclusive, and equitable democratic society,

a culturally robust learning experience is vital. While some communities grow increasingly diverse and other areas remain largely isolated,¹¹⁴ the evidence remains consistent that culturally relevant instruction positively impacts student motivation in the classroom.¹¹⁵ It is critical to address the structural oppression and racism that plagues school systems by supporting culturally-responsive education and spaces for children of color to reclaim their humanity and history. Establishing an authentic and inclusive narrative will help to create opportunities for young people to develop confidence, access their power and thrive.¹¹⁶ Culturally-responsive education will be achieved with the implementation of the following recommendations: (1) recruiting, hiring, supporting, and retaining educators of color¹¹⁷; (2) developing and curating culturally-responsive curriculum and resources; and (3) hosting and facilitating professional learning spaces to grow cultural capacity.

HIRING PRACTICES TO RECRUIT, SUPPORT, AND RETAIN EDUCATORS OF COLOR

In order to build cultural capital within schools, we must be intentional about diversifying faculty in communities. This applies to communities with significant minority and white populations. Research shows that diversity in schools, including racial diversity among teachers, can provide significant benefits to students. While students of color are expected to make up 56 percent of the student population by 2024, the elementary and secondary educator workforce is still overwhelmingly white.¹¹⁸

As we enrich the levels of diversity within faculty and administrative positions, we create the foundation for authentic culturally-responsive education. In other words, it is not enough to simply project levels of cultural competency; teachers must have authentic understanding born from personal experience.

Developing and Curating Culturally-Responsive Curriculum and Resources

Young people should have the space and power to help shape public school curricula. As racial literacy and cultural awareness become more centered, we should produce systems that create space for student agency and promote discovery and exploration.¹¹⁹

It is also critical to acknowledge the role that external players – education labor unions¹²⁰ and nonprofit organizations¹²¹ – play in developing curriculum and instructional resources. Policymakers and school districts should actively seek opportunities to utilize, curate, and partner with organizations whose missions aim to promote culturally-responsive education.

In addition, ethnic studies programs¹²² are vital parts of district-wide curriculum that help center and grow culturally relevant instruction. These pieces must be central to the student experience, expectations, and requirements.

HOSTING AND FACILITATING PROFESSIONAL LEARNING SPACES TO GROW CULTURAL CAPACITY

We recommend that school districts adopt or replicate the Undoing Racism and restorative justice training practices from indigenous traditions.¹²³ Undoing Racism, a workshop created by The People’s Institute for Survival and Beyond, challenges participants to analyze the structures of power and privilege that hinder social equity.¹²⁴ In addition, restorative justice¹²⁵ training explores internalized racial oppression and superiority; historical context-power and privilege; defining whiteness; and essentially one’s own internal and external journey with others around racism. We must implement curricula that recognizes the roots of educational disparities and embraces culturally diverse student populations, hire, support, and retain educators of color, and host and facilitate space spaces for the growth of cultural capacity. Students of color depend on and are entitled to it.

COLLEGE ACCESS & AFFORDABILITY

A recent report by the Institute for Higher Education Policy shows that, even with the maximum level of federal financial aid, the net price of college at 70% of American universities is unaffordable for working and middle-class students.¹²⁶ These financial pressures also make it harder for students to focus on their studies and complete college. Thirty-eight percent of students with financial constraints leave school in their first year.¹²⁷ In addition, more and more students are incurring higher amounts of debt without the incomes to successfully repay their student

loans. Without higher education, today's students will be unable to obtain a job that pays livable wages or reach their full potential, hurting families and weakening our national and global economy. Therefore, we must make colleges and universities affordable for all students and their families.

We propose that Federal and state governments collaborate to institute the "College for All Act." Under this legislation, introduced in the House of Representatives by Representative Pramila Jayapal (D-WA), students from any family making \$125,000 or less, approximately 80% of the population, would be able to attend a public four-year college or university, tuition and fees free. All students, regardless of income, would also be able to attend community colleges tuition and fees free.

This plan has several benefits for students and for the government. First, it would substantially reduce student debt by eliminating tuition and fees and using existing financial aid resources to offset the full cost of college. Today, the average student acquires more than \$30,000 in debt to obtain a bachelor's degree from a four-year college or university. Through the College for All Act, the student would pocket that \$30,000 and be able to reinvest those funds into the local economy. The legislation also ensures that low-income students receiving a Pell Grant can use this aid for books, housing, transportation, and other costs of college, which is a better use of government resources. The Act establishes a partnership between the government and colleges and universities that benefits everyone. Under the College for All Act, the federal government would cover 67% of the cost of eliminating tuition and fees at public colleges and universities and tribal institution of higher education. States and tribes would be responsible for eliminating the remaining 33% of the costs.¹²⁸ As the federal government invests in higher education, states and tribes would receive funds that can be used to increase academic opportunities for students, hire new faculty, and provide professional development opportunities for professors. These new educational resources will lead to a better trained workforce and an improved economy.

The Act also triples the current investment in the Work-Study Program, which provides an average award of \$1,670 a year. Under the College for All Act, 1.4 million additional students would receive a federal work-study job, which can provide more training and employment opportunities students while they pursue their education. The Act has been endorsed by the American Federation of Teachers, College Success Foundation, Council for Opportunity in Education, and the National Education Association.

Our society's economic demands will only be met with an educated workforce. For the workforce to be educated, higher education needs to be affordable for all, not just the wealthiest Americans. The College for All Act is the right step towards ensuring that all future students from all financial backgrounds can achieve a higher education without incurring crippling debt. Our economy and society will reap the benefits many times forward with more people being able to contribute to the economy, better utilization of federal resources, and a better educated and trained workforce. It is a wise investment in the future. For those already struggling with astronomical student debt, we need a policy solution that addresses the problems that we have already created. According to research from the Levy Institute, the nation's reliance on student debt to finance higher education has a clear negative impact on our economy, and cancellation of student debt can act as an economic stimulus.¹²⁹ For a nation that has financed nearly \$1.5 trillion in student debt, designing a debt cancellation program focused on bridging equity gaps can be a small step toward addressing intergenerational wealth gaps, wage discrimination, and other systemic failures.

CONCLUSION

A student's educational outcomes shouldn't be restricted because of his or her zip code, race, national origin, disability, sexual orientation, or socioeconomic means. Every student should be afforded access to a high-performing school, an inclusive and supportive space, updated resources, and technology and well-prepared teachers.

In addition, the Commission understands the importance of providing teachers with superior training, opportunities for growth within the classroom and compensation that appropriately reflects the invaluable contributions that they make to society.

Finally, the Commission recognizes that education is a gateway to upward mobility and the most powerful weapon for social change, including the eradication of poverty, the elimination of gender and racial inequality, and the preservation of our individual and collective well-being.

Commission on Healthcare

Final Report

Recommendations to address the needs of healthcare consumers

INTRODUCTION

There are 83.1 million millennials living in the United States today and, according to one study conducted by the American Psychological Association, individuals born between 1982 and 2000 may belong to the most stressed generation in history.¹³⁰ While millennials are more heavily focused on healthy living than previous generations, staggered wages, debilitating student loan debt, and longer work hours impede many from seeking and obtaining access to high-quality healthcare services. Unlike their predecessors, an overwhelming majority of millennials do not schedule preventative healthcare visits with their insurance-provided primary care physicians.¹³¹ Tech-savvy millennials want access to healthcare information without sacrificing time and resources in a traditional healthcare setting.

In addition, millennials are the most diverse generation in history.¹³² Nearly half of millennials identify as minorities, increasing the need for a healthcare workforce that reflects changing demographics and can competently address distinctions in cultural practices and healthcare disparities.

Though the implementation of the Affordable Care Act (ACA) reduced the number of uninsured Americans from all generations, low-income millennials still face a myriad of challenges in attaining healthcare services.

There is a critical need to empower healthcare consumers to make informed decisions, to leverage innovative technological resources, to protect low-income and vulnerable populations from stigma, and to ensure that medication is affordable and accessible.

The Millennial Policy Initiative Commission on Healthcare (Commission) convened for four months to assess and identify four key policy solutions to address the needs of healthcare consumers and providers:

- 1. Utilize data to combat healthcare disparities.**
- 2. Implement comprehensive programs to support Medicaid recipients in obtaining employment and other critical services.**
- 3. Ban state gauge clauses.**
- 4. Offer training-based scholarships and integrate cultural competency into continued medical education training.**
- 5. Promoting Health Equity Through Data**

One of the major priorities across all sectors of healthcare must be that of achieving health equity, the “attainment of the highest level of health for all people.”¹³³ While there are many existing health disparities which can be combated through specifically-targeted and isolated interventions – severe differences in rates of maternal mortality between Black and White women, for example – many strategies can be implemented at a structural level and across all healthcare industries to reduce disparities between and across populations. The Commission recommends several approaches that leverage the utilization of data and processes for collecting data to increase health equity for multi-sectoral implementation across public health departments, community-based organizations, employers, payers, and hospitals and clinical settings.

First, data must be framed appropriately to accurately describe and understand existing health disparities. While data itself is objective, the context in which it is framed can shift how it is interpreted and put into use. Acknowledging that an individual’s worldview shapes how he or she views and interprets data, the Colorado Department of Public Health and Environment (CDPHE) constructed a model of framing population health data to emphasize the importance of structural inequities and social determinants of health (SDOH) and highlight factors that surround

specific data outcomes.¹³⁴ For example, CDPHE added language around social factors and structural reasons that men of color are more likely to be involved in homicide to accompanying data on homicide rates in Colorado showing that males of color were most likely to be involved. Deliberately framing the data in a way that highlights root causes of existing disparities not only limits the impact of a viewer's biases and assumptions, but facilitates a more accurate understanding of the context and the most appropriate actions to reduce health disparities.

Second, social determinants of health (SDOH) – conditions of the social and physical environments as well as structural and societal factors that affect health outcomes and are responsible for most health inequities¹³⁵ – must be standardized, streamlined, and incorporated in all data collection. Examples of SDOH include public safety, social support, residential segregation, access to health care services, and exposure to crime and violence. In moving towards a more integrated and equitable view of health, “big data” that includes SDOH can be a critical tool in combating disparities. For example, if clinicians and nonprofit employees alike are able to access unified records that show both the healthcare and social services a patient is accessing, the standard of care previously discussed could become more robust and attentive to root causes of health or sickness, such as lack of adequate housing or nutritious food. Creating national standards for representing SDOH in electronic health records can help physicians to understand the environmental challenges experienced by their patients, work to accommodate them to improve health outcomes, and incentivize payers to reimburse for interventions related to deficiencies in SDOH.¹³⁶

Third, as we move towards creating a more robust data and technology infrastructure, we must also prioritize patient privacy and confidentiality. As we collect data and design reports, databases, and workflows, we must prioritize the rights of individuals to control access to and use of their data. Data systems can actually deepen inequality by reinforcing existing stereotypes, particularly for low-income patients.¹³⁷ The Commission recommends that states require patients provide permission prior to access and use of their data.

Finally, patient input is essential for ensuring that data usage and technology systems meet patients' true needs. For example, when designing a screening tool to understand a patient's housing situation or risk for interpersonal violence, that patient's perspective is crucial. As communities and healthcare stakeholders pursue the work of designing patient-centered data collection and utilization models, the Commission recommends moving beyond one-time focus groups or occasional surveys to instead integrating patients into the decision-making process via advisory boards, participatory budgeting, and other engagement methods. Patients are subject-matter experts in their own lives and communities. By soliciting direct user feedback, designers and practitioners can help limit the unintended negative consequences of new technology, as well as ensure its usability and efficiency.

MEDICAID: REFRAMING THE WORKFORCE REQUIREMENT NARRATIVE

The future of Medicaid has become a major focal point in discussions on the future of healthcare. As a joint Federal and state program, Medicaid assists with medical costs for disabled and low-income populations and offers benefits traditionally uncovered by Medicare, like nursing home care and personal care services.¹³⁸ Medicaid currently provides vital health insurance coverage to more than 73 million Americans. The program was expanded in 33 states in 2009 following the passage of the Affordable Care Act (ACA), significantly increasing the number of Medicaid beneficiaries from approximately 50 million Americans. Each state has different rules about eligibility and applying for Medicaid, further adding to the complexity of the program and any changes that may be implemented in the future.¹³⁹

Under the Trump Administration, the proposal to impose work requirements for Medicaid recipients has become a highly controversial topic. On January 11, 2018, the Centers for Medicare and Medicaid Services (CMS) issued a State Medicaid Director Letter providing new guidance for Section 1115 waiver proposals that would impose work requirements in Medicaid as a condition of eligibility for the program.¹⁴⁰ Interestingly enough, the proposal, entitled the 1115 Community Engagement Initiative, refers to these requirements as both work and community engagement.¹⁴¹ Work requirement proposals generally require beneficiaries to verify their participation in approved activities, such as employment, job search, or job training programs, for a certain number of hours per week in order to receive health coverage through Medicaid.¹⁴² Critics of the proposal argue that state Medicaid work requirements will cause anywhere from 1.4 million to 4 million¹⁴³ low-income adults to lose health coverage, including people who are working or are unable to work due to mental illness, opioid or other substance use, disorders, or serious

chronic physical conditions. These individuals will face various bureaucratic hurdles to document that they either meet work requirements or qualify for an exemption from them.¹⁴⁴ Furthermore, critics argue the proposal perpetuates stigmas about the poor, particularly unsubstantiated claims that poor people opt out of work to take advantage of the system. In fact, the data shows that, among nonelderly adults with Medicaid coverage – the group of enrollees most likely to be in the workforce – nearly eight in ten live in working families, and a majority are working themselves.¹⁴⁵

Poverty, among other social determinants of health, is widespread among the Medicaid population. For instance, although most nonelderly adults are working, many Medicaid enrollees that work part-time face impediments to finding full-time work. Many Medicaid participants cite economic factors, such as inability to find full-time work (ten percent) or slack business conditions (11 percent), as the reason that they maintain part-time as opposed to full-time positions. Other major reasons are school enrollment (14 percent) or other family obligations (14 percent).¹⁴⁶ Given Medicaid's role in serving people with complex clinical, behavioral health, and social needs, state Medicaid agencies are uniquely positioned to identify and help address these diverse social challenges.¹⁴⁷ The best alternative to imposing burdensome work requirements is to introduce legislation and allocate resources to ensure that Medicaid agencies are equipped with the necessary tools to holistically address the social needs of recipients.

In 2016, Medicaid insurer CareSource launched a program called Life Services to help members find work and educational opportunities.¹⁴⁸ In partnership with other companies and schools and universities, CareSource provides Medicaid recipients with essential life skills: (1) interview preparation, (2) budgeting and personal finance, (3) stress management, (4) transportation assistance, and (5) GED completion.¹⁴⁹ The pilot program currently operates in just three states – Georgia, Indiana and Ohio – but could provide critical assistance to Medicaid recipients who want to become gainfully employed but lack the appropriate resources and training to obtain full-time work. Imposing burdensome work requirements unfairly and unreasonably criminalizes and stigmatizes poverty. The Commission recommends increasing federal funding for programs like Life Services, which will provide more citizens with the opportunity to enjoy healthy and prosperous lives.

PRESCRIPTION DRUG PRICE TRANSPARENCY

The price consumers pay for prescription drugs in the United States has been rising at an alarming rate. Between 1984 and 2016, spending on prescription drugs in the U.S. increased by 728 percent, growing from \$39.7 billion to \$328.6 billion after adjusting for inflation¹⁵⁰. In 2014 alone, spending increased by 12.2 percent over the previous year, the largest spending increase since 2002¹⁵¹. This has led to patients skipping medicines they are unable to afford. Six percent of young adults with private insurance avoid prescriptions in order to save money. In addition, ten percent of Medicaid recipients and 14 percent of those uninsured opt out of taking recommended medication.¹⁵² With nearly 60 percent of Americans taking prescription drugs to treat a variety of conditions from cancer and HIV to diabetes and high blood pressure, the cost of prescription drugs poses a serious challenge to the health and wellness of the nation¹⁵³.

Increasing transparency of consumer-facing prescription drug prices is one strategy to empower consumers and ensure that they pay the lowest price possible for prescription drugs. The final out-of-pocket price a consumer pays for their prescription is affected by several factors including the manufacturer's list price, the reimbursement agreed to by the consumer's insurance, and the price negotiated by intermediaries known as pharmacy benefit managers (PBM).¹⁵⁴ Further complicating the issue and limiting transparency for consumers, PBMs often include a "gag-clause" in agreements with pharmacies, whereby pharmacists are restricted from informing patients that they could pay less for a drug by paying the cash price instead of the copayment under their insurance plans.¹⁵⁵¹⁵⁶ In fact, researchers found patients' copayments under their insurance plan were higher than the out-of-pocket price for one in four drugs purchased in 2013.¹⁵⁷ Furthermore, on 12 of the 20 most commonly prescribed drugs, patients overpaid by more than 33 percent. Federal and state regulation of these "gag-clauses" would allow pharmacists to inform patients when paying the out-of-pocket price could save them money at the pharmacy, increasing transparency in the drug pricing system.

As of July 23, 2018, 25 states have enacted laws prohibiting gag-clauses in contracts that restrict pharmacists.¹⁵⁸

Furthermore, bipartisan legislation has been filed in the U.S. Senate that would create this protection for patients on private insurance and Medicare.¹⁵⁹ The Department of Health and Human Services (HHS) has indicated it is considering rulemaking that would prohibit gag-clauses in Medicare Part D plans.¹⁶⁰ While state efforts are too recent to comprehensively study the effect of ending gag-clauses, ensuring greater transparency around drug prices can help consumers to achieve more affordable prices for their needed prescriptions.

WORKFORCE RECRUITMENT AND RETENTION

Healthy People 2020, the nation's ten-year set of goals and objectives for health promotion and disease prevention, aims to identify nationwide health improvement priorities and promote action that will make a healthier life achievable for all. Unfortunately, the ability to attain and balance this ideal system of health promotion, disease prevention, early detection, and universal access can and has been interrupted by insufficient resources,¹⁶¹ most notably an overextended workforce. The United States healthcare workforce is currently met with several challenges including the expanding medical needs of an aging and retiring population, current and projected worker shortages, and a lack of diversity in a workforce that does not reflect the nation's demographic makeup. The need to recruit and retain a well-trained, culturally and linguistically competent healthcare workforce is greater now than ever before.

The overall approach to workforce recruitment and retention should embrace innovative learning approaches and environments, advancements in technology, team-based care coordination, and valued inclusion. It is also imperative that workforce recruitment, retention and education efforts address the entire healthcare system, including clinical providers, allied health professionals, and health policy and management specialists, all of which play critical roles in creating an efficient and effective system.

According to census data, racial and ethnic minority groups will account for nearly one-half of the United States population before 2050.¹⁶² Diversity among healthcare professionals is positively correlated with improved access to care, greater patient choice and satisfaction, and improved patient-provider communication for minority patients.¹⁶³ To increase interest and offer exposure to skills needed for success in healthcare careers across ethnically diverse populations, health organizations and institutions must invest in early recruitment, initial contact, and academic preparation. More specifically, health focused organizations and their partners should invest funding and strategic personnel placement throughout communities with large populations of racial and ethnic minorities, and consider recruiting students from nontraditional and technical settings, such as culinary schools and discharging military personnel. These organizations should also emphasize their commitment to providing technical skills-building demonstrations throughout student academic careers and collaborating with primary and secondary educational leadership to design targeted curricula.

In addition to making investments in educational and community settings, universities and training schools must consider administrative changes to ensure admissions practices are reflective of emerging, equitable assessments rather than traditional, exclusionary and biased testing norms. Prospective students should be given the opportunity to experience educational environments and engage with faculty prior to the application process. These selection and screening visits should allow prospective students to voice their interests, concerns, and give institutions the opportunity to make environmental changes that respond to the needs of a diverse applicant pool. Lastly, financial structures must be adjusted to encourage greater acceptance and retention of racial and ethnic minority students, families, and communities.¹⁶⁴ The Commission strongly recommends that states provide training-based scholarships and internships that allow high school students to practice focused skills in community-based organizations while earning funding for their future studies.

Training and retention are also imperative to the sustainability of the current and future healthcare workforce. The Commission recognizes the value in leveraging the expertise of immigrant and foreign-born healthcare professionals for training programs, a strategy that can be utilized to improve and enhance cultural sensitivity. Immigrant and foreign-born healthcare professionals should be considered partners in creating a more equitable and effective healthcare system. According to the Georgia Budget and Policy Institute, offering tuition equity allows young immigrant residents to pay in-state tuition and promote inclusive learning environments while supporting the United

States' need for a diverse healthcare workforce.¹⁶⁵

The Commission further recommends student and continued medical education training that includes a cultural-competency component. Exposing the future and current healthcare workforce to the scarce resources and pressing challenges faced by vulnerable populations will encourage individuals within the workforce to adapt their treatment methods and invest in systemic changes that are inclusive of varied cultural, community, and individual needs. In addition to recruiting and retaining students from these areas, investing in culturally-diverse training environments allows professionals to cultivate positive relationships throughout their career with communities historically known to be distrustful of medical providers.

Advocacy organizations and coalitions, such as the North Carolina Alliance for Health Professions Diversity and Health Professionals for Diversity, work to increase awareness about the importance of diversity in the healthcare workforce. These organizations must be valued partners in evaluating current healthcare organization curriculum, practices, and training opportunities. Partnering with local nonprofit organizations creates mutual benefits, drawing on the talent within the community and reinvesting the expertise of these professionals to effectively address community health needs.

Lastly, the Commission recommends that young, minority healthcare professionals be actively engaged in organizational changes and succession planning. True inclusion demands that these professionals influence decision-making and be groomed for future leadership roles in the same way as their white counterparts. An organization's demonstrated commitment to investing in a professional's voice and the appreciation of their contributions increases morale and grows the pool of committed future healthcare leaders.

Conclusion

The needs and demographics of healthcare consumers are changing rapidly. This Commission recognizes the critical role that access to healthcare plays in an individual's quality of life, the necessity of making healthcare more affordable, and the urgency of recruiting, training and retaining a skilled workforce that reflects a diverse nation. The Commission supports the empowerment of healthcare consumers to make informed decisions and the expansion of high-quality healthcare services for all Americans, regardless of their race or ethnicity, socioeconomic status, gender, or disability status.

Commission on Climate Change & Energy

Final Report

Recommendations to address fundamental risks to our environment

INTRODUCTION

There is no more sobering fact than that, to date, we live on the only planet in the cosmos that sustains life. And no more worrisome fact than that, to our best estimates, our actions have severely risked our future sustainability on this planet. Today we live in a geologic era dominated by human actions; scientists refer to this age as the Anthropocene epoch because the single greatest environmental force is the collective choices of humanity.

Our actions over the past centuries have caused an ever-increasing warming of this fragile planet. Today we stand at the precipice of inexorability. If we do not address these fundamental questions and risks to our environment, the damage to the planet will be irreversible and the survivability of humanity in question.

The Millennial Policy Initiative Commission on Climate Change and Energy (Commission) have spent the past several months investigating these issues and have settled on these four key policy solutions as critical steps to protect our environmental system. Based on months of study by the members of this commission, we make the following recommendations for short- and long-term policy choices.

- 1. Governments should do all they can to ensure current clean energy resources and investments are expanded, particularly to low-income communities and communities of color.**
- 2. Workforce development programs should be updated to meet the challenge posed by the green energy transition.**
- 3. All states should be encouraged to commit to the Paris Climate Agreement, and the Federal government should rescind its withdrawal immediately.**
- 4. To ensure that we can achieve a 100% renewable future, states should commit to a timeline through legislation, fund research into energy storage, and commit to remove outmoded regulatory models that bar new, green energy market entrants.**

INCREASING ACCESS TO CLEAN ENERGY

If we are to properly address the challenge of climate change, we must also ensure that all citizens have access to available clean energy sources. Without cost-effective access to these clean energy sources, even the most aggressive climate change policies will likely fail to stop the breakaway effects of rising average global temperatures.

This question of access raises several interlocking concerns.¹⁶⁶ First, as with any question of resource distribution, there is an economic problem of ensuring cost-effective access. Related to this question, there is an equity-based question of how these resources should be owned such that they do not exacerbate resource and wealth concentration nor racial disparities.¹⁶⁷ And finally, there are political questions related to how best to encourage such access.

Before we can address those questions, though, this Commission must address what, precisely, it means by the phrase clean energy. When this report uses the phrase “clean energy” or “renewable energy” it uses that term broadly to cover those energy systems that are not based on extractive resources such as fossil fuels. Fundamentally, if the source of the energy created is not-depleted by the act of generation it is considered a clean, renewable energy source.

With this definition in mind, the Commission notes that the most important immediate step that can be taken to increase access to clean energy is to reduce the cost of the resource. Simultaneously, though, we must broaden the

distribution network to include communities (particularly communities of color) that may have been excluded under older models.

To achieve this, emphasis must be placed on outreach to lower income communities in the development of the renewable energy grid. This could begin through outreach to housing authorities, which provide access to these communities in large numbers with relatively limited investment. From there, outreach to communities living in single and multifamily homes can be made.

Additionally, this outreach should be paired with an equitable model of ownership over the clean energy units. Through modern experience with solar panels, the Commission notes the value of community-solar models of ownership. This model of ownership where members of a community all hold solar generation panels, pool the energy created by those panels, and each member receives energy based on that pool.¹⁶⁸ These models can be based on resident-participant ownership of individual panels, or on resident-participant rental of the panels from a third-party investor. Under either model, the members of the community are provided significant discounts on the cost of power generation compared to legacy, fossil fuel generation. Moreover, the community organizing and action inherent in the model has ripple effects in the community that can increase overall welfare.¹⁶⁹

This outreach to communities of color and lower socio-economic strata must also extend beyond as end-consumers of energy. It must also extend to the jobs and investments that will be required to make the extension to these communities. Trillions of dollars of global investment will likely be made between now and 2040 to ensure a transition to a green energy economy.¹⁷⁰ Federal, state, and local governments should ensure that in government contracts related to these investment that minority-owned businesses contracts are emphasized. Moreover, as more fully developed later in this report, governments should ensure that opaque, outdated, or legacy industry protective regulatory structures are clarified to ensure a clean entry potential for new start up and market entrants.

The transition of the American economy to a green energy paradigm is a unique opportunity to ensure that principles of equity and economic security can be expanded to communities historically denied them. Millennial leaders should require that the policy choices ensure that green energy is cost-effective, that investments in the development of a new, distributed grid are made in an equitable manner, and that the ownership models of the resulting infrastructure empower the communities they serve.

ENSURING A JUST TRANSITION AND NEW WORKFORCE DEVELOPMENT

The Commission recognizes that increasing access to clean energy and moving toward a truly renewable future will result in major sectoral shifts in the economy. These shifts will be both industry-wide as industries based on non-renewable, extractive energy sources shutter, and cross-geographic as areas formerly supported by those enterprises lose major employers. Concomitantly, new industries will rise in areas not formerly associated with an energy economy.

These shifts are for the long-term benefit of the United States and the global community. But they will result in short-term dislocation for many American workers.¹⁷¹ The Commission therefore notes that a robust clean energy strategy must also include a holistic approach to workforce development. This approach must take into account the legacy programs available for workforce development, any shortcomings those programs have that may need reform in light of the shifts created by a clean energy strategy and must be premised on principles of equity and economic security for all American workers.

It is not clear how many jobs will be displaced by a full green energy transition.¹⁷² And it is possible that on net the decrease in jobs in some sectors will be offset by new jobs in green sectors. However, this net equalization hides the significant number of transitioning workers who will require deep and lasting training.¹⁷³

The current model of workforce development in the United States is unlikely to be capable of handling the massive shifts caused by a clean energy transition. Legacy programs were designed to address an older economy and were premised on outdated assumptions about what the causes, needs, and outcomes of workforce development programs.¹⁷⁴ Specifically, they were designed to handle intra-industry transitions (where one worker moved to a new firm in generally the same industry) and within the same general geographic area.¹⁷⁵ Given the cross-sectoral

and cross-geographic transition that will result from a clean energy transition, these programs will need fundamental retooling.

Moreover, both future workforce development programs as well as the employment practices of new energy producers must reflect a commitment to equity and economic security for all workers.

Regarding workforce development programs, the Commission therefore notes that worker representatives should enjoy representation in workforce development programs at parity with business representatives.¹⁷⁶ Additionally, these programs need to be financed far beyond the current levels. The federal government will invest a mere 0.07 percent of its total expenditures in its primary workforce development program in 2018.¹⁷⁷ This is not sufficient to handle the needs a green energy transition would precipitate. A key reason for this underfunding is that there is no dedicated funding mechanism for workforce development programs. To ensure such funding, the Commission recommends that Congress – and states – adopt a tax system for fossil fuels and that the revenues generated be dedicated to targeted workforce development programming.¹⁷⁸

Finally, regarding employment practices at new energy producers, the Commission notes that access to unions is paramount. These positions will require technical skill and are therefore high employee turnover will result in significant losses for employers. Robust data establishes that firm in such industries with high-levels of unionization and close collaboration between management and labor perform better than non-unionized firms in the same industries.¹⁷⁹ Additionally, these factors respect the fundamental dignity and equity of workers in the United States.

The transition to a green-fueled economy is a sea change in the American experience. It is critical that the transition be handled with dignity for all, and that the future it portends be grounded in equity and economic security for all.

ENSURING STATES COMMIT TO MEETING THE PARIS CLIMATE ACCORDS

The Paris Climate Agreement generally requires signatory countries to take actions to ensure that global average temperature rise in the coming century is less than 2 degrees Celsius from pre-industrial levels.¹⁸⁰ It also requires members to take all efforts to ensure their nations are prepared for the impacts of climate change and to commit to transparency and reporting of these efforts.¹⁸¹

The Paris Climate Agreement represents a towering success of international cooperation and diplomacy. It is one of the few international agreements to achieve global consensus,¹⁸² and is the critical framework by which humanity – writ globally – will reconcile itself to the impact of Anthropocene global warming.

On June 1, 2017,¹⁸³ President Trump's administration announced that it will withdraw the United States from this critical global consensus, effective November 4, 2020.¹⁸⁴ This withdrawal represents a major blow to global efforts to combat human-generated climate change. As one of the highest greenhouse-gas producing nations, the United States' eventual withdrawal will have an outsized impact on global climate efforts.

Moreover, the withdrawal represents a failure of international leadership. The United States will have ceded its role and credibility if the withdrawal is affected. This will undermine the impact of the agreement and strengthen the geopolitical position of the United States' geopolitical rivals who may not be as deeply committed to the cause of mitigating the effects of global climate change.

In spite of this, though, the Commission believes that there is hope and a path forward for those American leaders committed to ensuring the success of the Paris Climate Agreement. In the wake of the announcement of withdrawal, American cities, states, and tribal governments, as well as large commercial entities have announced that they will individually commit to honoring the goals, and taking the actions necessary to meet those goals, of the Paris Climate Agreement.¹⁸⁵

The Commission commends efforts by states, cities, tribal governments, and private entities to meet the substantive obligations of the Paris Climate Agreement. It further notes that state level action is of particularly high impact, but that the majority of U.S. states have not made this critical commitment. The Commission therefore recommends to Millennial leaders to act to ensure that those states which have not made a commitment to do so. Based

on the Commission’s review, advocacy is needed in the following states:¹⁸⁶

Alabama	Alaska	Arizona	Arkansas
Florida	Georgia	Idaho	Illinois
Indiana	Iowa	Kansas	Kentucky
Louisiana	Maine	Michigan	Mississippi
Missouri	Missouri	Montana	Nebraska
Nevada	New Hampshire	New Mexico	North Dakota
Ohio	Oklahoma	Pennsylvania	South Carolina
South Dakota	Tennessee	Texas	Utah
West Virginia	Wisconsin	Wyoming	

Adding additional commitments from the states that have not yet affirmed a commitment to meeting the Paris Agreement’s short- and long-term goals will ensure that the United States, united as states, can meet the obligations it has made to the international community and to posterity.

As with the Paris Agreement itself, the Commission believes that specific actions to take may be determined by individual states, cities, tribal governments, and private entities.¹⁸⁷ The type of actions that may be most effective in Montana may not be the most effective in Alaska. But it is imperative that each state commit to the goals and take immediate steps that are most effective based on its circumstances to meet the Paris Climate Agreement’s goals. The global climate, the United States’ international standing, and our posterity require nothing less.

TAKING STEPS TO ENSURE A RENEWABLE FUTURE

Meeting the goals of the Paris Climate Agreement is a necessary condition for combatting human-generated climate change, but it is not sufficient. If humanity is to sustain itself into the centuries, it must completely extricate itself from dependence on extractive, nonrenewable fuels. In time, as renewable sources of energy become ever-more economically viable this transition may develop as a natural consequence of market forces. But this timeline is uncertain, and we cannot afford such ambiguity. Additionally, without a firm target date current utility and energy companies will not be able to adequately plan and structure their efforts to meet the timeline. Therefore, the Commission believes that political and policy commitments must be made to ensure a speedy and comprehensive transition to 100 percent renewable energy sources is assured on a timely basis.

To date, there have been efforts in states across the United States to make these commitments. In New York, the state senate is considering a pending bill that would require that the state establish a 100 percent clean energy system by 2030.¹⁸⁸ Similar bills are currently pending in California,¹⁸⁹ Massachusetts,¹⁹⁰ Pennsylvania,¹⁹¹ and Washington.¹⁹² And Hawaii has passed a commitment to 100 percent renewable energy into law.¹⁹³ While there have been proposals at the federal level to make a national commitment, it is unlikely that these will pass given the current makeup of the Federal legislature. Therefore, the Commission commends these state level efforts and recommends each of these bills as a model for other states to utilize. Moreover, the Commission notes that these bills have attracted bipartisan support and encourages such bipartisan efforts to ensure a robust transition to 100 percent renewable energy.

The Commission notes, however, that while policy choices are important as goal setting markers, there exist technical and regulatory challenges to ensuring a 100 percent clean energy future. Two challenges are worth specific consideration.

First, any plan to reach a 100 percent green energy system will require substantial improvements to current energy storage technology. Indeed, based on the experiences of Commission members, it is fair to say that current legislative efforts to set these targets are often stymied by protests that storage technology cannot properly store the required amount of clean energy. Based on the most recently available and robust research, these objections are

overblown.¹⁹⁴ But there is an underlying truth that the energy grid will need to evolve to incorporate energy storage technology and that technology will need to be sufficient to store the energy society demands.¹⁹⁵ To meet this challenge, the Commission calls for Congress and the states to make significant investments in the basic and directed research necessary to increase the capacity of energy storage devices, in all forms.¹⁹⁶

Second, regulatory barriers should be cleared to allow renewable energy companies to enter the energy market. In nearly every state, current regulatory structures were designed to regulate large utilities and fossil fuel energy companies.¹⁹⁷ These regulations have resulted in large barriers of entry into such markets by renewable energy companies, and act to insulate legacy, fossil fuel energy companies from effective market competition.¹⁹⁸ States should undertake comprehensive reviews of their energy market regulatory structures. This review should be centered on identifying those regulatory strictures that may be outmoded in the context of green energy, or which function as legacy industry protection mechanisms. It should be understood, however, that those regulatory items that preserve the environment and protect the health and welfare of citizens should be maintained. Moreover, while that review takes place, states should seek to actively provide guidance and support to new start up or green energy companies as they navigate the current regulatory structure.

Taken together, these efforts to increase storage capacity and simultaneously clear away undue regulatory burdens will allow states to actually reach their goals for 100 percent renewable futures.¹⁹⁹

CONCLUSION

The challenge of climate change is the defining challenge of our time. While we face policy crisis on many fronts, none presents the truly existential threat that climate change poses. We face now the real possibility of massive disaster, including extinction, if we fail to contain the consequences of our human avarice.

The recommendations contained in this report are aimed at a new generation of leaders. These leaders did not ask for this responsibility, nor did their choices create this crisis. But, their actions will determine our success and our posterity. If we can provide access to green energy to all people, ensure those displaced in the short term are treated fairly and provided support, commit to meeting the essential goals of the Paris Climate Agreement, and ensure that we convert our total economy to green energy sources as soon as possible, we may be able to avert this crisis.

To those Millennial and future leaders who must deal with these issues, this Commission submits its guidance.

Commission on Democracy & Voting Rights Final Report

Recommendations to protect the right to vote

INTRODUCTION

The United States was founded, and for centuries has sustained itself, as a grand experiment in enlightened self-governance. As part of that project, our nation's history can be understood as the history of a struggle for ever-greater enfranchisement. Through war, protest, compromise, and sacrifice, the American people have bent the arc of justice toward greater representation, broader voting rights, and into the light of the better angels of our nature. But these successes have always been won through toil and blood, and as we move into the third decade of the twenty first century, we must renew our collective commitment to universal self-governance.

Across the country, the right to vote – the most critical right in any democratic society – is threatened. Through direct barriers and indirect methods of dilution and disenfranchisement, there are those in our country who have sought to restrict and undermine the rights of (generally minority) populations to engage in the project of self-governance. We face now structural and direct imbalances that could result in entrenched non-majoritarian rule in the states and the Federal government. We must act and reform our systems of representation to ensure the lasting vitality of democracy in America.

The members of the Millennial Policy Initiative's Commission on Democracy and Voting Rights (Commission) have spent the past several months investigating and deliberating over these issues and have agreed on four key policy solutions as critical steps to protect our system of governance from attack and obsolescence:

Common voter suppression techniques must be identified and removed from state election laws.

To ensure accurate and comprehensive voting rolls, all states should adopt Automatic Voter Registration as the default.

Congress must pass legislation requiring nonpartisan redistricting commissions for all federal elections, and States should follow suit for state elections.

Congress, and to the extent possible, states must invest significant resources in ensuring an accurate, equitable census in 2020.

ENDING VOTER SUPPRESSION

The hopeful narrative of America is one of ever-growing self-governance. We pride ourselves that we have consistently expanded the franchise to previously excluded groups, and that we incorporate new populations into the body politic and celebrate their presence. But, for this hopeful narrative to even occur, there must also have been opposition. The inverse of this story of hope is a consistent story of frustration. The story of America is also a story of hundreds of years of concerted, temporarily-successful, and persistent efforts to suppress and limit the franchise. Through violence and Jim Crow, generations of minorities have been denied their most basic rights of self-determination.

Tragically, this dichotomy—of hope and frustration—is still with us in 2018. Indeed, in many ways, the balance of this scale is in more peril than it has been at any point in decades.

The most well-known voter suppression tactic in recent years has been voter identification laws. This attention is well deserved. Voter identification laws have proliferated in this country,²⁰⁰ particularly in the wake of *Shelby County v. Holder* and its gutting of the Voting Rights Act's preclearance requirements. Based on the most up-to-date assessment of the impacts of voter identification laws, these laws unmistakably and disproportionately burden the right of racial minorities to vote.²⁰¹

But voter identification requirements are not the only method of burdening the right to vote deployed across the country. The Commission feels it is critical to identify these lesser-regarded methods and to highlight them. The Commission further recommends that progressives understand these methods and, upon gaining political power, take immediate steps to remove these burdens and to bar their future use.

After a survey of current practice across the country, the Commission has identified the following practices as critical voter suppression tactics:

- Limited or no access to early or by-mail voting;
- Limited resources to fully staff polling places thereby increasing wait times to vote;
- Limited resources to assist voters with disabilities to access the polls
- Removal from the voting rolls of individuals who have not voted in immediately proceeding elections upon notice from the state;
- Limiting or banning students from voting in the jurisdiction of their education;
- Failure to update the Voting Rights Act to restore the VRA's preclearance regime;
- Failure to re-enfranchise individuals convicted of felonies; and,
- Failure to provide accurate information at the necessary scale to ensure all voters know where and when their polling place will be open.

Each of these tactics could be discussed in detail, but that is beyond the scope of this report. Instead, the Commission notes their presence to ensure that future policymakers understand that each of these practices work to reduce the rights of all Americans to vote.

Limitations on early voting work to turn the right to vote into a privilege for those who can afford to take time from work on a non-holiday Tuesday. Similarly, limitations on the resources dedicated to staffing polling places and on educating the public of their location act as a tax on those who are paid hourly, and as an effective disenfranchisement for those who are disabled and require assistance in voting. These practices also would be prevented if the Voting Rights Act were revitalized with a new pre-clearance regime, and so Congress must update the preclearance formula.

Remedying any one of these tactics would significantly expand the right to vote. All should be identified and removed, though. It is the duty of future generations to understand the shameful history of voter suppression tactics because the fight against them continues. The Commission urges Millennial policymakers to stand against these practices, and to articulate clearly their pernicious effects.

ENSURING VOTER ACCESS

In light of the ongoing efforts to limit access to the franchise, a number of solutions are worth consideration. But one method of ensuring voter access stands out as effective, simple, and capable to gaining bipartisan support: automatic voter registration.

The United States is an international outlier among liberal democracies because it still requires complicated, opt-in systems to access the right to vote. Unlike its sister democracies, the Federal government and most states do not take any responsibility for ensuring the registration of qualified voters as a default. This results in substantially lower registration rates for American voters than in other countries.

Most importantly, the current American system results in systemically disproportionate registration rates, with disadvantaged communities (i.e., the sick, disabled, homeless, poor, illiterate, etc.) being unregistered – and therefore denied their franchise—at higher rates than healthy, wealthy, and privileged.²⁰² Needless to say, this disparate impact is closely tied to racial and class characteristics, with racial minorities and lower classes consistently more impacted by registration issues than whites and the wealthy.²⁰³

This system also results in lower overall voter participation in elections than comparable countries and serves to

create civic distance between the electorate and the government. Over time, this disconnect serves to undermine social trust in the system of governance overall.²⁰⁴

Finally, automatic voter registration substantially lowers the expense of the election process and produces more accurate registration rolls than manual registration. By ensuring all information is cross referenced at the agency level prior to registration, the rolls are kept accurate. And by handling most registration as part and parcel of already existing government interactions, duplicative costs are eliminated.²⁰⁵

For all these reasons, automatic voter registration has achieved significant success in gaining bipartisan momentum. As of writing, twelve states and the District of Columbia have approved automatic voter registration plans, and twenty more states have either legislation or ballot initiatives pending for 2018.

The Commission believes strongly that automatic voter registration is essential for a modern, secure, and equitable election system. Most importantly, though, the Commission endorses the proposal as a simple solution that increases participation rates while also, critically, removing many of the potential choke points where voter suppression initiatives have arisen in the past. Millennial leaders should require automatic voter registration as a universal standard for American elections in the future.

ENDING PARTISAN AND RACIAL GERRYMANDERS

Partisan and racially-motivated gerrymandering poses a fundamental – and unprecedented – challenge to our system of self-government.

The power to draw lines for legislative districts at the federal, state, and local levels carries with it the opportunity for mischief. If mapmakers are motivated by improper goals, severe inequities can result, including maps that reflect severe and durable partisan bias or maps that disenfranchise minority voters. These inequities translate into policy outcomes that do not reflect the desires or best interests of voters.

Gerrymandering efforts are not new phenomena. However, gerrymanders today pose an unprecedented and existential risk to our democracy in a way that has not been present ever before in American history, due to an explosion of individualized voter data that is now available to mapmakers coupled with advanced mapmaking technology that allows gerrymanders to be crafted with exacting precision. As a result, the gerrymanders in the wake of the 2010 census exhibited partisan bias that was more severe and durable than ever before. For instance, in 2012 a majority of Pennsylvanians voted for Democratic candidates for the House of Representatives, but only five of the 18 seats were won by Democrats due to its severe gerrymander in favor of Republicans.²⁰⁶ Efforts in Pennsylvania and other states had a national effect – in 2012, a majority of Americans voted for Democratic candidates for the House of Representatives, but Republicans still won a 33-seat majority. We are still feeling the effects today – at least one study has predicted that in light of the gerrymandering that occurred after that 2010 election, the Democratic Party could again win the total vote by 8 percent in 2018 and yet not be guaranteed a House majority.²⁰⁷ In other words, the gerrymandered lines created by Republicans in 2010 are so durable that they ensure Republican gains when Republicans gain fewer votes, and protect against Republican losses even in huge Democratic “waves.” This unprecedented durability makes it critical that redistricting abuses are stopped before the next redistricting cycle after the 2020 census, otherwise our country will need to endure yet another decade of maps that severely distort our democratic process, disconnects the results of elections from the voting inputs, and undermines the fundamental trust voters have in the election system.

In light of the Supreme Court’s decision to defer intervening on the merits in partisan gerrymandering in cases out of Wisconsin and Maryland,²⁰⁸ it is all the more important to implement legislative solutions to address this issue. To be clear, the Commission supports and encourages litigation efforts related to partisan and racial gerrymanders. This work is important and has achieved victories in the past. In particular, challenges based on state constitutions in particular may offer fertile grounds for judicial relief.²⁰⁹

But we believe that the most avenue for reform with the greatest potential is policy change at the state and local level. We urge state legislators to make redistricting reform a priority, and we call on citizens to act, through ballot

initiative where available and through political pressure on legislatures where not available, to reform the redistricting process. We are heartened to note that this action is already occurring, with at least five states considering redistricting initiatives, which is all the more remarkable because in the ten years prior only five such measures had been considered overall.²¹⁰

As part of these legislative efforts, the Commission notes that Millennial leaders should demand that any reform ensure at least two things. First, the power to prepare maps needs to be independent from political actors. Politicians who stand to benefit the redistricting process should not get to draw the lines, nor should they play any role in that process. Therefore, the cornerstone of any reform effort should relocate the power to redistrict away from political actors and grant the power to independent redistricting commissions. These commissions should be single-focused and populated by non-partisan, technical experts instead of partisan actors. There are variety of mechanisms used in a number of states that have employed such commissions to select membership, and the Commission has chosen not to endorse one specific model over another.²¹¹

Second, any reform effort should limit the data to which mapmakers have access to the data that is necessary to achieve the goals set forth in the redistricting statute. At a minimum, this would mean that states should prohibit mapmakers from relying on partisan-identification data. It is important to note that the proliferation of augmented voters files and extensive consumer data that is available to political actors, it possible for mapmakers to glean racial and partisan affiliations from other sources. Therefore, reform efforts should limit the permissible data available to mapmakers to only geographic and demographic data that is absolutely necessary to craft maps that comport with the redistricting principles set forth in state law.

Paired together, relocation of the power to redistrict to an independent commission and restricting the type of data that mapmakers may access would go a long way towards combating the unprecedented partisan gerrymanders that have emerged since the last redistricting cycle. Millennial leaders should require these positions as a minimum floor for any acceptable reform measure.

ENSURING A PROPER CENSUS

Vindicating the inherent right of all Americans to vote, and of all people within the United States to meaningful representation, requires that we know exactly how many people exist in the United States. The Founders of our country were well-aware of the dangers posed by a incomplete census. Thus, the Constitution, as amended, requires that an “actual enumeration” taken every “term of ten years,”²¹² so that “Representatives [can] be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.”²¹³

In other words, the United State Constitution requires that the government successful undertake a literal count of all persons within the United States – without regard for citizenship.²¹⁴ Millennial leaders should understand the civic duty to complete the Census and should engage fully in public education efforts related to the Census. Yet, as of this writing, there is an ongoing effort to deprive the Census Bureau of the resources needed to ensure an “actual enumeration,” and also to insert an unconstitutional “citizenship question” into the Census.

The Census requires a massive investment and logistical operation. Unfortunately, at the time of this report’s writing, the position of permanent director of the Census Bureau has been vacant for over a year.²¹⁵ Moreover, the Census Bureau must hire hundreds of thousands of seasonal employees to physical carry out the enumeration. For the last decennial census this required more than 600,000 seasonal hires. The lack of a permanent director, in addition to a strong labor market and a short timeline, hinder the ability of the Census Bureau to ensure that the Federal government meets its constitutional responsibility.²¹⁶

Worse, there have been ongoing efforts from the current administration to insert questions about the citizenship status of persons in the United States. This question would substantially lower the response rate from Latinx communities, and thereby distort the constitutionally required “actual enumeration” even further.²¹⁷

A significant undercount or otherwise inaccurate census will have dramatic effects. It will distort federal reapportionment.

tionment by shifting representation away from communities that are undercounted and towards communities that tend to be whiter and wealthier. It will also result in significant distortions to Federal funding priorities. Federal grant and spending programs are often dependent on census data to determine where funds are delivered and in what proportion. Therefore, it is critical that the census is accurate, not only to ensure equitable distribution of political representation, but also to ensure equitable distribution of public resources.

Millennial leaders must understand the critical role the Census plays and advocate for significant resources to be directed at remedying these issues. They should demand that Congress ensure essential funding for the Census Bureau, that distortionary and unconstitutional questions be removed from the Census, and that states undertake – where possible – supplemental efforts to ensure the accuracy of the count in their jurisdiction.²¹⁸ An equitable democracy requires an accurate understanding of the number and distribution of persons within its borders. Millennial leaders should demand nothing less.

CONCLUSION

The United States of America rightly considers itself the well-spring of modern self-governance. It pioneered many of the core ideas essential to republican systems of government. Yet, like any system, it requires maintenance. In 2018, it faces deep and seemingly unending challenges, from foreign affairs to climate change, and healthcare to fiscal policy. We will not be able to address these problems effectively, though, unless the weaknesses in our machinery of governance are addressed as well.

The Millennial Policy Initiative's Commission on Democracy and Voting Rights submits this report to the public as a summary of just a few of the critical issues that must be reformed. There are many challenges ahead. But the Commission is confident that if we undertake the recommendations set out above – to end voter suppression; to ensure automatic voter registration; to end racial and partisan gerrymandering; and to ensure an accurate Census in 2020 – we citizens can begin the work of our generation.

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A special thank you to these remarkable leaders who dedicated countless hours crafting these policy recommendations

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CITATIONS

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- 9 Id.
- 10 Hanks & Madland at 4 (“Recent research has found that sectoral programs in particular—those that provide worker training in targeted, in-demand industry sectors—are effective in raising participants’ wages and improving employment opportunities.”).
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- 180 See Paris Agreement on Climate Change, Art. II, Sec. 1(a), adopted November 4, 2016, available at https://unfccc.int/sites/default/files/english_paris_agreement.pdf.
- 181 The Agreement called for numerous other efforts as well. The major goal of the Agreement, though, was the 2 degrees increase limitation and the main mechanism for enforcement was through the transparency regime for reporting Nationally Determined Contributions to that effort. The United Nations Framework Convention on Climate Change has summarized the other goals here: <https://bigpicture.unfccc.int/#content-the-paris-agreement>. The Commission recommends that all readers understand the full content of the Agreement and ensure their state and local governments publicly commit to collective success in meeting these goals.
- 182 The only other agreements with such wide-spread global consensus are the major Geneva Conventions, and the U.N. Convention on the Rights of the Child lacks only the signature of the United States to also reach global consensus.
- 183 Halper, Evan. 2018. “Trump Quits the Paris Climate Accord, Calling it a ‘Bad Deal’ for the U.S.” *Los Angeles Times*, June 1, 2017.
- 184 See Depository Letter from Amb. Nikki Haley to Secretary-General Antonio Guterres, August 4, 2017, (“the United States intends to exercise its right to withdraw from the Agreement. Unless the United States identifies suitable terms for reengagement, the United States will submit to the Secretary-General, in accordance with Article 28, paragraph 1 of the Agreement, formal written notification of its withdrawal as soon as it is eligible to do so.”), available at <https://treaties.un.org/doc/Publication/CN/2017/CN.464.2017-Eng.pdf>; see also State Department Legal Memo Regarding Paris Agreement Withdrawal, 2017, p. 3, (“The United States could therefore withdraw as of November 4th, 2019, and such withdrawal would take effect a year later.”), available at <https://www.scribd.com/document/347089780/State-Dept-Memo-Outlining-Paris-Agreement-Withdrawal>.
- 185 See List of Signatories, We Are Still In, July 25, 2018, <https://www.wearstillin.com/signatories>.
- 186 *Id.*; see also Membership List, United States Climate Alliance
- 187 See Paris Agreement on Climate CHANGE, Art. IV, Sec. 2 (requiring each member-state to establish its own method of meeting the goals through “nationally determined contributions.”).
- 188 S5908. N.Y. State Senate. Sess. 2017-18. Available at <https://www.nysenate.gov/legislation/bills/2017/s5908/amendment/original>.
- 189 S100. C.A. State Senate. Sess. 2017-18. Available at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB100.
- 190 S1849. M.A. State Senate. Sess. 2017-18. Available at <https://malegislature.gov/Bills/190/S1849>.
- 191 S1140. P.A. State Senate. Sess. 2017-18. Available at <http://www.legis.state.pa.us/cfdocs/billinfo/BillInfo.cfm?year=2017&ind=0&body=S&type=B&bn=1140>.
- 192 SB6253. W.A. State Senate. Sess. 2017-18. Available at <http://apps2.leg.wa.gov/billsummary?BillNumber=6253&Year=2017&BillNumber=6253&Year=2017>.
- 193 HB623. H.I. State House. Sess. 2015. Passed into law 2015. Available at http://www.capitol.hawaii.gov/session2015/bills/HB623_CD1_.pdf.
- 194 See Brown, T.W., et. al., “Response to ‘Burden of Proof: A Comprehensive Review of the Feasibility of 100% Renewable-Electricity Systems,’” *Renewable and Sustainable Energy Reviews*, 92 (2018) 834-847, 842 (“the 100% renewable energy scenarios proposed in the literature are not just feasible, but also viable.”), available at <https://reader.elsevier.com/reader/sd/CE9EDAED67FC835B08D-EC6D2B99FC41526F15DF13F3598FB5298258CA3A1C827B4115B9DD5EDCF9D8BF9BC4D381CDB13>.
- 195 *Id.* (“only a directed evolution of the current system is required to guarantee affordability, reliability and sustainability.”).
- 196 See Jacobson, Mark Z., et. al., “100% Clean and Renewable Wind, Water, and Sunlight All-Sector Energy Roadmaps for 139 Countries of the World,” *Joule*, 1 (2017) 108-121; see also Berg, Elizabeth, Abi Bradford, and Rob Sargent, “Marking Sense of Energy Storage: How Storage Technologies Can Support a Renewable Future,” *Environment America & Frontier Group*, December 2017, available at <https://environmentamerica.org/sites/environment/files/reports/Making%20Sense%20of%20Energy%20Storage%20vAME.pdf>.
- 197 See Union of Concerned Scientists, “Barriers to Renewable Energy Technologies,” July 25, 2018, (“renewable resources need to compete with wealthier industries that benefit from existing infrastructure, expertise, and policy. It’s a difficult market to enter.”), available at <https://www.ucsusa.org/clean-energy/renewable-energy/barriers-to-renewable-energy#.W1i5qtzUk>.
- 198 See Environmental Protection Agency (EPA), “Energy Resources for State and Local Governments: Barriers to Renewable Energy,” July 25, 2018, (“In many cases, barriers to expanding renewable energy are regulatory and therefore within state control.”), available at <https://www.epa.gov/statelocalenergy/state-renewable-energy-resources#Barriers%20to%20Renewable%20Energy>.
- 199 There are many other types of policy tweaks and incentives that states could undertake to encourage renewable futures—things like assisting with gaps in energy transfer and regional transmission organizations, or ensuring a robust market for between utilities. But the two items noted above are the essential first steps.
- 200 Though these laws have proliferated in the past ten years specifically, they are not entirely new. South Carolina adopted the first voter identification law of the modern era in 1950 requiring a non-photo identification. This Report generally refers to these voter identification rules as modern, however, because the current form of voter identification rules generally stem from the efforts adopted in Indiana and Georgia in the mid-2000s, which required photo identification (so called “hard voter ID”). See Bernard L. Fraga & Michael G. Miller, *Who Does Voter ID Keep from Voting*, Working Paper, last updated July 23, 2018, at 2, https://www.dropbox.com/s/f3oqui1jhq6nqie/FragaMiller_TXID_2018.pdf?dl=0. These efforts were endorsed by the Supreme Court in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).
- 201 Fraga & Miller 2018, 29 (“We also determine that the population voting without identification was disproportionately Black and Latinx, and overall less White than the population of 2016 voters.”).
- 202 See Eve Robert, *Voter Registration: An International Perspective*, *FairVote Right to Vote Initiative*, p. 2, April 21, 2009, <http://archive.fairvote.org/rtv/Universal%20Voter%20Registration-4-21-09.pdf>. (“the international norm is a process of government mandated automatic voter registration of every citizen who reaches voting age. As a consequence of this opt-in, self-initiated system, the U.S. voter rolls are not as comprehensive and inclusive as they should be. . . a system that depends on self-registration may well have a repressive effect on their willingness or capacity to be included on the list of eligible voters.”)
- 203 Fraga & Miller 2018, 29.

204 See Wendy Weiser, Automatic Voter Registration Boosts Political Participation, Stanford Social Innovation Review, Jan. 28, 2016, https://ssir.org/articles/entry/automatic_voter_registration_boosts_political_participation.

205 See generally, The Case for Automatic Voter Registration, Brennan Center for Justice, at 6-7, (July 26, 2016), https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Voter_Registration.pdf

206 Severe gerrymanders have not only been crafted by Republicans. In Maryland, for example, Democrats crafted a partisan gerrymander that allowed them to secure seven of the state's eight congressional districts.

207 Cohn, Nate & Dominic Kesterton. 2018. "A Democratic Blue Wave? Don't Forget the Republicans' Big Hill." The New York Times, July 19, 2018. <https://www.nytimes.com/interactive/2018/07/19/upshot/democrats-midterm-elections.html>

208 See Gill v. Whitford, 585 U.S. ____ (2018); Benisek v. Lamone, 585 U.S. ____ (2018)..

209 See League of Women Voters of Pennsylvania v. Pennsylvania, 178 A.3d 737 (Pa. 2018) (holding that the gerrymandered map in Pennsylvania "clearly, plainly and palpably violate[s] the Pennsylvania state Constitution."

210 Wines, Michael. 2018. "Drive Against Gerrymandering Finds New Life in Ballot Initiatives." New York Times, July 23, 2018. <https://www.nytimes.com/2018/07/23/us/gerrymandering-states.html?smtyp=cur&smid=tw-nytimes>.

211 In addition to these two critical elements, the Commission also notes the work of the Brennan Center and its recommendations of commissions with "members who are independents as well as Democrats and Republicans; are large enough to reflect the demographic and geographic diversity of a state; have strong conflict of interest rules and a vetting process that screens potential commissioners for their fitness to do the job; have clear, prioritized rules to guide map-drawing, including a ban on favoring particular political parties or candidates; and have strong rules on transparency and public participation to ensure that the public can meaningfully engage in and help shape the process." Weiser, Wendy & Alicia Bannon. Democracy: An Agenda for Candidates, Activists, and Legislators, Brennan Center for Justice. 2018. https://www.scribd.com/document/378209074/Democracy-An-Election-Agenda-for-Candidates-Activists-and-Legislators#from_embed.

212 U.S. Const. art. I, § 2, cl. 3.

213 U.S. Const. amend. XIV, § 2.

214 Notably, some states have bills pending that would, for state purposes, require that seats be apportioned considering only citizens in the jurisdiction. These bills, if passed, would significantly damage the rule of law and democratic self-governance in those states. They are wrong and should be opposed at all turns. Such bills would be unconstitutional at a Federal level.

215 Heckman, Jory. 2018. "If Confirmed, Census Bureau Director Nominee Faces Uphill Hiring Challenge for 2020 Count." Federal News Radio, July 19, 2018. <https://federalnewsradio.com/hiring-retention/2018/07/if-confirmed-census-director-nominee-faces-uphill-hiring-challenge-for-2020-count/>.

216 Id.

217 In response to discovery requests during litigation related to the citizenship question, the Census Bureau on July 24, 2018 released documents that show that the Census Bureau itself initially rejected the questions insertion, noting in a memorandum to Secretary of Commerce Wilbur Ross that the question's addition is "very costly, harms the quality of the census count, and would use substantially less accurate citizenship status data than are available from administrative sources." See Document Production available at <https://t.co/exkZ3GcJQQ>; see also Lerich, Jesse. Twitter Post. July 24, 2018, 1:01 A.M. <https://twitter.com/JesseLehrich/status/1021621371200331777> (NEW: @uscensusbureau analysis of adding citizenship question, in memo to Sec. Ross: "very costly, harms the quality of the census count, and would use substantially less accurate citizenship status data than are available from administrative sources.").

218 States can and should assist in the outreach during the 2020 Census through programs like California's Complete Count Committee. These efforts serve to increase local outreach and thereby bolster the accuracy of the count, and also can serve to protect each state's share of federal resources and representative power by ensuring they are not undercounted. See generally, CA Census 2020, California Complete Count Committee, July 24, 2018, <https://census.ca.gov/>.



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