

Center for American Progress



Bold Ideas for State Action

By the Center for American Progress May 2018

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Introduction and summary

The past several decades have not been kind to America's working families. Costs have skyrocketed while wages remain stagnant. Many of the jobs that have returned in the wake of the Great Recession have often offered lower wages and benefits, leaving Americans without college degrees particularly vulnerable. Fissures in the country are more apparent than ever, as access to opportunity is radically different between communities; the wealthiest grow richer while working families find themselves increasingly strapped. As a result of perpetual underinvestment in infrastructure, education, and other domestic priorities, the future for too many Americans looks increasingly grim, unequal, and uncertain.

Federal policies passed or implemented in the past year will largely result in expanded inequality, not in rebuilding the middle class. The new tax law, as pushed by the Trump administration and congressional leadership, gives billions of dollars in tax cuts to companies and the wealthiest Americans instead of providing further support to those who need it most. As was true in the 2000s and more recently in states such as Kansas, showering tax giveaways on the wealthiest individuals and corporations does not create jobs or raise wages.¹ Rather, when the baseless promises of economic growth do not materialize, the result is lower revenues and, ultimately, major cuts to critical investments in areas such as schools, infrastructure, and public services. While efforts to completely repeal the Affordable Care Act (ACA) were blocked, the repeal of the individual mandate will drive up average premiums 10 percent for millions in 2019 and result in 13 million fewer people having health insurance by 2025.² The Trump administration has taken steps that increase costs for homeowners, weaken protections for workers, and make it harder for Americans to save for retirement. Across every federal department, this administration and its allies in Congress are rolling back the progress made over the past eight years to raise the wages of ordinary workers and rebuild middle-class wealth.

This profoundly misguided approach to governing is not simply limited to economic policy. Policies that protect clean air and water, improve educational outcomes from early childhood to college, ensure access to affordable health care, and much more have all been undone.

States will not escape the consequences of these unwise choices. Efforts by the Trump administration to sabotage the ACA could dramatically increase health insurance premiums in many states. Lost federal revenue and further attacks on federal fiscal investments will put greater strain on state and local government budgets, just as changes in the federal tax code could make it more difficult for states and local communities to raise revenue to meet their needs. In turn, this will only cause deeper cuts to education, health care, public safety, infrastructure, environmental protections, and programs that help families maintain basic living standards—especially because, unlike the federal government, states and localities must balance their budgets every year. They face strict tradeoffs, which are made even more challenging when the economy weakens and needs rise.

With the federal government currently mired in a state of dysfunction and reactionary politics, states must take the lead in repairing our economic system and helping people secure good jobs, good wages, and strong and healthy communities.

The good news is that Americans are ready for states to take the reins of leadership and offer a new vision for shared prosperity. States have long been conceptualized as the “laboratories of democracy,” in the words of former U.S. Supreme Court Justice Louis Brandeis,³ and Americans have greater confidence in their state and local governments than they do in the federal government’s legislative and executive branches.⁴

Americans understand that many of the policies they desire in terms of jobs and economic growth, public health, good schools, and a high standard of living with rising prosperity ultimately derive from the actions of state governments and their leaders. Likewise, when state leaders are not responsive to the needs of their citizens, they quickly find themselves facing angry and energized voters seeking to rectify the situation.

In showing that they can take action, states can help chart a pathway forward for all of America. They can again prove that government is essential to guarantee American workers middle-class opportunities, the promise of the American dream, and access to safer, healthier communities.

Indeed, many states and localities are already taking up such progressive policies on their own. Oregon has moved forward on a low-cost retirement savings plan for private-sector workers despite losing a federal blessing from the Department

of Labor.⁵ Massachusetts is one of several states banning questions about salary history during hiring as a way to reduce the likelihood of perpetuating pay discrimination.⁶ And over the past several years, numerous states and cities have raised their minimum wage even as congressional action has long been overdue.⁷

To that end, the Center for American Progress presents in this report a suite of bold policies that serve as a starting point for states and localities looking for progressive ideas in 2018 and beyond. Rather than a comprehensive list, this menu reflects new ideas that build on proposals already at the core of progressive governance across the country, such as raising the minimum wage and adopting the ACA's Medicaid expansion.

The following ideas focus on a series of straightforward goals in line with CAP's principles as a progressive organization. How do we create better paying jobs for more people? How do we provide more economic security and increase economic mobility for lower- and middle-income families? How do we reduce racial and ethnic divisions in our society and ensure that all people are treated fairly and equitably with full protection of our nation's civil rights laws? How do we build cleaner and healthier communities and reduce our overall impact on the planet?

We at CAP harbor no illusions that it will be quick or easy for state governments to enact all of these policies immediately. But we believe that the American people will support an agenda and state leadership that focus on improving the economy and putting communities and states on a more sustainable path to growth and prosperity.

Economy

To address the significant economic challenges and trends laid out above, we propose a suite of state actions that can increase Americans' bargaining power and voice at work, expand and improve worker training, improve competition in our markets, and help more Americans achieve economic security in their retirement.

Central to all of these actions is the need to raise Americans' wages. While the household incomes of those in the bottom 40 percent of the income distribution have barely grown faster than inflation for the past 40 years, incomes for the top 1 percent have more than tripled.⁸ Four decades ago, CEOs earned roughly 30 times what the typical worker made; now CEOs make around 275 times more than the typical worker.⁹ This is a bad situation not just for workers but also for the country's future economic growth and democracy.¹⁰

A critical starting point is to raise the minimum wage. The federal minimum wage, which remains at \$7.25 per hour, has not seen an increase in nearly a decade, leaving workers with declining purchase power due to inflation. Sen. Patty Murray (D-WA) and Rep. Bobby Scott (D-VA) have introduced legislation to increase the federal minimum wage to \$15 per hour and phase out the current exception for tipped workers.¹¹ But with the continued prospect of congressional inaction, 29 states, the District of Columbia, and many localities have already raised their own minimum wages above \$7.25.¹²

The ideas below are additional steps states can take to raise wages and increase working families' economic security. Strengthening workers' ability to speak up in their workplaces and come together to bargain collectively across a large company or even an industry will raise wages. Equipping workers with skills can allow them to increase a firm's productivity, and revenues that could then go toward higher wages. Enforcing antitrust laws and ensuring competitive markets can prevent firms from using their market dominance to suppress wages. And higher wages will allow workers to save more for retirement, particularly if policymakers provide easier ways for them to do so.

Restore basic employee protections such as overtime

The attack on worker power has not been confined to the right to bargain. Powerful interests have sought to undermine basic employment law protections, such as the minimum wage and overtime. Federal law guarantees overtime pay for many workers, requiring companies to pay workers 1.5 times their regular pay when they work more than 40 hours in a week. One of the bases for determining who earns overtime pay is a salary threshold, which is set by federal regulation. However, over the past 40 years, these protections have eroded for many working families.

Before President Barack Obama left office, the administration conducted a thorough review process of overtime regulations—raising the threshold to \$47,476 per year and requiring automatic increases indexed to inflation. The last time the threshold was updated, prior to the Obama administration’s attempt to do so, President George W. Bush’s administration set the threshold far below historic levels in real terms and did not index it to keep pace with inflation.¹³ Under the Bush-era regulations, workers making as little as \$23,660 per year could be denied overtime pay.

The Economic Policy Institute (EPI) estimated that a total of 12.5 million workers would benefit from the strengthened protections under the Obama rule, including 6.4 million women, 4.2 million parents, 1.5 million African Americans, 2 million Hispanics, and 4.5 million Millennials.¹⁴ Workers in Southern and Midwestern states—including West Virginia, Arkansas, South Carolina, Florida, Tennessee, and Idaho—would disproportionately benefit from the rule change.¹⁵ Overall, the Obama rule would have increased working-class wages by \$12 billion over the next decade.¹⁶

But the Trump administration is undermining the new standard so that far fewer Americans are protected. It has let a district court put the rule in legal limbo and is working to reduce the salary threshold. This is a direct assault on the middle class.

Progressive state policymakers can step in by passing laws that establish their own stronger overtime standards, since federal regulations serve merely as a floor for protections. For example, even before the Obama regulations were put forward, New York and California had standards in place that were higher than the Bush-era threshold.

CAP and EPI are working together to push back on the federal rollback efforts and to produce state-specific data and tools that can be used to demonstrate the importance of overtime protections to workers by state. This includes an overtime

tracker that keeps a running count of lost overtime wages to date by state and social media graphics showing state-specific effects.¹⁷ As part of this work, EPI has also produced model state legislation to ensure that middle-class families are covered by overtime protections by adopting the Obama-era threshold, set at the 40th percentile of weekly earnings of full-time, nonhourly workers in the lowest-wage census region.¹⁸ Alternatively, states could adapt the standard to be based on the state's own census region or state-level statistics or set the threshold to a multiple of the state's minimum wage, as is the case in California.

Expand apprenticeships

Giving workers the skills to succeed in a rapidly changing economy boosts economic competitiveness and, ultimately, helps raise wages. One of the best ways to increase skills is through a form of worker training known as apprenticeships in which students earn as they learn. Apprenticeship programs consist of on-the-job training that is supported by related classroom instruction, often paid for by an employer, union, or other program sponsor. No longer the reserve of only the building trades, apprenticeships offer a pathway for a wide range of workers to gain the training they need to succeed in a modern economy. At the heart of apprenticeships is being paid to increase one's skills especially with the knowledge that a job will be there after completion of the apprenticeship. While increasingly used in a wide range of sectors, this model is particularly useful for the nearly two-thirds of the American workforce who do not have a bachelor's degree.

As CAP discussed in its brief "How States Are Expanding Apprenticeship," states can take many steps to expand apprenticeship programs.¹⁹ In recent years, several states have instituted new policies to help broaden these training programs, including providing funding for the training or education portion of an apprenticeship program, providing support and incentives to employers to participate in apprenticeship programs, and developing youth programs that begin in high school. As states make these investments, it is also essential that the policies instituted ensure equitable access to these programs for underrepresented groups—such as women, people of color, individuals with disabilities, and people with criminal records—who often face barriers to apprenticeship enrollment and completion.²⁰

States can help cover the cost of the related classroom-based instruction or even provide more direct financial incentives to apprenticeship sponsors. While employers operating apprenticeship programs know that their benefits can far outweigh the costs, the costs can be a substantial barrier, with one 2016 qualitative study examining programs that range from \$25,000 to \$250,000 per apprentice.²¹

Since the 1970s, California has provided annual appropriations to community colleges that provide related instruction. More recently, the state increased funding for the program; part of the money will fund pre-apprenticeship programs and other innovations in apprenticeship. The state has also developed an apprenticeship training pilot program. In 2014, Iowa enacted legislation to supply training grants to sponsors of the Registered Apprenticeship program. Grantees may use the grants to subsidize the costs of related instruction and to pay for equipment or other costs associated with maintaining an apprenticeship program.²² South Carolina's Apprenticeship Carolina program has generated a more-than-tenfold expansion in apprenticeship programs over the past decade. The state provides a \$1,000 tax credit per apprentice, and consultants to help shepherd employers through the process of starting a program. In addition, apprentices obtain their related classroom instruction from technical colleges across the state.²³

States may also offer youth apprenticeship programs that begin in high school. For example, Georgia and Wisconsin have had youth apprenticeship systems in place since the 1990s. More recently, in 2017, Colorado launched CareerWise Colorado, a statewide youth apprenticeship program. CareerWise acts as an intermediary that works with the business community and educational institutions to develop high-school based apprenticeship programs. Students participate in two-to four-year programs, dividing their time between high school and community college coursework, training that takes place at a center, and on-the-job training with an employer. Student apprentices earn postsecondary credits and may even earn an associate degree by the end of the program.²⁴

Boost families' incomes by creating or expanding state earned income tax credits

The earned income tax credit (EITC) supplements the earnings of low-paid workers, promoting work while helping families meet basic needs and protecting them from poverty. At the federal level, the EITC is a fully refundable credit that is based on a family's earnings and family composition. The EITC is especially important given the stagnation of real wages for workers in the bottom of

the income distribution. It helps families meet basic household needs or costs associated with working, such as transportation and child care. The EITC has also proven to have many beneficial effects for the children in low-income households, including reduced poverty, better health, increased educational attainment, and higher earnings in adulthood.²⁵

An increasing number of states have adopted state-level EITCs, which augment the many benefits of the federal credit. Overall, state tax systems tend to be regressive, taxing those with lower incomes more as a share of their income than those with higher incomes.²⁶ State-level EITCs help make state taxes less regressive, relieving some of the tax burden on low-income families.

Three states adopted state EITCs in 2017, and several other states expanded existing credits. Currently, 29 states and the District of Columbia offer state EITCs. In 23 states and the district, the EITC is refundable, meaning that families can receive the full value of the credit even if it exceeds their state income tax liability; in the other six, the EITC is nonrefundable, so the credit reduces a family's income tax liability but no further than zero.²⁷ Most states directly tie their EITC to a percentage of the federal EITC, which makes it very easy for states to administer.²⁸

Regrettably, the recent federal tax overhaul missed the opportunity to strengthen the federal EITC and, in fact, gradually reduces the credit's value over time due to changes to inflation adjustments. States can take the lead in this area by establishing state-level EITCs, by making their EITCs refundable, or by increasing their value.

State policymakers should look to recent examples of EITC expansions. Hawaii, Montana, and South Carolina, for example, established state EITCs for the first time in 2017. California created its EITC in 2015 and expanded it in 2017 to reach 1 million more workers by allowing self-employed workers to qualify and by raising the income level that qualifies families for the credit.²⁹ Minnesota built upon recent expansions of its EITC by extending eligibility to younger workers, ages 21 to 24. And the District of Columbia recently expanded its EITC for workers without children in the home to 100 percent of the federal credit, helping make up for the fact that such workers currently receive a very minimal federal EITC. The district also provides one of the strongest EITCs for working families with children, worth 40 percent of the federal credit.

EITC expansions and minimum wage increases should be viewed as complementary policies to lift the incomes of low-wage workers; state policymakers should consider adopting them in tandem.³⁰

Raise wages industrywide with wage boards

The National Labor Relations Act, passed in 1935, established a framework for workers at a business to choose to form or join a union and to collectively bargain for higher wages and better working conditions. Yet over time, this structure has been weakened by repeated attacks by businesses in the courts and state legislatures and as a result of a “fissured workplace” in which businesses subcontract work, hire independent contractors, or move toward a franchise model.³¹

While federal law must be bolstered to give workers a stronger voice in their workplaces, state and local governments can level the playing field by establishing wage boards to raise wages. These boards or commissions take a step toward multiemployer bargaining by bringing together workers, businesses, and the government to set minimum labor standards for entire industries and occupations.³² Federal law allows this, since states and cities may set minimum wages and other working standards above federal minimums and use a variety of processes to set these standards.³³ Wage boards can complement efforts to set high, across-the-board minimum wages and to reinforce traditional firm-level bargaining.

Wage boards for an industry or occupation could set wage floors and other labor standards—such as benefits, training, and leave—higher than federal or state minimums and would base their decisions on economic and social factors such as productivity, the skill level of the work, fairness, and regional cost of living.³⁴

This concept is not new. The Fair Labor Standards Act (FLSA) of 1938 took a similar approach by establishing industry committees that made recommendations for industry minimum wages to the Department of Labor.³⁵ While federal industry committees were phased out, similar wage boards or commissions still exist today at the state and local levels. New York, California, and New Jersey have laws in place that enable the creation of wage boards through executive action.³⁶ For example, California’s Industrial Welfare Commission has issued orders that set standards for both specific industries and occupations,³⁷ and in 2015, a wage board in New York raised the minimum wage for employees in the fast food industry to \$15 per hour.³⁸

Other states and cities could pass legislation to create wage boards, and neighboring states could even come together to create regional standards for their workers.³⁹ These bodies could call hearings where firms, employer associations, workers, and labor organizations would all be able to testify about what they feel

should be included in any minimum standards. Preference should be given to the most representative employers' association and labor organization to encourage industries to organize themselves in a way conducive to multiemployer bargaining. Firms could also be required to disclose relevant information—such as current hours, wage rates, benefits, and profits—to the commission.

To support and expand the work of these tripartite wage boards or commissions, state and local governments can promote and fund joint labor-management committees that connect multiple firms and employees in an industry or sector. An example of this is the Minnesota Area Labor-Management Committee Grant Program, which funds area or industry councils that improve labor-management relations in a given area or industry.⁴⁰ One of the funded councils is the Labor-Users-Contractors Council, which brings together members of the construction industry to work on issues including safety, recruitment, and apprenticeship programs.⁴¹

Empower workers previously excluded from bargaining

The National Labor Relations Act (NLRA) sets the rules of the road for how most private-sector employees can join or form unions, which generally take place at a firm level. Where that federal law does not currently apply—such as for agricultural workers, domestic workers, public-sector workers, and independent contractors—cities and states can fill the void. Since about one-fifth of private-sector workers are not governed by the National Labor Relations Act, there could be significant room for improvement through this process.⁴²

Cities and states should allow this subset of workers not covered by the NLRA to unionize and bargain collectively. Many states provide public-sector workers with bargaining rights.⁴³ California has granted bargaining rights to agricultural workers, and a number of states have done so with independent home health care workers.⁴⁴ Likewise, the city of Seattle has established a bargaining structure to allow for-hire drivers, classified as independent contractors, to collectively negotiate with their companies.⁴⁵ California has gone so far as to actively promote collective bargaining for agricultural workers through its Agricultural Labor Relations Board that requires mandatory mediation in certain cases during the bargaining process for these workers' collective bargaining agreements.⁴⁶ And a few states even structure bargaining at the state level rather than at the individual firm level, such as Missouri for its home care workers who are funded by Medicaid.⁴⁷

Ideally, state and local governments would promote regional or sectoral bargaining for private-sector workers exempted from NLRA protections. This model would be a tripartite commission like the wage boards described previously, but it could incorporate more features of traditional collective bargaining. For example, these commissions could require that workers vote for who represents them on the board; give the most representative worker organizations preferential access to board processes; allow workers to express their support or disapproval of the final decision; or even require direct negotiations between workers and firms while providing for arbitration of the final contract and extending the terms of the contract to firms that did not participate.

Open markets by combating anti-competitive practices

There is growing evidence that businesses have been growing larger and more dominant over the past several decades. Indicators point to rising market power and rent extraction across industry sectors.⁴⁸ These include increasing concentration in sectors from health care to agriculture; supranormal profits especially in pharmaceuticals and the tech sector; and a widening gap between corporate profits and investment. There has also been a strong decline in the rate of new business starts and fewer publicly listed firms.⁴⁹ Increased concentration and market power can stifle innovation, lead to higher prices, and mean lower wages for workers.

States have long recognized that competition is critical for lower prices, higher quality services, and innovation, as well as better jobs and higher wages. But competition also ensures the diversity of economic power critical to maintaining an open and accountable political system. States whose economies are dominated by only a small number of giant firms are at risk of capture and corruption.

In the report “Reviving Antitrust,” CAP laid out a series of recommendations to improve competition policy nationally.⁵⁰ Proposals include stronger merger enforcement by the Federal Trade Commission and the Department of Justice through clearer presumptions and verifiable efficiencies, greater efforts at transparency, and accountability through the creation of continuous data collection on post-merger effects and enforcement patterns.

Yet states do not have to wait for the federal government to act; most already have a wide range of powers under their own state competition and business practice laws, as well as long track records of enforcement. While states already have many tools at their disposal to police mergers and anti-competitive conduct, the following are a few approaches to make such enforcement more effective:

- **Police labor monopsony and wage collusion.** There is growing evidence of monopsony across local labor markets.⁵¹ Firms in highly concentrated industries may be able to set prices on inputs, such as labor, that are below competitive levels. Such concentration can also make it easier to collude with other large firms to set wages at an agreed-upon level. States can lead in challenging these practices by investigating labor supply elasticities and buyer concentration within various markets, prosecuting wage collusion, and passing laws against the use of anti-competitive, noncompete agreements.⁵²
- **Form multistate antitrust coalitions.** Multistate litigation is not new, and states often work together to bring antitrust cases. In 2017, for instance, 11 states petitioned the U.S. Supreme Court to consider an antitrust case against American Express Co.⁵³ Presently, the National Association of Attorneys General provides one such forum. But state enforcement divisions could take steps to institutionalize coordination with other states to further maximize resources and broaden coverage for noncriminal cases in which federal agencies neglect to bring challenges.
- **Improve administration.** States need larger budgets and more staff in their antitrust divisions to perform comprehensive investigations into market power abuses or to challenge the most resource-intensive mergers. It is sometimes the case that other concerns can supersede antitrust considerations within state attorneys general offices. However, the concerning trends of rising market power, its impact on local labor markets, and the possibility of more permissive federal enforcement means states must take on a larger role in policing markets. In addition to more funding, states could create a position for a lead competition advocate to better coordinate competition initiatives across state agencies, drawing on a network of sector experts to signal disconcerting mergers or anticompetitive conduct.
- **Scrutinize smaller acquisitions.** Smaller deals can escape oversight by both federal and state authorities. As a recent report in *Health Affairs* shows, small physician acquisitions, while detrimental to localities and states, often evade investigation due to their size.⁵⁴ States are equipped to identify small acquisitions within

critical sectors such as health care, have better knowledge of local markets, and may be freer than the federal government to bring action.⁵⁵ One approach would be to institutionalize a simple and tailored reporting process for small acquisitions in critical sectors with a history of anti-competitive outcomes.

Enable entrepreneurs to overcome inequality

Strong antitrust enforcement will help open markets. But for entrepreneurs to seize these market opportunities, they will need to overcome significant challenges created by the growing inequality of wealth in modern America. As CAP discussed in its report “A Progressive Agenda for Inclusive and Diverse Entrepreneurship,” small business provides middle-class economic security for millions of Americans, but that pathway is highly linked to pre-existing access to wealth.⁵⁶ As wealth has grown more unequal, America is increasingly losing its entrepreneurs: New business creation has been on a long-term decline that began in the early 2000s. To start a business, one needs to have not only an idea or innovation but also certain business skills, access to mentorship networks, and a sufficient amount of capital. The latter three are all closely tied to pre-existing wealth or access to wealth.

State and local governments can play a significant role countering wealth inequality’s part in stymying small business as the route to the American dream. Many states operate state small business lending programs that either directly lend or work with community lenders to take on additional risk for those with otherwise insufficient wealth, especially collateral. Congress should reauthorize and expand the State Small Business Credit Initiative, begun following the 2008 financial crisis, to help states do more along those lines.

States and localities, through their management of the community college system, also can play key roles in supporting the skills and networks that small business owners need to succeed. Training and mentorship opportunities organized through community colleges can make a big difference in whether entrepreneurs succeed or fail.

States and localities should also build on the start-up-in-a-day movement initiated by the Obama administration and the National League of Cities to encourage cities to simplify the licensing process so that entrepreneurs can obtain the permits necessary to create a new business in one day. Dozens of cities have participated

in this annual contest, ranging from Champaign, Illinois, to Riverside, California; from St. Louis, Missouri, to Boston, Massachusetts; and many more in between. But even more cities should participate. With the support and participation of states, these programs can truly be one-stop shops enabling entrepreneurs to both access services and meet state and local licensing requirements quickly. Whether these programs are online or at a physical location, states and localities can play a role in overcoming the challenges would-be entrepreneurs face in a world of federal withdrawal from support for small business.

Create a subsidized jobs program

Certain groups of workers have been disproportionately excluded from job growth during the economic recovery—and for some, elevated rates of joblessness can be expected to persist even when the state and national economy are otherwise healthy. These include individuals who have little prior work experience or low educational attainment, who are long-term unemployed, who face barriers to employment such as a criminal record or a disability, or who live in economically distressed communities with few job opportunities.

Subsidized employment programs offer these jobseekers a foothold in the labor market, connecting them to jobs in the private, nonprofit, or public sectors.⁵⁷ Participants' wages are partly or fully paid by government funds for a predetermined period of time. Workers gain labor-market experience and earnings, while businesses get an opportunity to train prospective employees. Additionally, subsidized jobs programs serve as strong automatic economic stabilizers by expanding to serve more jobseekers as unemployment rises. The program would help increase firms' demand for labor during downturns, curbing the rise in unemployment while putting money in workers' pockets to stimulate the local economy. Finally, they also offer states a way to revitalize their distressed communities by targeting opportunities for workers and businesses in these communities.

States' recent experiences demonstrate that subsidized jobs programs work. At the peak of the Great Recession, 39 states created programs, using \$1.3 billion in federal funds made available through the Temporary Assistance for Needy Families (TANF) Emergency Fund. In 2009 and 2010, these states placed 260,000 workers in subsidized employment, at an average cost per job of \$5,000.⁵⁸ The programs differed from state to state, including in terms of size, subsidy structure, target worker population, and types of jobs offered. Many states designed their programs

based on past subsidized employment efforts that received rigorous evaluation, such as the New Hope Project in Milwaukee, Wisconsin, and the Minnesota Emergency Employment Development program.⁵⁹ State programs received widespread praise from participating workers, business owners, and policymakers on both sides of the aisle.⁶⁰

While funding for the TANF Emergency Fund expired in 2010, multiple local subsidized-jobs programs operate successfully today. For example, the Platform to Employment program for the long-term unemployed began in Connecticut in 2011 and was expanded to 11 major cities in 2014.⁶¹ Some states have also shown interest in adopting the policy statewide in nonrecessionary times, in recognition of the fact that for many workers, it does not take a recession to be shut out of the labor market. For example, then-Gov. Maggie Hassan (D) of New Hampshire, now a U.S. senator, proposed a state-level program in 2016 called Gateway to Work, which would offer job training opportunities to New Hampshire workers under a subsidized jobs model using the state's TANF funds.⁶²

States may design their programs in a variety of ways, perhaps drawing on best practices from the TANF Emergency Fund programs. Program design should be tailored to states' specific goals. These may include establishing good job matches for the long-term unemployed, employing disadvantaged individuals such as at-risk youth or formerly incarcerated individuals, and helping lesser-educated individuals or residents of distressed communities gain entry to and skills in the labor market.⁶³ Any such program should ensure that participants are connected to existing state and local service providers to help them address barriers to work on an as-needed basis. Depending on the population serviced, states may consider using a portion of their TANF program funds or federal criminal justice funds to support these programs,⁶⁴ but under any funding structure, priority should be given to serving disadvantaged workers facing multiple barriers to work.

Rebuild wealth through stronger retirement security

The real wealth of the average middle-class family collapsed by nearly 49 percent between 2001 and 2010, and it has rebounded only partially since, with the notable exception of black Americans, for whom it has largely not recovered.⁶⁵ At the heart of this wealth collapse is the decline of home ownership as the economic foundation of the American dream. And with that decline, it has become harder than ever to have the economic security to retire.

States can be at the forefront of changing several parts of this equation. One part is helping workers have better, independent ways to obtain the economic security to retire. The vast majority of employees participate in a workplace savings plan if they are eligible, yet more than one-third of all workers have no access to an employer-sponsored retirement plan, with even higher barriers to access for low-wage workers and communities of color.⁶⁶

For several years, state policymakers have sought strategies to expand retirement options for private-sector workers. Oregon, California, and other states are moving forward with state-based options that grant workers whose employers do not provide a workplace retirement plan access to a portable, low-fee retirement account. Although the Trump administration and the Republican majorities in Congress have sought to undo certain tools that would make it easier for states to move forward with a state-based option, states and localities are not fully prevented from acting. This is all the more important in the face of the administration's efforts to weaken or rollback the Department of Labor's conflict of interest prohibitions for private retirement accounts.

By offering a universal savings plan accessible to all residents who want to participate, states and localities can ensure that even workers at firms who do not provide access to workplace retirement plans have a simple way to save on the job. And the size and scale of these plans can help keep fees low, giving ordinary workers a fighting chance to yield the returns they need to retire with dignity.

Education

Education has always been a key socioeconomic equalizer, which is why educational opportunity for all has always been a defining progressive value. Because the financial benefits of education are higher today than ever before,⁶⁷ it is critical that we prepare today's students for tomorrow's economy. It is imperative that every American graduate from high school both college and career ready and that all have access to affordable, quality postsecondary opportunities.

Workers with college degrees accounted for nearly all new net jobs created since the beginning of the Great Recession.⁶⁸ Conversely, the share of jobs in industries that have not historically required any postsecondary training—such as construction, natural resources, or manufacturing—has shrunk dramatically, and even these industries are increasingly seeking to hire skilled workers with some higher educational attainment. Those without any postsecondary education were hit the hardest by the Great Recession and continue to experience stagnant wages, making it more difficult for them to recover economically without investing in additional education.

Educational achievement and economic mobility gaps continue to widen between wealthy and low-income Americans, creating further skepticism of the nation's economic and political institutions and putting the ideal of equal opportunity further out of reach. Fortunately, a good education system could still be a great equalizer in helping to reverse these trends. The following progressive solutions would help ensure that schools provide a clearer connection to high-wage jobs and careers, ensure access to vital postsecondary education for all students, and support hard-working parents and teachers as they prepare students to effectively contribute to the future economy.

Support, train, and pay teachers like professionals

Many teachers today are not paid a professional salary. With an average annual salary of slightly more than \$36,000 for new teachers and slightly more than \$58,000 overall, most teachers are compensated less than they were 30 years ago, when adjusting for inflation.⁶⁹ In addition, teachers earn 60 percent of what similarly educated professionals earn, which is much lower than in other Organization for Economic Co-operation and Development member countries.⁷⁰ This has made it harder for schools to attract young people to the teaching profession and for high-need schools to attract excellent teachers. Indeed, recent demonstrations and walkouts by teachers in West Virginia, Oklahoma, Kentucky, and Arizona are a reaction to years of disinvestment and potentially represent a coming wave of similar actions.

Both compensation and preparation contribute to individuals' decisions to enter or leave the teaching profession; some may never even consider teaching because of the relatively flat salary trajectory and limited opportunities for advancement.⁷¹ To ensure that teacher credential programs can recruit and retain dedicated, high-performing teachers, educators must be treated and paid like professionals.

Policymakers can start by bridging the large gap in earnings between the teaching workforce and other college-educated professionals, especially recent graduates. All teachers should earn \$50,000 per year when they become full-time teachers. More experienced and effective teachers should see their salaries increase as they master skills, earning at least \$100,000 annually. States could directly increase pay or offer a \$10,000 tax credit for teachers in high-poverty schools to help finance equitable and professional compensation for teachers, thus closing the gap between teacher salaries and those of other college graduates.

Compensation is just one of many factors contributing to teacher recruitment and retention issues. New teachers also often lack supports to successfully transition from teacher preparation programs to the classroom and to continue to learn during the first few years on the job. Teacher residencies similar to those used by doctors can offer new teachers opportunities to learn the skills of teaching before they are solely responsible for an entire classroom.⁷² In many of these programs, teacher candidates co-teach under the supervision of a mentor who provides feedback on both classroom management and instruction.⁷³ A transition period affords new teachers the chance to get their feet wet with assistance from a more seasoned teacher. This kind of support for new teachers can translate into months of additional learning for students.⁷⁴

To these ends, states can expand teacher residency programs, clinical preparation, and induction programs. They can also use Title II, Part A funds under the Elementary and Secondary Education Act and form partnerships with institutions of higher education, school districts, and nonprofit organizations to boost funding for these programs. Louisiana, for example, serves as a model for leveraging federal dollars to create and expand residency and induction experiences for all of their teachers.⁷⁵

Transition to a 9-to-5 school day to better fit parents' needs

The current antiquated school schedule makes life harder for working parents because the work day and the average K-12 school day do not align. While most students are in school for about six-and-a-half hours per day, ending on average at 2:50 p.m.,⁷⁶ the average workday is eight hours, and nearly half of all workers report not having any form of flexibility in their work schedules to end at 2:50 p.m. Furthermore, many working parents do not have the flexibility to take days off, considering that almost 40 percent of all workers do not even have paid vacation time.⁷⁷ Public school schedules are based on an outdated system that assumes students live in two-parent-one-income households, not on current student or parent needs.

In addition to the length of the school day, calendar breaks for vacations, professional development days, summers, and after-school time, most working parents who have school-age children must scramble for child care to fill in the gaps when their children are not at school. A CAP analysis of the largest school districts in the country revealed that schools are closed for an average of 29 days each school year; that is 13 days longer than the average private-sector worker has in paid leave, and in fact, many American parents have no paid leave at all.⁷⁸ In addition to an increase in the cost of child care, the short length of the school day also decreases the economic productivity of parents who must take time off from work.⁷⁹ School schedules may force other parents with school-age children to opt out of full-time employment at a time when labor force participation is historically low.⁸⁰

The length of the school day disproportionately impacts low-income families. Less than half of all public elementary schools offer before- and after-school care, with low-income schools actually less likely to offer after-school programs. Although low-income schools have plenty of working parents, only 24 percent of children living in communities of concentrated poverty participate in an after-school pro-

gram.⁸¹ Alternatively, 56 percent of children not in an after-school program would be enrolled in one if it were available to them.⁸² Unequal access to child care is inequitable to low-income parents and also hurts students. Participation in after-school programs can improve academic performance, decrease dropout rates, reduce drug use, and improve classroom behavior.⁸³

States or municipalities that pursue better alignment between work and school schedules could see academic gains and increased economic productivity. These changes would also reduce the burden on working parents, who would no longer need to choose between employment and child care. Hence, states could start pilot programs for districts interested in revising their school schedules, use existing money for after-school programs, work with local universities to fund implementation, and compensate teachers for extra hours worked.

Offer every student the opportunity to participate in technical training and workplace experiences as part of their classroom learning

Every student should have access to career and technical education opportunities to learn how their academic background will prepare them for postsecondary education or a career.

Curriculum and course offerings should not be based on the assumption that every student has the same academic needs, interests, and postsecondary goals. Instead, schools should prepare students for their individualized career goals by providing opportunities for students to discover and delve into their interests. These opportunities may include, but are not limited to, career and technical education (CTE), personalized learning, apprenticeships, early college and dual enrollment, and language immersion programs.

Specifically, CTE and dual enrollment programs integrate classroom learning with technical, job-specific skills to prepare students for high-skill careers in industries such as information technology, manufacturing, health science, construction, engineering, and more. Under the Carl D. Perkins Vocational and Technical Education Act, states receive funding to integrate career pathway programs with academic learning for students who choose to enroll in CTE programs.⁸⁴ CTE programs currently serve 12.5 million high school and college students and boast a graduation rate of about 90 percent, or 15 percentage points higher than the national average.⁸⁵

Research indicates that these programs help students to stay on track and graduate from high school. The Linked Learning program, for example, which integrates college-preparatory academics, technical training, work-based learning, and support, has had positive outcomes for students. In addition, students of color who completed the program were more likely than traditional high school students to attend a four-year college.

These project-based learning programs are transforming how students learn. The Washington Leadership Academy, for example, gives students new and exciting exposure to the jobs of the future through individualized online courses, project-based learning, and in-person classes rooted in various forms of technology, such as virtual reality and coding.⁸⁶

Other programs capitalize on location to provide unique career opportunities to their students. DuVal High School in Maryland, for example, offers an aerospace engineering and aviation technology course in partnership with NASA and the College Park Aviation Museum that teaches students science and technology concepts in a professional environment.⁸⁷

While CTE models have been piloted across the country, states should create or expand grant programs to encourage additional school districts to offer students opportunities for apprenticeships and project-based learning. States should also use grant programs to incentivize districts to offer summer internships or course credit through opportunities created by business and community partnerships.

States can also enable innovative high school designs to flourish in high-quality public charter schools or establish “innovation schools”⁸⁸ for traditional public schools to do the same. Charter school policies often allow for flexibility in implementing nontraditional classroom models of education. For example, this could include graduation requirements that reflect student comprehension of material instead of seat time or substitution of certain credit requirements with nontraditional courses.

Create healthier K-12 school environments

Student success goes beyond academic achievement; it also requires access to socio-emotional, behavioral, and mental health support. Yet 35 million children experience some type of trauma, and only a fraction of these students—approximately 8 million of them—have access to a school psychologist.⁸⁹ Further, about

half of all children will experience a traumatic event—such as the death of a parent, witnessing violence, or extreme poverty—before they reach adulthood.⁹⁰ Because of the many external factors that affect students' outcomes in the classroom, all K-12 students who need it should have access to mental health services.

Mental health issues such as attention difficulties, delinquency, and substance misuse are associated with lower academic achievement and attainment.⁹¹ Likewise, trauma is associated with lower standardized test scores and an increased risk of being diagnosed with a learning disability or behavioral disorder.⁹² While mental health and traumatic events can be devastating to individual academic achievement, research indicates that traumatic events also affect the entire class. When a student is experiencing domestic violence in the home, for example, the reading and math scores of their classroom peers also decline.⁹³

Despite the link between mental health and student achievement, too many students do not have access to mental health services in school. In 2013-14, only 20 percent of children and adolescents ages 6 to 17 who were defined as needing mental health services received them in a 12-month period,⁹⁴ most commonly in school.⁹⁵

Even though school is the most common source of mental health services for young people, staff shortages in schools are one of the main reasons why students go without help. Across the country, there is only one school psychologist for every 1,381 students.⁹⁶ Increasing the number of specialized instructional support personnel, such as school psychologists, would help to bridge the gap, particularly in high-needs schools. In addition to providing counseling and other resources for students who need them, these professionals can work with school leaders, teachers, and other staff to implement school-wide prevention and behavioral intervention strategies that improve all students' social-emotional skills. Furthermore, receiving positive supports in school can help reduce students' rates of discipline and contact with law enforcement.

In addition to supporting individualized student needs, states should invest in school-wide initiatives to improve school culture; reduce discipline disparities; and improve behavioral, social, and emotional skills. States should allow districts to leverage funding from a variety of sources beyond education, including from health care programs—such as Medicaid—law enforcement and juvenile justice programs, and community mental health providers. Although early intervention is key to building resiliency, better investments in mental health professionals can improve all students' school performance and reduce the risk of harm later in life.

Provide free community college

Community colleges provide a gateway to postsecondary education for millions of students each year. Free community college programs help ease expenses for students and allow them to focus their financial resources on paying for housing, food, transportation, books, and supplies. When students' financial stress is alleviated, they are able to take heavier course loads, thus progressing and completing a credential faster. Free community college can be especially beneficial for adults without a postsecondary degree, as it provides opportunities to earn certificates or associate degrees that can help them improve their economic circumstances by changing careers or re-entering the workforce.

The best free community college programs provide state money to eliminate tuition before tapping into federal grant aid—a setup known as first dollar. This structure allows the student to put federal grant aid toward living expenses, such as rent or food, which is important because large numbers of students at community colleges are food insecure.⁹⁷

Second, states should ensure that adults and part-time students can also benefit from free community college programs, not just recent high school graduates. Many programs currently provide benefits only for younger students who attend full-time, excluding a huge portion of the students who typically attend community colleges.

Third, states should not establish other criteria, such as minimum GPAs, that make it harder for low-income students to participate in a free community college program. Evaluations of other state scholarship programs have found that such merit requirements can result in programs that disproportionately benefit wealthier students who may need less financial help.⁹⁸ Instead of grade requirements, institutions can enforce existing policies to make sure students make progress toward finishing their programs.⁹⁹

Fourth, states should ensure that community colleges receive an equitable share of state grant aid. Many state grant programs provide little to no aid to community college students, instead privileging students who are younger or attend four-year schools. Making state aid more widely available can help community college students cover nonacademic expenses that can make it hard for them to complete college.

Tennessee demonstrates that free community college is affordable and doable. The state provides last-dollar, tuition-free access to all of its public community colleges to both recent high school graduates, through the Tennessee Promise scholarship, and, starting this fall, to adult learners without a degree, through the Tennessee Reconnect grant.¹⁰⁰ To qualify, students must be enrolled full-time—adults must only be enrolled half-time, or taking 6 credits—and maintain a 2.0 grade point average.¹⁰¹ Overall, there are 16 states that have enacted some kind of program that promises a form of free or debt-free college for students.¹⁰²

Get adults across the college finish line

There are 20.7 million adults between the ages of 25 and 54 in this country who have some college education but no degree.¹⁰³ Reducing the barriers to get them back into college could be a transformative way to increase the supply of qualified workers, driving economic growth and attracting employers.

There are now more adults in this country who dropped out of college than those who dropped out of high school—often with debt but without completed credentials or degrees that can help in the labor market.¹⁰⁴ One 2014 study found nearly 4 million adults who never finished college and have substantial amounts of credits that may put them close to earning a degree.¹⁰⁵ Getting these adults back into college and through to graduation could provide significant earnings boosts for these individuals. For these individuals struggling with debt, it could help them get the income they need to pay off their loans. Increasing attainment among this population can also boost a state's education level, making it more attractive for employers.

Getting adults with some college but no degree back to school means identifying specific barriers and removing them. First, states should audit transcript data to identify the adults closest to completion, as well as those who may have enough credits to already be eligible for a degree.¹⁰⁶ Second, states should declare a limited-time waiver of any outstanding fees or balances that might prevent students from releasing their transcript or going back to school. The issue is that sometimes students may owe small fees to their old school, which must be paid before the school will allow credits to transfer or the student to re-enroll. Giving students a fresh start for low balances owed can be an enticement to return. Similarly, states should offer a limited-time discount on tuition prices, or even a free course, to convince adults to re-enroll.

Next, states should ensure that they offer the flexible programs adult learners need. Adults need options that allow them to learn when it is convenient for them. Sometimes that might mean classes in the evenings, on weekends, or offered at a regular time throughout a program. In other instances, it might mean competency-based options that allow learners to progress at their own pace. Adults also need options that have clear workforce connections so that they know they are acquiring skills and knowledge that employers value. Stackable credentials that allow students to build momentum toward a degree by receiving intermediate certificates or certifications along the way can also help adults stay enrolled during the long time it takes to finish a program.

Many states have recognized this need to get adults back into the classroom. Arkansas, for example, created the University of Arkansas System eVersity, which is specifically designed for adult learners. It offers a limited number of courses in high-demand fields, streamlines the enrollment process, and charges an affordable price.¹⁰⁷ Other states and systems participated in the Credit When It's Due or Project Win-Win initiatives. The former works to award associate degrees to adults who transfer from a community college to a four-year institution before finishing.¹⁰⁸ The latter helped identify adults who already have enough credits for an associate degree but have left college.¹⁰⁹

Implement a student loan borrowers' bill of rights to regulate student loan companies

Student debt is currently the second largest consumer debt market in the United States, second only to mortgages. Nationally, Americans hold approximately \$1.4 trillion in student loan debt, and every year 1 million borrowers default on nearly \$20 billion in federal student loans.¹¹⁰ Companies that hold or service student loans are subject to insufficient regulations at the federal level to ensure that borrowers receive good customer service and consumer protections. Planned improvements in this area were rolled back by Secretary of Education Betsy DeVos in 2017.¹¹¹

Implementing borrowers' bills of rights at the state level would help student loan holders navigate the repayment process in a way that allows them to pay down debt more sustainably and address servicing issues with a state advocate by their side.

An effective student loan borrowers' bill of rights has four key elements.¹¹² First is the use of a state's licensing authority to establish the regulation of student loan companies and servicers. Second is the establishment of standards of loan

servicing that enshrine consumer protections for borrowers and mandate minimum standards for timely payment processing, customer service, and repayment counseling. Third, states may also create regular reporting requirements for student loan data to appropriate state agencies that generate crucial data that regulators can use to detect servicing issues early. Finally, an effective bill would establish a student loan ombudsman at the state level, housed either in a state agency or the attorney general's office and paid for with the licensing fees paid by student loan companies.¹¹³ This ombudsman could help settle disputes and advocate for borrowers when problems arise.

To date, several states have implemented or taken steps to pass borrowers' bills of rights. The first state to implement a borrowers' bill of rights was Connecticut in 2015, and since then, three additional states and the District of Columbia have followed suit.

Develop state data systems that connect higher education and labor market outcomes

Students repeatedly indicate that improving their employment prospects and getting a better job are the most important reasons for pursuing learning beyond high school.¹¹⁴ Unfortunately, students often lack answers to key questions that would help them find the right program. They do not know whether students with their same background are likely to graduate, how different programs might affect their lifetime earnings potential, or how much debt they are likely to take on.

States can fix this information gap. Creating robust data systems that link information from K-12 all the way through postsecondary education and the workforce can provide much-needed information on student outcomes at all postsecondary programs in the state. These efforts can also assist college access efforts by creating tools that guidance counselors and others can use to better advise students.

Many states have the infrastructure in place to make this change. There are already 29 state data systems that currently have access to K-12, higher education, and workforce data.¹¹⁵ For example, the State Council of Higher Education for Virginia has one of the country's best postsecondary data systems. It has completion and earnings information by institution, as well as by program, for public and private nonprofit colleges in the state.¹¹⁶ Similarly, the California Community Colleges system offers a scorecard that tracks information by institution and program on completion, change in earnings, and other factors.¹¹⁷

To maximize effectiveness, a strong data system must achieve a few goals. First, it should cover all postsecondary institutions. Many existing state data systems only include information on public colleges, and very few include private, for-profit schools. Second, outcomes data should be available for programs within institutions. Results across postsecondary programs can be as large as differences across institutions. Producing program-level results can help guide student choice even for individuals who live in areas with limited college options. Third, results should be longitudinal, so policymakers and consumers can see how wage outcomes may change over time. Fourth, the data system must also include data on federal student aid, particularly loan repayment and default. Finally, policymakers should consumer test any public-facing tool for the data set to make sure it is usable for students, parents, and organizations that assist with college access efforts.

Ensure equitable distribution of four-year colleges across a state

States should ensure that their four-year institutions are sufficiently distributed geographically to provide bachelor's degree opportunities for all students who want them and that all regions in the state can share in the economic benefits of having a four-year institution of higher education.

Learning beyond high school improves students' lives. Higher numbers of educated individuals can also spur economic growth and raise wages, even for people who did not finish or attend college. Unfortunately, states largely stopped building new universities after the 1960s and 1970s. The result is that while students may have ready access to two-year learning options, there may be parts of states that lack sufficient opportunities for someone to earn a bachelor's degree in person. Therefore, states should identify areas where they have substantial numbers of potential students with low educational attainment and consider locating new four-year institutions in those places.

The distribution of colleges can also affect which areas receive the economic benefits of having a four-year institution. Universities provide large numbers of good jobs and educated citizens that can have spillover effects on the surrounding community—even for people without college degrees.¹¹⁸

As states think about where best to place new universities, they should consider several factors. First, they should look for areas that have low educational attainment but a large enough population base to support a new institution of higher

education. Second, they should identify areas that already have an employer anchor that can provide good jobs for graduates. Third, policymakers should look for areas that are either currently in decline or at significant risk of future job losses. This latter category particularly matters for trying to retrain workers before jobs have vanished.

Policymakers should also strive to build institutions and educational programs that do not rely on elements of traditional colleges that may be expensive without adding as much value. For instance, these new institutions do not need sports teams or extensive library physical holdings instead of digital access. Spending only on what is really needed could keep the overall cost of a new school low for the state and students. New institutions should also combine liberal arts skills with workforce relevance that will help students find jobs. Close coordination with local employers to ensure that educational programs contain elements of the skills and knowledge hiring managers want could help with students' transition to the workforce. The University of Minnesota Rochester provides an interesting example of how a new school of this type might work. It is a decade-old institution located near the world-famous Mayo Clinic.¹¹⁹ It offers a specific set of programs tied to health care, leveraging the presence of a major employer, without needing the traditional library of an older campus.

Hold private colleges accountable

States should play a larger role in ensuring private institutions of higher education provide a quality education by setting outcomes standards for schools to operate and/or receive state financial aid. Unlike public colleges, most private institutions of higher education receive minimal state scrutiny. One study found that only a small share of states request any information on student outcomes before approving private institutions, and a small majority look at outcomes when renewing approvals.¹²⁰

Insufficient state oversight exposes students to substantial risk at private colleges that may do a poor job of serving those students. Some states may even be directly funding these low-quality options through financial aid dollars.

Bad educational options can do long-term harm to students and communities. Students may have debt they cannot afford to repay, or the payments they do make on worthless credentials represent money flowing out of the community.

Students who default on loans may have trouble renting apartments, getting other loans, or even finding employment. Students who drop out of college may also discourage their peers from trying school.

First, states should create performance standards that institutions must meet to operate and receive state financial aid. These standards should include meeting certain student loan outcomes, such as default or repayment rates. States should also require that private colleges demonstrate sufficient private market interest by receiving no more than three-quarters of their revenue from the federal government via student grants and loans.

Second, states should secure enough funds from private institutions to ensure financial protection for students in case things go bad. Sudden school closures or fraud can mean that students lose money they paid out of pocket for tuition. To fix this problem, states should either require letters of credit equal to a share of the school's revenues as a condition of operating in a state, or they should establish a tuition recovery fund that can be tapped if a closure occurs. This fund would be paid for through a tax on institutions, with the funds held in reserve until they are needed.

Several states have already recognized the importance of greater oversight of private colleges. For example, California created new rules in 2013 that set minimum graduation rates and a maximum student loan default rate for institutions to be eligible for Cal Grant funds, a state-based aid program.¹²¹ Similarly, in 2017, the Milwaukee Common Council passed an ordinance requiring private for-profit colleges to ensure that their graduates do not have debt levels that exceed a certain share of their income.¹²² Finally, there are roughly 20 states that already have some sort of tuition recovery fund.¹²³

Early childhood

Meeting the physical and early learning needs of young children is a critical prerequisite for their economic opportunity and mobility later in life. Study after study shows that high-quality early care and education produces positive individual and social benefits that are abundant and long-lasting. However, a growing body of evidence has shown that high-quality child care and preschool are out of reach for many families.

The average tuition in a child care center now exceeds \$10,000 per year, even though early childhood teachers are chronically underpaid. Single parents earning the state median income have to spend an average of 27 percent of their monthly income to access child care for their infant.¹²⁴ For those earning minimum wage or living below the poverty level, the burden is even greater.

Even if parents can afford child care, research has found that the licensed child care market suffers from problems of serious undersupply. A shortage of quality child care can lead to long waiting lists and rising prices, straining family budgets and even pushing some parents out of the workforce. A significant and sustained investment in child care is needed to ensure that parents can access the care they need for their families.

States seeking to address this serious shortfall will need to adopt a multifaceted strategy, laid out below, that includes increased assistance to help families access high-quality care; investments in child care infrastructure; and the expansion, training, and professionalization of the child care workforce. In addition, states should put a renewed focus on reducing maternal and infant mortality, for which the United States has one of the highest rates in the developed world.

Expand access to high-quality child care and preschool

Many parents struggle to find a child care program they can afford that meets their needs and are left with impossible trade-offs to cover the cost of child care in their monthly budget.¹²⁵ Parents are often forced to make career sacrifices,¹²⁶ including leaving a job, which not only has an immediate financial impact but also significant long-term costs due to lost wage growth and lost retirement savings.¹²⁷

Federal child care assistance only reaches 1 in 6 eligible families. Even when available, it is insufficient to cover the costs of care in most states.¹²⁸ As a result, child care represents a significant financial burden for low- and middle-income families. Given the benefits of high-quality child care for children and high labor force participation rates among parents with young children, there is an urgent need for states to adopt policies that help families afford high-quality child care and improve quality options. Indeed, if child care costs were less than or equal to 10 percent of families' incomes, states' economies would increase by millions of dollars, and the annual federal gross domestic product (GDP) would increase \$70 billion.¹²⁹

First, and most importantly, states should provide child care assistance directly to low-income and middle-class families, ensuring that no family pays more than 7 percent of their household income for child care. By capping these payments at seven percent—the affordability standard set by the U.S. Department of Health and Human Services (HHS)—child care can be affordable to all families on a sliding scale. Providing direct assistance to families ensures that they can make payments on a monthly or weekly basis when child care tuition is due. CAP's report "A Blueprint for Child Care Reform" laid out a national vision for such a program, which absent congressional action can provide a roadmap for similar programs on a state-by-state basis.¹³⁰

Second, most states have a quality rating and improvement system (QRIS) that articulates progressively higher levels of quality in a tiered rating system. States can improve child care quality by bringing more programs into their QRIS, paying providers at a rate that reflects the cost of quality, and embedding wage standards in the QRIS.¹³¹

Third, high-quality preschool has been proven to produce significant short- and long-term benefits to children, families, and society.¹³² States should provide two years of preschool for all children, which would drastically reduce the out-of-pocket costs for families in the years before children enter kindergarten and ensure that children are given the best chance to succeed when they start

school. Current investments by states in preschool programs, as well as individual eligibility, vary significantly: Florida, Oklahoma, Wisconsin, and the District of Columbia each offer a program reaching more than 70 percent of the 4-year-old children in their state,¹³³ although several other states have passed laws either establishing or piloting universal preschool programs.¹³⁴

Invest in child care infrastructure

A multistate CAP study covering two-thirds of the U.S. population finds that more than half of Americans live in “child care deserts.”¹³⁵ This tracks a recent Harvard University and NPR study that found that roughly two-thirds of parents said they had “only one” or “just a few” realistic child care options.¹³⁶ Child care deserts disproportionately affect rural areas, Latino and American Indian communities, and low-income urban neighborhoods. They also have a significant impact on the supply of labor, as the maternal labor force participation rate in child care deserts is significantly lower than in areas with adequate child care supply. In 2016, nearly 2 million parents of children age 5 and younger had to quit a job, not take a job, or greatly change their job because of problems with child care.¹³⁷

There are several policies state lawmakers can pursue to support the child care market. First, state governments should invest in their child care and early education infrastructure just as they invest in public safety, public parks, and public schools. This child care infrastructure investment should support construction and renovation of early childhood facilities, help build a professional and effective workforce, and provide resources to support licensed child care providers.

Second, states can take steps to develop high-quality home-based child care options. Their agencies may have opportunities to streamline their licensing and quality rating systems, allowing for innovation in the home-based child care market. For instance, linking home-based providers with a network of child care professionals can improve quality, build supply where it is needed, and even increase regulatory compliance.

Third, states can establish incentives for capital investment in child care deserts. Many child care centers and home-based businesses operate with razor-thin margins, without access to capital or business development services. Connecting these entrepreneurs with capital can help child care businesses grow to meet demand. States can offer tax credits for investments in child care facilities within child care deserts, targeting investment to where it is needed, especially in rural areas.

Support the early childhood workforce

There are more than two million members of the early childhood workforce, serving children in public schools, private child care centers, and targeted preschool programs such as Head Start. This largely female workforce is critical to the quality of early childhood programs. Unfortunately, early childhood workforce is one of the lowest paid professions, with workers earning an average of only \$10 per hour. Even for those with higher education, early education has the lowest lifetime earning potential of all college majors.¹³⁸ African American teachers make an average of \$4,395 less per year than white teachers, meaning they make 84 cents for every \$1 earned by their white counterparts.¹³⁹ Almost half of all child care workers are enrolled in at least one public assistance program, and less than 40 percent have access to health insurance through their employers.

Low pay and few career development opportunities has resulted in high turnover rates in many child care programs, causing instability at a time when children most need consistency and structure. Supporting the early childhood workforce with competitive salaries and professional supports would help recruit and retain experienced and qualified teachers and would ensure that they are able to focus on building relationships with the children in their care rather than dealing with the economic anxiety that comes from living paycheck to paycheck.

To ensure higher quality care, states can better support the early childhood workforce by increasing early childhood teacher compensation, developing or modifying systems that support the workforce, and investing in a comprehensive professional development system.

First, as teachers are asked to meet higher standards, they need to be compensated appropriately. Chronically low wages for child care workers limit quality programming, leading to frequent turnover, difficulty retaining talented teachers, and stressful living situations for people entrusted with caring for the youngest learners. States should establish wage standards for early childhood teachers, set a wage floor equivalent to self-sufficiency standards, and support compensation parity with kindergarten teachers for early childhood teachers with equivalent qualifications. This would help ensure that teachers do not leave early education upon gaining higher levels of education. States can provide tax credits tied to program quality and teacher credentials to incentivize teachers to improve their knowledge and skills and to be invested in a program's overall quality improvement efforts. States can also develop or bolster existing scholarship programs to help teachers earn higher credentials.

Second, creating a statewide workforce registry would allow teachers to track their progress toward professional goals, enable programs to verify teacher credentials and experience, and inform early care and education administrators on key workforce data. When combined with a state career pathway—one which identifies a sequence of credentials and provides a clear roadmap for early childhood professionals to advance in their careers—these systems can help professionalize the workforce and provide key data for targeting quality improvement efforts.

Finally, states should establish a professional development system that is aligned with standards and is accessible to all teachers—allowing them to balance coursework with full- or part-time employment—and available through a mixture of online and in-person mediums, during the evenings and weekends, and in accessible locations. Coursework and training must also be available in multiple languages to support nonnative speakers, and the system should provide a mix of learning opportunities. Developing a comprehensive system further supports the workforce in day-to-day activities in the classroom and ensures that early childhood is a profession that can recruit and retain highly skilled teachers. States should also invest in early childhood teacher preparation programs to ensure that the workforce is better prepared for the classroom. This can include standardizing and revising certification standards, requiring field-based experience, and including a specific focus on infants and toddlers in curricula.

Reduce maternal and infant mortality

Women in the United States are more than three times as likely as Canadian women to die as a result of pregnancy-related complications.¹⁴⁰ In 2014, about six infants out of every 1,000 born in the United States died during their first year of life, compared with between two and three infant deaths per 1,000 in most developed countries.¹⁴¹

Within the United States, stark racial disparities exist in both maternal and infant mortality, with African American women at greater risk. From 2011 to 2013, the pregnancy-related mortality rate for African American women was more than three times as high as that of non-Hispanic white women.¹⁴² An African American mother is twice as likely as a non-Hispanic white mother to lose her child before the child's first birthday.¹⁴³ Surprisingly, this trend holds across education levels and socio-economic statuses. Research suggests that stress, driven by persistent racism, affects African American women before and during pregnancy. This stress can manifest as premature labor and pregnancy complications that threaten the lives of mothers and infants.

Reducing maternal and infant mortality and eliminating racial disparities requires thinking comprehensively about health to better address women and infants' physical, social, and mental health needs. To reduce maternal and infant mortality and diminish racial disparities, states can implement policies that improve data collection and screening for maternal health risks; increase access to high-quality, stable medical care before, during, and after pregnancy; and connect women to support professionals and parent educators.

To improve data collection and monitoring, states can establish or strengthen maternal mortality review committees, organizations that review maternal deaths; identify root causes; and make easy-to-implement recommendations that can save women's lives. Despite the critical role of data collection and monitoring in identifying common and preventable causes of maternal death, about half of states still do not formally review the causes of maternal death on a regular basis.

Increasing women's access to stable, high-quality, culturally responsive, and reliable medical care before, during, and after pregnancy is another commonsense solution for ensuring healthier women and healthier babies. Screening for maternal health risk factors—including high blood pressure, diabetes, and depression—can help pregnant women get help when they need it most, keeping them and their babies healthy for the pregnancy's duration. Having a diverse, culturally responsive health care workforce can also ensure that women's unique health needs are met.

In addition, states can improve families' access to coaching and support professionals during pregnancy and infancy by creating or expanding home visiting programs. Maternal and infant home visiting is an evidence-based program that pairs new and expectant mothers with skilled nurses or social workers. Home visitors help families create safe and healthy environments; support mothers grappling with post-partum depression and other maternal mental health conditions; teach mothers about breastfeeding, safe sleeping practices, and proper nutrition; and more. Similarly, mothers can benefit from working with a doula, a trained professional who provides physical, emotional, and educational support during pregnancy and delivery. Both practices are backed by rigorous scientific research¹⁴⁴ and have successfully been used in cities and states across the country. Indeed, for every \$1 invested in home visiting, it has been estimated that there is a \$3 to \$5 return to society stemming from reduced emergency room visits, grade repetition, child abuse and neglect, juvenile delinquency and crime, and substance abuse later in life.¹⁴⁵

Health care

For the past year and a half, the national health care debate has been dominated by political efforts of congressional Republicans and the Trump administration to repeal or sabotage the Affordable Care Act. The law, which has remained surprisingly resilient to these attacks, expanded coverage to 20 million Americans while contributing to slower growth in national health care spending in recent years.¹⁴⁶ However, a recent survey indicates that the Trump administration's actions have eroded these coverage gains, with an estimated 4 million people having lost coverage since 2016.¹⁴⁷ With a bipartisan market stabilization agreement to mitigate coverage losses and premium increases looking increasingly unlikely this year, states should take action to expand coverage, stabilize their marketplaces, and keep premiums in check.

Far more needs to be done to ensure that no American is left without the health care they need. Even with the ACA's gains, 28.8 million Americans remain uninsured as of 2017, and 41 million more are underinsured, with out-of-pocket costs exceeding 10 percent of their income.¹⁴⁸ Furthermore, despite the recent period of historically low growth in national health spending since 2008 rising prescription drug prices and other trends are likely to ensure that the growth in health care spending remains a long-term priority for state and federal policymakers.¹⁴⁹

At a minimum, the 18 states that have not yet adopted the ACA's Medicaid expansion should follow the lead of 32 other states and the District of Columbia in ensuring that adults earning up to 138 percent of the federal poverty level are covered.¹⁵⁰ Congress must go further, passing new legislation that guarantees health care as a right for all Americans and achieves universal coverage through a national program, such as CAP's proposed Medicare Extra for All.¹⁵¹ Medicare Extra for All would streamline our fragmented health care system and guarantee universal coverage through a high-quality insurance plan based on the Medicare program, while preserving employer-based coverage as an option for Americans who are satisfied with their coverage. But until such a federal law passes, states can also choose to open their Medicaid programs to all residents, as Nevada's legislature attempted to do in 2017 by passing a landmark bill that went on to be vetoed by its governor.¹⁵²

States will truly need to be laboratories of democracy, rejecting the recent push for state waivers that establish harmful policies such as work requirements in Medicaid and instead testing innovative approaches to lowering health care costs without reducing quality or reducing access to care for their residents.

Indeed, a number of states have already successfully piloted new payment and delivery system reforms, policies to stem the soaring prices of prescription drugs, and models to strengthen insurance marketplaces and expand access to care. This section lays out some of the most promising reforms.

Drive down health care costs through payment and delivery system reform

States are key leaders in spearheading innovative health care reforms and are well positioned to do so. They can tailor their reforms for their specific markets and population, have significant discretion to regulate health insurance, run their own Medicaid programs and Children’s Health Insurance Program within federal standards, and oversee the rate review process and licensing of providers. CAP previously published a report, “State Options to Control Health Care Costs and Improve Quality,” enumerating a comprehensive list of options for states to take to lower health care spending while preserving access to care and improving quality.¹⁵³ CAP more recently followed up with a report, “Evaluating State Innovations to Reduce Health Care Costs,” examining the outcomes of some these innovations.¹⁵⁴ Below are briefly listed some of the most promising steps identified in these reports that states can take to drive down health care costs in ways that improve the quality of care rather than just shifting costs to patients or making harmful cuts to Medicaid eligibility, benefits, or affordability.

Implement bundled payment for all payers

Instead of paying providers separately for each medical service, this approach compensates all of a patient’s health care providers with a single, comprehensive payment for a patient’s entire episode of care. A number of states, including Arkansas and Tennessee, have pioneered bundled payment models that have reduced health care spending while improving some measures of health care

outcomes. Arkansas' Medicaid data show that rates of hospitalization and emergency department visits declined, as did its cesarean section rate. Given bundled payments' potential to save money for states while improving the quality of care, states should act to implement bundled payments statewide, ideally with the participation of all payers.

Implement global budgets for hospitals

Global budgets encourage hospitals to focus on the health of their community instead of simply the direct provision of health care services. Instead of payers reimbursing hospitals for each individual service, under a global budgeting system, a state agency sets a fixed budget for each hospital each year based on relevant factors, including past expenditures, past clinical performance, and population growth. Maryland's global budget model has seen great success, reducing Medicare hospital spending by more than \$500 million, beating its five-year Medicare savings target well ahead of schedule. Other states should consider adopting such a model or testing it in certain regions.¹⁵⁵ Alternatively, states could explore adopting a version of Maryland's previous system of all-payer rate setting for hospitals.

Establish a health cost growth goal

Following the example first set by Massachusetts in 2012, a cost growth goal sets a cap on the growth of a state's per capita health care spending. Setting a public goal not only increases accountability for all stakeholders, but it also increases transparency and improves data collection. Under Massachusetts' implementation of this policy, the state's health care spending growth has improved relative to the national average, despite some mixed results in staying under its target benchmark. States interested in this approach should consider including concrete policy levers that policymakers could employ if needed to ensure that spending growth stays under the benchmark. States could also establish specific goals for the adoption of alternative payment models that link payment to value, as former HHS Secretary Sylvia Burwell did nationally for Medicare in 2015.

Expand evidence-based home visiting services

As noted above, home visiting programs, which connect first-time mothers with nurses and social workers for coaching on healthy child development, are among the most effective government programs ever studied in terms of producing both positive outcomes and cost savings. All states should expand home visiting programs; financing options include increased Medicaid funding, encouraging or requiring Medicaid managed care plans to cover home visiting services, or requesting a Medicaid waiver for federal matching funds to expand home visiting.¹⁵⁶

Combat misuse of opioids and other drugs

Many states are already setting a strong example by using available tools to counter drug addiction and overdose deaths. In the criminal justice section below, we provide additional details on a comprehensive strategy for addressing the opioid crisis, but in summary, policies that states should consider include: increasing access to substance misuse treatment, including by expanding Medicaid; establishing a prescription drug monitoring program; improving education for prescribing physicians; and improving data collection on drug abuse.

Reduce the price of prescription drugs

In the past couple of years, several states have passed legislation or taken other action to reduce prescription drug prices, which are projected by the Centers for Medicare and Medicaid Services to contribute to increased national health care spending in the coming decade.¹⁵⁷ Many of these policy actions—including state Medicaid waivers, price transparency legislation, and price gouging legislation—represent promising approaches for other states to emulate.

Propose state Medicaid waivers to bring down sky-high drug costs

Massachusetts recently proposed a Medicaid waiver to tackle drug pricing.¹⁵⁸ This proposed waiver would increase the Massachusetts' Medicaid program's power to negotiate lower drug prices by adopting a commercial-style closed formulary, or list of covered drugs. Importantly, whether a drug is included or excluded in the Medicaid formulary would depend heavily on clinical evidence of the drug's comparative effectiveness relative to other drugs. Similarly, CAP's national drug pricing proposals focus on a negotiation process for Medicare and other payers

that incorporates comparative effectiveness research.¹⁵⁹ The Massachusetts waiver offers a promising state-based version of this approach, which other states should consider emulating or adapting. However, the Massachusetts waiver proposal also includes a problematic policy change that would shift Medicaid beneficiaries earning more than 100 percent of the federal poverty level to marketplace coverage, which could reduce benefits or affordability for these beneficiaries. Furthermore, recent reports indicate uncertainty as to whether the federal government will approve the waiver's drug pricing reforms.¹⁶⁰

Enact price transparency legislation

Some states have enacted laws that require prescription drug companies to justify prices above a certain level by disclosing data on factors such as profits made on the drug, research and development spending on the drug, and marketing spending. Last year, for example, Nevada enacted strong transparency legislation focused on insulin pricing.¹⁶¹ Although increased transparency alone is not enough to ensure that drugs are affordable for patients, such legislation is still a positive and achievable step for states.

Enact price gouging legislation

Maryland has enacted a drug price gouging law that allows the state's attorney general to take action, including seeking fines, against generic drug companies who increase prices by more than 50 percent in one year.¹⁶² Other states should consider similar laws, or go further to include excessive price spikes for brand-name prescription drugs. However, a recent federal court ruling striking down Maryland's law raises uncertainty about this approach; policymakers from other states will need to monitor any potential appeal of the decision closely.¹⁶³

Use state-based policies to strengthen the marketplaces

With little hope for bipartisan congressional action this year, there is an urgent need for states to stabilize markets and mitigate coverage losses and premium hikes in order to resist the Trump administration's efforts to sabotage the ACA. Congress' passage of legislation repealing the individual mandate alone is projected to increase

premiums by 10 percent. By preserving the ACA's consumer protections in the individual insurance market, establishing reinsurance programs to lower premiums, and further expanding Medicaid, states can go a long way toward stabilizing their markets and expanding access to affordable care for their residents.

Preserve ACA consumer protections

President Donald Trump has sought to encourage the proliferation of insurance plans that do not comply with the consumer protections in the ACA, including so-called short-term limited duration plans that are actually used for full-year coverage.¹⁶⁴ These plans can discriminate against people with pre-existing conditions, charge women more than men, provide for annual and lifetime limits, and exclude coverage for important services such as prescription drugs and maternity care.¹⁶⁵ Moreover, these plans siphon off healthy individuals from the marketplace, increasing premiums for everyone else.¹⁶⁶ States should require that any plans offered in the individual insurance market comply with ACA protections, as CAP has outlined in model state legislation.¹⁶⁷ States should also ensure that any plans that are designed to provide short-term coverage are in fact only used for the short term, lasting three months or less, rather than undermining individual insurance coverage—an approach that has been taken recently in Maryland.¹⁶⁸

Establish reinsurance programs to lower premiums

States can address premium increases resulting from Trump's sabotage of the ACA by establishing a reinsurance program. These programs create a pool to reimburse insurers for particularly high-cost enrollees, which dramatically reduces premiums. Reinsurance programs have been established in Alaska, decreasing premiums by 30 percent,¹⁶⁹ and in Maine, where it contributed to a 20 percent premium reduction.¹⁷⁰ Furthermore, states can obtain federal funding to help operate the program by seeking a state innovation waiver, which allows states to try innovative approaches using federal funding as long as their plan provides care that is of the same quality and cost as under the ACA.¹⁷¹ Alaska and Oregon have both created a reinsurance program through a state innovation waiver, and other states are exploring it as well.¹⁷²

States can also take steps to address the premium increases resulting from the repeal of the ACA's individual mandate. The Congressional Budget Office estimates that repeal of the mandate will result in a 10 percent premium increase, or

about \$2,000 more in premium costs for the typical middle-class family buying coverage in the individual market.¹⁷³ The combination of healthy people declining to purchase coverage and price increases driving people out of the marketplace will mean that 13 million more people will be uninsured as a result. States can counteract this effect in their own marketplaces by putting in place a continuous coverage provision. For example, states could enact their own individual mandates, as Massachusetts and New Jersey have successfully done.¹⁷⁴

Create or expand a Medicaid buy-in for workers with disabilities

Forty-three states and the District of Columbia offer the ability for workers with disabilities to buy in to Medicaid, enabling them to access health insurance and long-term services and supports, such as personal care attendant services, that are often critical to live independently and to work.¹⁷⁵ These buy-ins are often limited to those younger than age 60 or 65 and often come with strict income and asset limits. States without a buy-in could create one; others could expand eligibility and prevent barriers to work and savings by raising or eliminating age, income, and asset limits. In addition to buy-ins for workers with disabilities, states could also take a more ambitious approach to expanding coverage by following the lead of legislation proposed in Nevada last year to open their Medicaid program more broadly. As noted above, Congress will need to enact legislation, such as that described in CAP's Medicare Extra For All proposal, to guarantee health care—including long-term supports and services—as a right for all Americans.¹⁷⁶ But in the meantime, states can still make progress on expanding coverage through proposals such as a Medicaid buy-in.

Restoring democracy

Americans deserve elected officials who fairly represent them and fight for their interests, but many believe government corruption is widespread.¹⁷⁷ They know that their priorities—well-paying jobs and economic fairness, access to health care and quality education, and a healthy environment for their families—are losing out to wealthy special interests whose unlimited spending and unchecked political influence has stacked the deck in their favor. To rebalance power and rebuild trust in government, state and national leaders need to restructure the rules of our politics and policymaking.

U.S. elections have become increasingly dominated by corporate money and special interests, particularly since the Supreme Court decision in *Citizens United v. Federal Election Commission* in 2010. Americans have also endured a concerted attack on their voting rights, exacerbated by the Court's decision in *Shelby County v. Holder*, which gutted a core provision of the Voting Rights Act. Democracy works best when it works for everyone, which requires a high level of citizen engagement. Some states are working against democracy by making it more difficult to vote while simultaneously making it easier to spend sums of money to influence policymaking.

Americans are demanding strong, clear solutions to fight corruption and empower voters so that elected representatives are responsive and accountable to constituents, not contributors. Most Americans feel that the economy is not working for them; rather, it is working for the wealthiest few, the same few on whom elected officials rely to support their campaigns and who increasingly hold the levers of political influence. It is past time to curb this improper influence by restructuring the rules to incentivize and facilitate fair representation for all.

Additionally, federal and state governments need to defend our political system from new threats—threats to the rule of law, from leaders who seem intent on abusing their power and from the United States' adversaries abroad. It is foundational to our democracy that no one is above the law and that citizens can elect their leaders free from foreign interference.

States can take the following steps to return power to the people, ensure that their elected representatives work for them, defend American elections against interference, and restore voting rights to all citizens.

Limit special interests

States should take aggressive steps to limit the power of corporate special interests, including by banning lobbyists from fundraising for candidates for state or local office and by limiting contributions to legislators from industries that are under the purview of their legislative committees.

To stop wealthy special interests from having an improper and anti-democratic influence on government, states must break the nexus between paid influence and credible, fact-based advocacy. Currently, business and industry far outstrip any other source of lobbying at the federal level, at a ratio of 34-to-1.¹⁷⁸ One of the ways in which lobbyists gain a foothold with legislators is by fundraising for them, marshaling contributions that, in the aggregate, far exceed the lobbyists' individual limits. One way to rein in the power of corporate lobbyists over policymaking is to ban lobbyists from fundraising for officeholders and candidates. Indeed, nine states already ban lobbyists from fundraising for candidates, either at all times or in conjunction with the legislative session.¹⁷⁹

At the federal level, members of Congress get huge fundraising hauls—up to half the campaign money they raise—from industries and groups that are under the jurisdiction of their committees.¹⁸⁰ At the state level, data similarly shows that industries “carefully target their donations toward chairs of those committees by which they are primarily regulated.”¹⁸¹ Such one-sided fundraising distorts incentives, making lawmakers dependent on the very interests that they are charged to oversee on the public's behalf. State legislators should be prohibited from accepting contributions from industries under the jurisdiction of committees on which the legislators serve. Doing so would fight the corrupting conflicts of interest and would send a strong message to the public that lawmakers are ready to put the public's interests first.

Improve ethics and campaign finance requirements

Many states lack robust protections that prevent lawmakers from putting private interests before public ones. Important protections include bans on gifts to lawmakers, limits on contributions, and other ethics measures that prevent pay-to-play politics.

Public servants should focus on the public interest, not on opportunities for special interest-funded career advancement or personal enrichment. Yet many states still operate in a wild west atmosphere with weak ethics enforcement and few restrictions on private money being used to influence public power. Contribution limits are core anti-corruption tools that prevent candidates from being overly indebted to any one campaign contributor. States vary widely on these rules, with 11 states allowing unlimited individual contributions to candidates and 15 states imposing limits for some offices of \$1,000 or less¹⁸²—still a lot of money for an ordinary citizen to spend on politics but nonetheless a strong protection against the undue influence of large donors. In addition to these limits, states should also ensure that they have broad gift bans in place, an important tool to prevent big donors from using personal favors—in lieu of campaign contributions—to curry favor with elected officials.

States should also take decisive action to end the corrupting influence of secret and foreign political spending. Since 2008, at least \$900 million has been spent by anonymous donors on federal elections,¹⁸³ and such secret spending is also increasingly pervasive at the state and local levels.¹⁸⁴ While some states, such as California, have been working to update their rules to keep pace with the flow of dark money¹⁸⁵—hopefully soon to include dark money advertisements online¹⁸⁶—many are failing to provide the public with basic information about the true sources of campaign funds.¹⁸⁷ In addition to robbing voters of the information they need to make educated decisions, this presents a national security risk, since foreign nationals can use the cloak of secrecy to circumvent laws prohibiting them from influencing elections.

Beyond just curbing the influence of wealthy donors, states and localities should also amplify the voices of working and middle-class families in political campaigns and in their legislatures. Citizen-funded elections, where small donations from voters are matched with public funds, can reduce the reliance of elected officials on the wealthiest few and build stronger ties between representatives and the communities they represent. States and localities should look to the example set

by Washington, D.C., which recently adopted a plan that will combine lump-sum grants to qualifying candidates with matching at a ratio of \$5 to \$1 for small donor contributions.¹⁸⁸ They should also consider the innovative program currently being implemented in Seattle, which provides each citizen \$100 in “democracy vouchers” that they can use to support local candidates.¹⁸⁹

Require candidates to disclose tax returns

States should pass laws requiring candidates for high elected office to disclose their tax returns for the most recent five years. Asking officeholders to be transparent about their finances helps to prevent conflicts of interest and ensures that they are putting public interests ahead of their personal interests. Polls show that a majority of Americans, regardless of political affiliation, support President Trump publicly releasing his tax returns.¹⁹⁰ Indeed, more than half of those living in areas that President Trump won in the 2016 Republican primary by a larger margin than Mitt Romney did in the 2012 Republican primary—or that switched from supporting President Obama to President Trump—oppose his refusal to release his returns.¹⁹¹ Perhaps for that reason, lawmakers in at least 28 states have introduced legislation that would require candidates to release tax returns.¹⁹²

Another goal of financial disclosure is to provide voters with information that allows them to make more informed judgments about candidates. Tax returns can provide much more complete and reliable information than the limited candidate financial disclosure forms that are currently required by the federal government and most states. For example, candidate financial disclosure forms do not require disclosure of charitable giving and personal assets, which can help voters understand a candidate’s priorities and commitments.

Enact automatic voter registration

States should work to defend equal voting rights for all Americans and to advance commonsense, pro-voter policies such as automatic voter registration (AVR). AVR boosts citizen participation and empowers people to have their voices heard. More than one-quarter of Americans now live in states that have adopted AVR.¹⁹³ Three states—Washington, Maryland, and New Jersey—have adopted AVR in 2018, which CAP projects will mean approximately 400,000, 360,000, and 600,000 more registered potential voters in each state, respectively.¹⁹⁴

Oregon was the first state to adopt AVR in 2015, and the results from the 2016 election show that the program has already had a substantial impact on voter registration and participation. CAP’s analysis found that 272,000 Oregonians were added to the voting rolls and that the resulting electorate was younger, more rural, lower income, and from more racially diverse areas.¹⁹⁵ Another 264,000 voters had their addresses updated through AVR.¹⁹⁶ It increased participation across the board for traditionally marginalized communities and encouraged many infrequent or first-time voters to exercise their voting power.

Our current voter registration system, which puts the burden on individuals to register and maintain their registration—amidst varied and sometimes changing state requirements—is a significant barrier to voter participation. Almost 1 in 4 eligible Americans are not registered to vote.¹⁹⁷ Yet registering voters is a simple step that makes it much more likely that a person will go to the polls. In 2016, 61 percent of U.S. citizens reported voting; this number jumps to 87 percent for people who were registered to vote. The difference is even more striking among young people: 79 percent of registered 18- to 29-year-olds voted in the 2016 election, compared with 46 percent of all voting-age citizens younger than 30.¹⁹⁸

Improve election security

In light of Russia’s unprecedented interference in the 2016 U.S. presidential election, it is imperative that states and localities take action to defend the security of America’s election infrastructure. Multiple national security leaders of both political parties have voiced an urgent need to strengthen the nation’s election security, and Congress recently passed \$380 million in funding for states to secure their systems.¹⁹⁹

CAP recently published a comprehensive assessment of state preparedness in “Election Security in All 50 States,” finding that all states had room to improve.²⁰⁰ That report and others have highlighted numerous important protections that states can put in place, including requiring voter-verified paper ballots or records for every vote cast; replacing old voting machines; conducting effective post-election audits; requiring minimum cybersecurity standards; and performing mandatory pre-election testing on all voting machines.²⁰¹ Many of these changes can be implemented expeditiously to improve security preparedness before the 2018 elections. For example, Virginia used to lack any paper record for votes cast, but in 2017, they acted quickly before their state-wide elections to provide a paper

trail for their voting systems.²⁰² With the 2018 elections nearing, many states are taking important steps to improve election security. For example, Minnesota will begin providing election officials with cybersecurity training for future elections; Oregon is hiring a cybersecurity expert to improve the overall security of the state's voter registration database; and Washington approved legislation to strengthen the state's post-election audit procedures.²⁰³

Unless election security becomes a priority, voters may lose faith in the system. A July 2017 poll found that 1 in 4 Americans will consider not participating in future elections due to concerns over cybersecurity.²⁰⁴ It is incumbent upon states to proactively address this issue so that every voter's ballot is cast and counted as intended and so that voters have faith that their participation will help determine election results.

Restore citizens' voting rights

States should not permanently deny any citizen the fundamental right to choose their representatives and to have a voice in our democracy. States that disenfranchise citizens as the result of a criminal conviction should restore those voting rights to the millions of citizens returning to their communities post-conviction.

Criminal disenfranchisement laws prevent six million Americans from having their voices heard in the political process. Many of these laws emerged soon after the Civil War to prevent newly enfranchised African Americans from exercising their voting power. But incarceration rates have shot up since the 1980s, and over-incarceration has been particularly destructive in African American communities. One out of every 13 eligible African Americans of voting age has had their voting rights taken away.²⁰⁵ For example, 1.5 million Americans in Florida, or 10 percent of Florida's total population, have been prevented from voting due to convictions. Most strikingly, this figure includes 1 in 5 African Americans living in Florida who have been disenfranchised.²⁰⁶

Across America, voter disenfranchisement laws vary. While Maine and Vermont do not disenfranchise even their incarcerated populations, three states permanently bar people with felony convictions from voting. Others do not restore voting rights until after parole and probation, and some states have such convoluted processes that it can be extremely difficult for eligible individuals to have their voting rights restored—disenfranchising lawfully eligible citizens.²⁰⁷

At a minimum, the right to vote should be automatically restored once a person is released from incarceration. Currently, 15 states plus the District of Columbia automatically restore voting rights upon release from prison.²⁰⁸ In application, this rule is both fair and simple: If you are out of prison, you can vote. Rhode Island goes even further and automatically restores not just voting rights but the voter registration status of people leaving prison. Other states are taking positive steps toward improving voting rights and voter participation for ex-offenders. For example, New York Gov. Andrew Cuomo (D) issued an executive order in April restoring voting rights to an estimated 36,000 eligible Americans on parole, and in March, a U.S. district judge struck down as unconstitutional Florida's clemency process for rights restoration, calling it "nonsensical" after finding that the process was largely discretionary and ordering the state to create a new process.²⁰⁹ An 11th U.S. Circuit Court of Appeals panel granted a stay on that order in April, and litigation is ongoing.²¹⁰

Clean energy and the environment

Over the past year, the federal government has not just abdicated its leadership on climate, energy, and environmental policy; it has actively sought to undermine long-standing, bipartisan policies established to protect the environment. The Trump administration has starved the Environmental Protection Agency of resources to do its job,²¹¹ allowed a nerve gas pesticide known to cause brain damage in children to continue to be sold,²¹² launched an attack to eliminate the largest amount of protected lands and waters in U.S. history,²¹³ and promised to cut funding for highly effective and popular energy programs at the Department of Energy.²¹⁴

These actions have opened a critical and misguided leadership void. Public opinion research has found that “overwhelming majorities of voters, regardless of their party affiliation, favor protections for clean air and clean drinking water, actions to combat climate change, policies that protect public lands and wildlife for future generations, and the promotion of renewable energy.”²¹⁵ As a result, states have an opportunity to stand up for public health protections and chart a path forward on conservation and climate action at the state and local level.

President Trump’s decision to withdraw from the Paris climate agreement, despite broad public opposition to such a withdrawal,²¹⁶ provides a good example of how states can respond to fill the void. The withdrawal prompted many state and local elected officials to set bold, progressive goals for what their communities can achieve absent leadership from Washington. These leaders have begun to implement a wide range of policies to slow climate change by cleaning up the power sector, electrifying the transportation sector, and making buildings more efficient. Clean energy solutions are broadly popular, with 65 percent of Americans prioritizing the development of alternative energy sources, such as wind and solar, over fossil fuel sources.²¹⁷ These trends even bear out in some fossil fuel-producing states: 87 percent of Ohio voters want elected officials to support clean energy and energy efficiency,²¹⁸ and 85 percent of Texas voters, including 78 percent of Republicans, favor increased use of clean energy.²¹⁹

Americans are also deeply connected to the great outdoors and want to ensure that national parks, marine sanctuaries, and other public lands and protected waters are passed on unspoiled to future generations. Policies that promote outdoor recreation and healthy, accessible open spaces not only appeal to Americans' shared pride of our natural heritage but are also effective ways to strengthen local economies. For example, outdoor recreation—from hunting in Colorado to fishing in New England—generates \$88.7 billion in economic benefits every year.²²⁰ In particular, rural communities stand to benefit from the tourism and outdoor recreation jobs that are inextricably tied to healthy and accessible lands and waters.

Here is a set of climate, energy, and environmental policies that states can implement to put people to work protecting clean air, clean water, open space, and abundant wildlife, while also ensuring that communities can withstand the impacts of climate change that are happening right now.

Put people to work while taking climate action

As noted above, in the absence of strong federal leadership on climate action, governors have picked up the mantle and demonstrated to the world that states will move forward on their own to take aggressive steps to combat the worst impacts of climate change. In the past year, governors joined several unprecedented coalitions, such as the U.S. Climate Alliance and America's Pledge, to commit to act to achieve the goals established by the Paris Agreement. In 2018 and beyond, it will be critical that states make good on those commitments and demonstrate that they are putting people to work to accomplish them.

One of the most direct ways to do this is to set a state goal for reducing carbon pollution—either in the electric sector or economywide—and pursue a range of policies to achieve that goal. State carbon reduction goals can create opportunities outside of electric utilities. For instance, updating state or local building codes to international standards requiring increased energy efficiency is one of the most cost-effective ways to reduce carbon pollution while also creating significant numbers of jobs in the construction sector. In 2016, 2.2 million Americans worked in energy efficiency related industries—1.2 million of them in construction jobs.²²¹

States could also choose a pathway for carbon reduction that focuses on clean energy development and deployment. Twenty-nine states and the District of Columbia have adopted renewable portfolio standards (RPSs), which require utilities to get a certain percentage of energy from renewable sources by a given

year, and an additional eight states have voluntary targets. Since 2000, 62 percent of the growth in renewable generation has been a result of state RPSs, according to the Lawrence Berkeley National Laboratory.²²² State RPSs also create jobs—to the tune of 200,000 jobs in 2013 alone, according to the Department of Energy.²²³ A recent study found that strengthening existing state RPSs would see renewables reach 50 percent penetration of total U.S. electricity generation by 2050—creating millions of jobs in construction, installation, and manufacturing.²²⁴

States should also give individuals the opportunity to do their part to achieve the state’s carbon reduction goal by expanding access to residential solar energy, which is broadly popular with the public—including with some conservative activists who see rooftop solar as fundamentally being about supporting consumer choice.²²⁵ Expanding solar energy is also a strong source of job creation: One out of every 50 jobs created in 2016 was in the solar industry.²²⁶ Yet in recent years, some utilities have begun working to undermine policies that support residential solar deployment, and some states that are especially hostile to renewable energy have policies on the books that put rooftop solar out of reach for many homeowners.²²⁷ State tax credits, rebates, and exemptions can help encourage broader adoption of rooftop solar, as can net metering policies, which credits homeowners for solar power that they sell back to the electric grid.

Plugging in electric transportation

Electric cars, buses, and bikes offer a range of cleaner, cost-effective transportation options, and incentivizing electrified transportation can help tackle local air pollution, traffic congestion, gasoline price shocks, and accessibility issues, among other goals. The transportation sector is now the largest contributor to U.S. greenhouse emissions,²²⁸ and electrification is key to reducing emissions. Electric buses and bicycles can provide alternatives to personal vehicles tailored to different travelers and communities. For example, e-bikes promote exercise and healthy living by making biking easier and more accessible,²²⁹ while electric buses reduce diesel pollution and enhance transit access.²³⁰

Providing incentives to purchase electric vehicles (EVs) can encourage more people to adopt this clean technology. Several states have issued rebates, created tax credits, or created other financial incentives for EV purchases or leases. If a state already has an existing EV incentive, it can strengthen it by allowing it to be applied at the point of sale, promoting it along with information about EVs, and ensuring that it remains in place long enough to foster EV market development.

States can also use the power of procurement and partnerships to help accelerate the EV transition. For example, a state could commit and dedicate funding to upgrade its vehicle fleet to all-electric by 2030 and encourage automakers to provide EV options for specialized vehicles such as police cars by negotiating long-term procurement contracts. Although state fleets account for 5 percent of the nation's 3 million fleet vehicles, city fleets account for more than 50 percent. Working together with cities could unlock an even greater transformation.²³¹

As states have adopted EV incentives and automakers increase EV sales, drivers need the assurance of accessible charging infrastructure. The United States is home to more than 16,000 charging stations and 44,000 plugs for EVs, but these resources are currently concentrated in a few large, urban areas and along high-traffic corridors.²³² States can hasten this development and ensure fair access by funding charging stations at state facilities, creating incentives or public-private partnerships to build out infrastructure, programming Volkswagen settlement funds for charging infrastructure, and setting a goal of growing the number of stations in their state.

States can work together to promote EV growth. For example, seven Western states work together on standards, funding, and other measures to increase charging infrastructure availability along several highway corridors.²³³ Ten states participate in California's zero-emission vehicle mandate program.²³⁴

For other modes of electric transportation, states can commit to converting transit and school buses to 100 percent electric by 2030 and draft a plan to accommodate this transition into the existing turn-over rates to phase out nonelectric buses. In budget cycles, states can dedicate funding to building charging infrastructure at bus depots or stops. For e-bikes and bike infrastructure, states can begin by creating a pilot program for cities to promote biking infrastructure, such as protected bike lanes and charging stations, and set aside funding to provide rebates and make e-bikes more affordable through bike-share programs or subsidies for individuals.

State future funds

More frequent and intense extreme weather events are increasing the strain on aging electrical grids, public transit systems, and other infrastructure that supports states' economies and the daily lives of their residents.²³⁵ The record-breaking hurricane

season in 2017 and past disasters such as Superstorm Sandy have laid bare the vulnerability of our nation's infrastructure to more severe storms in a changing climate and the devastating economic and public health toll of prolonged power outages and crippled transportation and water systems.²³⁶

All the while, the risks and costs of extreme weather have been rising.²³⁷ The escalating threat of extreme weather damage is more than the nation's D-plus rated infrastructure can bear.²³⁸ Yet instead of offering workable infrastructure solutions, President Trump has canceled a flood-risk standard that protected new infrastructure from flooding and costly repairs and continues to roll back environmental and public health protections.²³⁹

The American people demand a smarter and more forward-thinking response to the nation's pressing infrastructure challenges. In the absence of federal leadership, states must lead the way to build safe and future-ready infrastructure that will support a strong and inclusive economy and protect the clean air and water and natural areas that voters deeply value. Governors and state legislators can do this by creating State Future Funds. These state revolving loan funds would provide state funding for innovative energy, transportation, flood protections, and other neighborhood improvements designed to withstand more extreme weather. These investments would increase energy security, cut energy bills, reduce time wasted sitting in heavy traffic, and lower flood risks and economic losses in the wake of disasters.²⁴⁰

For every \$1 invested in building resilient communities and infrastructure, \$6 are saved in future costs, including economic disruptions, property damage, public health crises, and deaths caused by extreme weather disasters.²⁴¹ State Future Funds would also create new jobs and improve local clean energy and community resilience job training programs. According to the Department of Transportation, every \$1 billion invested in modernizing infrastructure over 10 years creates roughly 12,500 direct and indirect jobs.²⁴²

State leaders could pursue several pathways to capitalize State Future Funds. For example, they could issue state bonds, identify potential tax revenues, or appropriate resources for the funds. In addition, state leaders could add a small future-ready surcharge to utility bills to support the fund, require a 20 percent project cost share from local governments, and leverage philanthropic investments and federal funding, as well as private capital raised by other infrastructure banks.²⁴³

Lastly, well-designed public-private partnerships with electric utilities could help to leverage limited public resources to improve states' energy security and expand renewable energy generation capacity.

State Future Funds would prioritize investments in places that need new infrastructure the most, including low-income areas and communities of color, and would be designed to invest in projects that create good jobs with fair wages. The funds would improve economic mobility in urban, rural, and tribal communities by expanding affordable transportation options and increasing access to good jobs, schools, child care, and community services. For example, the funds could provide low-interest loans, loan guarantees, direct investment, and other support to upgrade and link regional transportation services, modernize public transit systems, install EV charging stations, deploy electric buses, and build bike and pedestrian paths. The funds could also strengthen energy security and affordability by building smart grids, community solar projects, and large-scale renewable energy generation facilities; upgrading the power grid; and supporting energy efficiency improvements. Lastly, the funds could improve neighborhood livability and safety by building new parks, expanding the urban tree canopy, and protecting natural areas that help to shield residents, businesses, and farms from flooding.

Ultimately, state leaders could also propose that Congress pass legislation to help capitalize State Future Funds in every state using federal funds to modernize infrastructure across the nation.²⁴⁴ By creating State Future Funds, state leaders can accelerate forward-leaning infrastructure and community investments needed to improve the safety, public health, and prosperity of all residents.²⁴⁵

Grow the outdoor economy

Policymakers can strengthen their local economies by putting forward policies that protect public lands and support access to the places that provide the foundation for a healthy outdoor economy. The outdoor recreation economy is a big business, generating \$887 billion in consumer spending annually and employing 7.6 million people across the nation.²⁴⁶ To thrive, this economic powerhouse relies on access to healthy public lands and waters. Indeed, Outdoor Retailer, the host of the nation's \$45 million biannual outdoor recreation trade show, left Utah over state policymakers' anti-public lands policy and rhetoric, underscoring the economic and political value of smart public lands policies.²⁴⁷ Protecting public lands and access is especially important in rural America, where towns and communities are gateways to the public lands that drive tourism and outdoor recreational spending.

A bold step that state policymakers can take is to establish a concrete goal of creating new open spaces—for instance, setting a goal of creating 10 new parks within two or four years—to clearly communicate a commitment to public lands and growing the outdoor recreation economy. Creating new open space could come in the form of designating new state, county, or city parks. It could also entail granting access to state lands that are currently closed to the public, such as opening state trust lands to recreation and codifying strong stream access laws. Prioritizing new open space in and near communities that are lacking outdoor access is a good way to diversify their economies and tap into tourism dollars that come with outdoor recreation. In addition, creating an office of outdoor recreation or creating a public access specialist position is an effective way for policymakers to prioritize access. Dedicated staff can listen to public concerns and work to remove barriers to access.

States can also support existing public lands with a dedicated funding stream that is immune to political whims; this could be done through a constitutional amendment, for example. Some states have had success funding outdoor recreation and public lands through programs that use a portion of state lottery proceeds or revenue from out-of-state fishing and hunting licenses to create permanent funding.

State leaders should also encourage their young residents to get outdoors to support their health and well-being. The national Every Kid in a Park program was developed to give every fourth-grade student—and their family—the opportunity to explore parks and public lands free of charge.²⁴⁸ This program could be replicated at the state, or even local, level. Additionally, policymakers could establish an outdoor school program that provides funding for all fifth and/or sixth graders to have a week of class focused on the great outdoors.

Women and families

American families have changed dramatically over the past 70 years, and yet the country's workplace policies have not kept pace. Today, 42 percent of mothers are sole or primary breadwinners, earning at least half of their family's income, and another 22 percent are co-breadwinners.²⁴⁹ Women and men are confronting the daily challenge of managing work, family, and the costs of raising children and caring for aging relatives with little external support.

The economic implications of the absence of strong, comprehensive policies that empower women are enormous. Many workers lack the ability to take time off to care for a newborn, the ability to pay for high-quality child care, and access to the kind of predictable and fair scheduling that permits attendance at everyday occurrences such as parent-teacher conferences or trips to the pediatrician. More and more adults are struggling to care for their parents and other aging family members while maintaining their jobs. These challenges result in a troubling number of American workers, and particularly women, being pushed into part-time work, or out of the workforce entirely, because of their family care needs. Women also continue to face a significant gender pay gap, with full-time year-round workers making only 80 cents for every dollar paid to men who work full time, year-round, or significantly less for women of color. If employers were to increase women's pay to match that of men, on average that could mean an extra \$10,086 a year for their families—and even more for women of color.²⁵⁰

Protections to advance women's equality, opportunity, and overall health and well-being—at work and even in their doctor's office—have also lagged. Although Title VII of the Civil Rights Act of 1964 prohibited sex discrimination in the workplace, it is clear that discriminatory practices, such as sexual harassment, persist across every occupation and industry. And despite the landmark ruling in *Roe v. Wade* that a woman's right to privacy under the 14th Amendment extends to her decision to have an abortion, some states have sought to erode—if not effectively nullify—that right and impose measures to interfere with the advice and care provided in the context of the doctor-patient relationship, and to undermine women's reproductive rights.

CAP offers several policies below that states could pass to modernize the nation's workplace laws, as well as better protect women's health by centering patients and by ensuring that providers can recommend care solely on the basis of professional, evidence-based standards.

Expand access to paid family and medical leave

Americans need a comprehensive paid family and medical leave policy to ensure that every worker has the right to take paid time off for the birth or adoption of a new child or to care for their own illness or injury or that of a loved one. Research shows that comprehensive paid family and medical leave is good for families, businesses, and the economy: It can boost maternal and child health outcomes, reduce employee turnover, and increase women's labor force participation.²⁵¹

Yet the United States is the only advanced economy that does not guarantee mothers the right to paid maternity leave. Only 13 percent of the private sector has access to paid family leave, and only 41 percent of private-sector workers have temporary disability insurance offered through their jobs.²⁵² Each year, working families in the United States forgo an estimated \$20.6 billion in lost wages due to the lack of access to paid family and medical leave.²⁵³

Currently, the Family and Medical Leave Act covers about 6 in 10 workers, enabling them to have access to up to 12 weeks of unpaid leave per year for family or medical leave purposes.²⁵⁴ Those who are not eligible can still lose their jobs if they need to take time off to recover from a serious illness or take care of a loved one. Even workers who are eligible for job-protected leave may face the impossible choice between their paychecks and their health, or the well-being of their family.

There is broad public support for paid family and medical leave. Recent polling shows that 70 percent of small-business owners think it is important to establish a gender-neutral federal paid family and medical leave program that workers can use to care for themselves or a family member.²⁵⁵ And almost 70 percent of those who voted for President Trump support a national social insurance program for paid family and medical leave, alongside 89 percent of those who voted for Hillary Clinton.²⁵⁶

America is woefully behind its peers when it comes to the policies that can support and empower women in the workplace. The United States and Papua New Guinea share the dubious distinction of being the only nations in the world that do not have a national paid maternity leave policy. While a national plan is the ideal, states have options and need not wait.

States can pass their own paid leave laws covering all workers in their state. California, New Jersey, and Rhode Island have now implemented different versions of paid family and medical leave programs, and New York, the District of Columbia, and Washington have passed them.²⁵⁷ Unlike the others, Washington did not previously have a temporary disability insurance program in place that could be built upon, and so it provides a model for implementation for most other states. (See also our proposal under “Lesbian, Gay, Bisexual, Transgender, and Queer Rights” to ensure that such policies cover chosen families.)

States could also choose to take the narrower step of offering paid family and medical leave to all public employees. Alternatively, states could establish leave banks where public sector employees could donate the time they have accrued in paid leave so that others who needed the time but do not have enough on their own could use it. This could be set up so that leave was used either on an emergency or planned basis.

Short of these steps, states can lay the groundwork for future action by authorizing a grant program to support experts working to design, develop, or conduct actuarial modeling on a paid leave proposal for the state. The Department of Labor under the Obama administration awarded similar grants, helping states and localities research program design and state administration options.

Ensure equal pay for equal work

Equal pay for equal work is key to the American commitment to equality and fairness. Yet throughout the U.S. economy, gender and racial wage gaps persist. Overall, women who work full-time, year-round make only 80 cents for every dollar made by men who are full-time, year-round workers. This gap is even larger for women of color. African American women make 63 cents for every dollar made by white, non-Hispanic men while Native American women make 57 cents, Latinas make only 54 cents, and Asian American women earn 87 cents for every dollar earned by white men, although this varies largely by subgroup.²⁵⁸

These pay disparities undermine women and families' economic security and long-term financial stability. Although thousands of pay discrimination charges are filed each year, there are many potential charges that go unreported because unequal pay is often difficult to uncover. Very little comparative pay information is available to workers, and even officials who are charged with enforcing equal pay laws lack regular access to comprehensive pay data from employers.²⁵⁹ Wage discrimination does not just harm women, and it is not just based on gender. On average, men filed 15 percent of gender-based wage discrimination charges during the four-year period from fiscal years 2013 through 2016. Additionally, nearly one-fifth of wage discrimination charges include an allegation of discrimination based on age, and a slightly smaller percentage of charges allege wage discrimination based on disability.²⁶⁰

To better protect workers from pay discrimination, states should strengthen equal pay protections by promoting greater transparency and pay disclosure, instituting better data collection methods, boosting enforcement efforts, and updating how equal work is defined in the law.

Depending on existing laws in each state, there are several legal changes that could be pursued to help tighten existing protections. First, states could ban potential employers from requesting a candidate's prior salary history, which can be used to justify paying one applicant more than another and perpetuate long-standing pay disparities that often relegate women and people of color to lower salaries. California, Delaware, Massachusetts, and several cities have already adopted such prior-salary ban policies.²⁶¹ Second, states could require employers to post starting salaries or salary ranges in job announcements, which would help hold employers accountable and establish transparency in pay processes. Third, states could require employers who receive state contracts to submit pay data on an annual basis. This information could be used by state enforcement agencies to help identify significant pay disparities and evaluate compliance with anti-discrimination legal obligations.

Prevent and respond to sexual harassment

Recent public discourse surrounding sexual harassment has focused on high-profile cases in politics, the media, and the entertainment industry. But sexual harassment is not confined to the elite contexts of Congress, Hollywood, and the news business; it is a structural barrier that holds all workers back from finding and keeping jobs, being productive, and performing their work to the best of

their ability. Although more research is needed to figure out who is most affected, it is evident that sexual harassment occurs across all industries and occupations; it affects women and men from every racial, ethnic, and economic background, and it affects workers in low-wage and high-wage occupations.

A CAP analysis of unpublished charge data over a 10-year period found that a little more than 80 percent of sexual harassment charges filed with the Equal Employment Opportunity Commission (EEOC) were made by women, and slightly less than 20 percent were filed by men.²⁶² Women of color face an increased risk of experiencing sexual harassment at work because of compounding racial, ethnic, and gender stereotypes. Low-wage workers are particularly vulnerable to sexual harassment because of perceived power imbalances and limited worker protections and benefits.

CAP's recent analysis of unpublished EEOC data also showed that several industries with high percentages of service and low-wage workers had high numbers of sexual harassment charges. Moreover, among sexual harassment charges filed in fiscal year 2017, nearly 72 percent of those filing charges alleged retaliation in the same or subsequent charge.²⁶³ Additionally, surveys suggest that high numbers of LGBTQ workers have faced sexual harassment on the job.²⁶⁴ Undocumented workers may also be particularly vulnerable to sexual harassment because they might be afraid to report or be unaware of their legal protections to do so.

There are myriad actions that could help combat sexual harassment in the workplace. States could double the resources for state enforcement agencies charged with investigating and resolving sexual harassment complaints, increase funding for survivor support services, and conduct a state-wide survey on sexual harassment to measure the scope of the problem in both the public and private sector. To empower harassment survivors and encourage them to come forward, states could create or expand capacity for sexual harassment hotlines or create a worker advocate program so that workers could receive unbiased advice from a trusted source.

States could also seek to limit the use of mandatory arbitration or other pre-dispute nondisclosure requirements in certain employment contracts. Many workers sign such agreements when they start a job requiring them to submit any workplace disputes to arbitration. Such proceedings can be coercive and may not afford employees the same protections that are provided under workplace discrimination laws. There is legislation in Congress that would prohibit or limit the use of this type of arbitration requirement, but it could also be examined at the state level.

To broaden protections against retaliation for coming forward with a claim, states could clarify their existing laws to ensure that victims can pursue claims when retaliation is a motivating factor for an adverse employment action or could involve stronger penalties when retaliation is proven.

Finally, states could require employers who receive state contracts to provide an annual report summarizing recent harassment settlements and findings of discrimination. Employers with troubling records of repeat violations could be blocked from receiving new lucrative state contracts and could be forced to show what steps they had taken to address sexual harassment before they were eligible to receive any such funds.

Protect the patient-provider relationship

With a great amount of uncertainty surrounding women’s health care access at the federal level, state policymakers must offer proactive solutions to advance women’s health and protect women’s right to affordable health care. Important health care decisions—including whether or not to obtain abortion care—should remain in the examination room between the patient and the provider, not dictated by politicians. Unfortunately, legal requirements that restrict abortion care have escalated in recent years. In 2017 alone, 19 states passed 63 new abortion restrictions, and the total number of abortion restrictions enacted since 2011 is now 401.²⁶⁵ The majority of states now have abortion restrictions: 41 states require abortion to be performed by a licensed physician, 43 have time-limit bans, and 37 require parental consent for minors.²⁶⁶ These laws are passed under the false pretense of protecting women’s health and safety and are often based on purely junk science.

These legislated requirements, both medically unsound and unnecessary, pose major complications to a healthy patient-provider relationship and universal access to abortion services. And the presence of taxpayer-funded fake women’s health centers, known as crisis pregnancy centers, further serve to disrupt a woman’s access to comprehensive care—an issue that was recently argued in front of the Supreme Court. For example, two states have passed laws requiring doctors to tell patients that medication abortion may be “reversible.”²⁶⁷

These types of policies necessitate a proactive response to political interference in health care to ensure that ideology does not interfere with evidence-based medical practices. Proactive state policies to preserve the patient-provider relationship will improve access to abortion and free the patient-provider relationship of these unnecessary rules.

Two state efforts underway in Pennsylvania, through the Patient Trust Act,²⁶⁸ and Ohio, through the Doctor-Patient Relationship Protection Act,²⁶⁹ strive to center abortion care, and health care generally, within the patient-provider relationship, rather than within the confines of abortion legislation that disproportionately harms low-income women and women of color. These bills allow health care providers to surpass regulations that require them to give or withhold information or care when the regulation is not supported by evidence and/or recognized medical standards.

These efforts would protect health care providers who refuse to provide inaccurate medical information or unnecessary procedures and allow them to deliver care based on the most up-to-date medical evidence with women's health care needs at the center. They also could help protect patients from inaccurate and potentially harmful information, unnecessary procedures, and needless delays in accessing time-sensitive care.

These bills provide a roadmap for state policymakers seeking to fight government interference within the patient-provider relationship, promote women-centered approaches in the provision of abortion and other reproductive health care services, and enact legislation that emphasizes the need to expand access to abortion.

Lesbian, gay, bisexual, transgender, and queer rights

While the fight for lesbian, gay, bisexual, transgender, and queer people's rights is decades old, the more recent emergence of a national marriage equality movement became a massive public education campaign about the lives of the estimated 10 million adults in the United States who identify as part of this community.²⁷⁰ With that came a greater understanding of the impact of both institutional and interpersonal discrimination on LGBTQ people and their families, who evidence disparities in health outcomes, economic security, housing instability, and other areas relative to their non-LGBTQ peers. Following the Supreme Court decision in *Obergefell v. Hodges*, which brought marriage equality nationwide, there is now a significant disconnect between the legal rights available to same-sex couples and the statutory nondiscrimination protections afforded all people based on their sexual orientation and gender identity and expression. A majority of LGBTQ people live in the roughly 30 states that still lack clear and explicit statutory discrimination protections, and many live in jurisdictions—such as North Carolina—where legislatures are actively fighting to pass and enforce statewide legislation that preempts localities from creating LGBTQ-inclusive protections.

With the landscape of federal protections uncertain, state officials can make significant, positive changes in LGBTQ people's lives across a range of policy areas, including implementing the ideas outlined in other sections of this report. Multiple state legislatures and executives have advanced inclusive nondiscrimination policies, bans on conversion therapy being conducted on minors, and employment protections for public sector workers. As a baseline, states can build a strong foundation of nondiscrimination protections for both individuals and families by updating their civil rights laws to include sexual orientation and gender identity protections and by ensuring that workplace leave policies are inclusive of all types of family structures.

Support LGBTQ-inclusive nondiscrimination protections

In 2015, a pediatrician in Detroit refused to care for a 6-day-old baby because she had two moms.²⁷¹ Sadly, discrimination against LGBTQ people is widespread and pervasive, affecting people in employment, housing, health care, access to credit, and other areas of life. One in four LGBTQ people reported experiencing sexual orientation or gender identity discrimination in 2016,²⁷² causing a significant number of them to avoid stores, restaurants, or even the doctor's office to avoid further discrimination.²⁷³

Fortunately, roughly 20 states, the District of Columbia, and hundreds of localities have taken steps to protect LGBTQ people by adding sexual orientation and gender identity to their nondiscrimination laws.²⁷⁴ Another two states fail to explicitly protect transgender and gender-nonconforming people in employment but do explicitly protect residents on the basis of sexual orientation.²⁷⁵

To fully protect the community, all states must pass explicit protections from discrimination on the basis of sexual orientation and gender identity and expression that mirror the rights of other protected classes. To achieve true equality, these protections should be comprehensive, inclusive, and maintain or preferably enhance civil rights laws for other protected classes.²⁷⁶ Another core principle is that the nondiscrimination law not include an overly broad religious exemption, particularly one that treats sexual orientation and gender identity differently from other classes, since such an exemption undermines the nondiscrimination law by licensing discrimination and is not necessary to protect the crucial right to religious freedom.²⁷⁷

In addition to pushing for legislative protections, state executives should interpret existing protections on the basis of sex as including sexual orientation and gender identity, in line with court precedent and the findings of the Equal Employment Opportunity Commission.²⁷⁸ In 2016, for example, the governor of New York promulgated regulations to interpret prohibitions on sex discrimination in the state's human rights law as including prohibitions on gender identity discrimination.²⁷⁹

Support paid leave policies that expand the definition of family to include chosen family

Public policy regularly defines those individuals considered to be family, children, or dependents to determine eligibility for benefits such as health care or paid leave. While various community traditions have long established family structures different from the stereotypical notion of the so-called nuclear family model, public policy has not always been responsive to the needs of other types of families. Today, less than 20 percent of households adhere to the model of a married couple and their children,²⁸⁰ and LGBTQ people especially rely on alternative family structures. A recent CAP survey demonstrated that the need for paid leave policies that cover chosen families is widely shared: Among currently employed adults, 32 percent have needed to take time off from work to care for a friend or chosen family member, and an even higher percentage of individuals identifying as LGBTQ (42 percent) or as having a disability (also 42 percent) were providing this kind of care.²⁸¹

Fortunately, state and local officials have taken the lead in advancing workplace policies that include chosen family and these types of policies are supported by the public at-large as well. In 2016, for example, nearly 1.5 million Arizonans voted in favor of a ballot measure to provide guaranteed paid sick time that includes chosen family, and the New Jersey state legislature passed a more inclusive paid sick time law in April 2017.²⁸²

To meet the needs of a greater proportion of families, state officials can advance both legislation and regulations that define family in more inclusive ways. Building on a long history in federal regulation,²⁸³ since 2016, nine state and local paid sick time laws have been passed that cover chosen and extended family.²⁸⁴ There are various models in use in these states and localities, including a “blood or affinity” standard that has been used to include chosen and extended family in some jurisdictions.²⁸⁵ It is important to note, however, that in some but not all states the “blood or affinity” phrasing may be a narrower option for covering chosen family. This is because “affinity” in some states, based on statutory or common law, describes familial relationships created by marriage,²⁸⁶ which would exclude many of the nonlegal relationships chosen family is meant to encompass. To guard against this, states that expand paid family and medical leave and/or paid sick and safe days should review their state legal landscape and consider a definition of chosen family that omits the word affinity, such as “any other individual related by blood or whose close association with the Employee is the equivalent of a family relationship,” as Austin, Texas, and Chicago and Cook County, Illinois, have done.²⁸⁷

Immigration

Immigration policy in 2018 stands at a precarious place. Even though more than 80 percent of the population supports providing a path to citizenship for Dreamers—undocumented people who came to the United States at a young age—Congress remains gridlocked and hundreds of thousands of Dreamers remain at risk of losing their ability to remain in the country.²⁸⁸ After unsuccessful efforts in 2006, 2007, and 2013 to pass legislation that would similarly provide a path to citizenship to the broader undocumented immigrant population, Congress appears unlikely to take up the issue at present.²⁸⁹ In the absence of congressional action, the Trump administration is aggressively ramping up detentions and deportations of anyone here without status, regardless of equities or community ties and without any sense of compassion. Long-time residents of the United States are being arrested, detained, and deported while bringing their children to school,²⁹⁰ recovering from surgery in the hospital,²⁹¹ seeking a protective order in court,²⁹² and even while interviewing with U.S. Citizenship and Immigration Services to adjust to lawful permanent resident status through marriage.²⁹³

At the same time, cities and states across the country are taking actions that welcome immigrants, rather than reject them, and that help them assert their rights as members of the community.²⁹⁴ Officials, advocates, and policymakers in these areas understand the benefits—to the economy, to the community, to public safety, and more—that come with integrating rather than excluding immigrants. Undocumented immigrants alone, for example, pay more than \$11.7 billion in state and local taxes each year.²⁹⁵ Altogether, immigrants across the United States hold more than \$926 billion in purchasing power—money that would evaporate were these immigrants to be forced or driven out from their communities.²⁹⁶

CAP proposes three actions that states and localities could take to help with this integration. First, states and cities should follow the lead of places from Los Angeles to Austin, Texas, to New York state that have created funds to help immigrants access and afford a legal defense. Second, states and cities can do more to expand identification cards and to open professional licensing to immigrants to

ensure that all members of the community can contribute to their fullest potential. Third, states should streamline occupational licensing to allow immigrants to enter or re-enter their occupations.

Create an immigrant legal justice fund to guarantee legal representation to immigrants

As the Trump administration has ramped up attacks on immigrant communities—indiscriminately targeting parents,²⁹⁷ young children,²⁹⁸ Dreamers,²⁹⁹ teachers,³⁰⁰ survivors of domestic abuse,³⁰¹ and others for detention and deportation—several locales have created funds to support legal services and legal defense for immigrants.³⁰² Cities, counties, and states can follow their leadership by setting up similar funds to protect their immigrant communities, particularly for those in detention and facing enormous barriers to fighting their cases.

Because immigration proceedings are civil, rather than criminal, immigrants are not guaranteed to have an attorney present—and not at the government’s expense—for their immigration proceedings.³⁰³ Even children as young as toddlers do not have a right to appointed counsel, and significant numbers of children in immigration proceedings still do not have representation.³⁰⁴ Nationwide, only an estimated 37 percent of immigrants between 2007 and 2012 had legal representation, a figure that drops precipitously to only 14 percent for immigrants in detention. Yet immigrants with counsel are significantly more likely to apply for, and receive, relief.³⁰⁵

Among the jurisdictions that have created specific funds for immigrant legal services are New York City with a \$16.4 million fund;³⁰⁶ Los Angeles with a \$10 million fund;³⁰⁷ New York with a \$10 million fund;³⁰⁸ Chicago with a \$1.3 million fund;³⁰⁹ and the District of Columbia with a \$500,000 fund.³¹⁰ The funding mechanisms for these initiatives vary. New York’s Liberty Defense Project, for example, includes private philanthropic funding from the Carnegie Corporation of New York and the Ford Foundation,³¹¹ while Austin, Texas, initially used emergency relief funds to cover \$200,000 in legal defense funding.³¹² Likewise, the L.A. Justice Fund contains a mix of public and private funding.³¹³

On the other hand, the vast majority of the money for New York City’s fund comes from the city’s budget, with only a small portion coming from private donors.³¹⁴ Similarly, in an effort to encourage public funding of these programs, the Vera Institute for Justice recently launched the SAFE Cities Network,

which provides matching grants to jurisdictions across 11 cities and counties in eight states that have dedicated resources for legal representation for immigrants facing deportation.³¹⁵

Likewise, the services covered by these funds also vary. Some, such as the L.A. Justice fund,³¹⁶ are primarily targeted toward defending immigrants caught up in the deportation machinery and providing know-your-rights trainings. Other programs, such as the New York Immigrant Family Unity project, are specifically dedicated to providing universal legal representation to any immigrant in detention who cannot otherwise afford it.³¹⁷ Still others, such as the District of Columbia's Immigrant Justice Legal Services Grant Program, help with legal defense and also provide funding to organizations working to help immigrants naturalize or apply for protection under programs such as Deferred Action for Childhood Arrivals (DACA) or for U or T visas, for victims of crimes and trafficking, respectively.³¹⁸ While providing legal counsel—particularly for those in immigrant detention—is of paramount importance, helping those that have DACA renew their status and defray the nearly \$500 fee is all the more critical right now, given court injunctions allowing these renewals to move forward and Congress' failure to pass legislative protection for Dreamers.³¹⁹

Issue driver's licenses and state identification cards regardless of immigration status

Having an official identification document with a photo may sound routine, but it has the power to increase access to essential services, such as public libraries, and enhance safety and security. Throughout the United States, without valid identification, a person can be barred from basic activities such as renting an apartment, confirming a hotel reservation, and picking up prescription medicines. Unfortunately, the roughly 11 million unauthorized immigrants in the country must find ways to navigate their daily lives since they often lack identification of any format, including foreign passports.³²⁰

The REAL ID Act of 2005 requires that for state-issued ID cards to be used to enter certain federal facilities or to board just about any flight, they must meet a set of national standards that include verification of an applicant's Social Security number and proof of lawful status.³²¹ However, REAL ID also grants states flexibility to issue noncompliant driver's licenses and ID cards to those individuals for whom lawful status cannot be determined. These IDs must be distinct from compliant cards and cannot be used for certain federal purposes but can still be used for activities such as driving or to access businesses and services.³²²

Several states have taken the initiative to ensure that everyone has access to a driver's license and, in some cases, state ID cards, regardless of their immigration status. While the provisions and the way they are administered differ across states, they allow individuals who do not have the otherwise-required documents—including those showing valid immigration status—to receive drivers' licenses. As of May 2017, 12 states—California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Mexico, Utah, Vermont, and Washington—the District of Columbia, and Puerto Rico have laws that allow their jurisdiction to issue some form of driver's license allowing unauthorized immigrants to drive; some also issue state ID cards.³²³

There is a strong case to be made for other states to follow the lead of these dozen states. Allowing access to driver's licenses for people on the road is a commonsense policy.³²⁴ It improves interaction of local law enforcement with unauthorized immigrants by giving local enforcement an easy way to find out an individual's identity. It makes roads safer for everyone and has been shown to increase states' revenues.³²⁵

Furthermore, cities looking to improve the lives of their immigrant residents can look toward municipal ID cards that also have similar benefits regarding identification.³²⁶ For example, New York City; New Haven, Connecticut; and Oakland, California, allow individuals to apply for municipal ID cards with a flexible set of required documents. Many cities work with local banks to ensure that they can be used to open bank accounts and access other banking services. The Richmond, California, ID card allows cardholders an optional prepaid card service with access to banking services such as direct deposit and debit card services.³²⁷

Streamline state licensing to allow immigrant workers to easily enter or re-enter their occupations

According to the Bureau of Labor Statistics, nearly one-quarter of American workers in 2016 had occupational licenses.³²⁸ Occupational licenses are permits issued by states and some cities to allow individuals to legally work in a specific field. While there is an ongoing discussion about reforming occupational licensure more generally, the hodgepodge of different and sometimes contradictory requirements across federal, state, and local regulations creates an extra burden on immigrant workers wanting to either get recertified or enter a certain occupation. Making it easier for immigrants to get recertified at every level of skill, as well as removing barriers to enter a field, is beneficial not just for immigrants but also for each state's economy.

One of the main barriers for highly skilled, foreign-trained immigrant and refugee professionals is navigating the complex state licensing requirements, credential assessment services, and membership in professional associations often needed to work in occupations that match their skills.³²⁹ These processes are lengthy and expensive, locking out many immigrants and refugees who are trying to adjust to their new lives. In a heavily regulated field such as medicine, foreign-trained professionals must validate their training, pass licensing exams, and go through years of residency, regardless of their experience abroad. Given that the pool of immigrants coming to the United States are increasingly highly educated, not having a streamlined system in place to recognize the foreign credentials of professionals means that states will be underutilizing their skills and losing out on valuable contributions.³³⁰

These state-issued licenses are not limited to doctors, lawyers, and engineers; they also span hundreds of middle- and low-income occupations, such as manicurists, travel guides, and barbers.³³¹ The requirements to get licenses for low-skilled work often place an undue burden on immigrants, for example, by requiring things such as English language proficiency or proof of years of work in the United States.³³²

For unauthorized immigrants, it is even trickier to get licensed in any field. Although state licensing boards regulate licenses, federal law does not allow states to give professional licenses to unauthorized workers unless states actively pass legislation allowing them to do so.³³³ For example, California passed a bill to ensure that licenses are not restricted because of a person's immigration status. Several states have passed laws to grant access to professional licenses to recipients of DACA:³³⁴ Florida and Illinois allow DACA recipients to apply for law licenses; Nebraska extended access to all occupational licensing to DACA recipients, overriding the governor's veto;³³⁵ and New York allows recipients to get certain professional licenses and a teacher certification. Although the Indiana Professional Licensing Agency concluded recently that a 2011 law prohibits DACA recipients from holding a professional license,³³⁶ the state's Republican governor supports legislation to fix this issue, arguing that until Congress takes action, "Indiana state law should allow DACA recipients to skill up and work here in Indiana."³³⁷ Each of these important provisions hangs in the balance with uncertainty around the future of the DACA program. Nevertheless, with nearly 700,000 people with active DACA status today, expanding licensing remains important.³³⁸

Criminal justice

Ensuring the public's safety is an enduring priority of states across the country. It is an essential foundation for thriving schools, economic development, and virtually all aspects of community life. Over the past 25 years, the crime rate in the United States has steadily declined and now is half of what it was during its peak years in the early 1990s.³³⁹ Common misconceptions dictate that this remarkable feat was achieved through the overreliance, or exclusive reliance, on increasing arrests, convictions, and lengthy prison sentences—so-called tough on crime policies. But researchers have concluded that there is only weak evidence that increased prison populations led to large aggregate reductions in crime rates. Instead, they attribute the drop in crime to a combination of other factors, such as a stronger economy, demographic changes and an aging population, and even technological innovations such as home alarm and surveillance systems.³⁴⁰

What tough on crime did achieve was mass incarceration with devastating effects, especially for people and communities of color. The statistics are now all too familiar. The United States has less than 5 percent of the world's population but nearly 25 percent of its incarcerated population.³⁴¹ Thirty-two states and the District of Columbia have a higher incarceration rate than any other country in the world.³⁴² On average, there are more than 730,000 people who sit in jail every day, the vast majority of whom have not been convicted of a crime but are awaiting trial.³⁴³ In short, the criminal justice system has become far larger than necessary. And 1 in 3 Americans now have some type of criminal record, which can present lifelong barriers to employment, housing, education and training, and more, making even a minor record a life sentence to poverty.³⁴⁴

In recent years, states across the country have been leading the way to reform their criminal justice systems to make them fairer and more equitable while simultaneously enhancing public safety. Whether motivated to end mass incarceration or to reduce budgets bloated from the cost of imprisoning more than 2 million people each year, elected leaders and their constituents continue to push for change. This includes revising criminal penalties by eliminating man-

datory minimums, reforming police practices to emphasize de-escalation over using force, eliminating the criminalization of poverty that keeps people in jail if they cannot make bail or pay a court fee, and ensuring that people with criminal records can re-enter their communities and lead more productive lives.

The need for states to enact criminal justice reforms is as crucial as ever, especially with the absence of federal leadership and new public safety challenges. Although crime rates overall remain low, some jurisdictions have experienced fluctuations in violent crimes over the past two years. Many states are dealing with another drug crisis, as heroin- and opioid-related overdoses and deaths reach epidemic proportions. States can respond by either retreating to discredited conventional wisdom or by forging ahead with comprehensive and data- and evidence-driven solutions that will produce a fairer, more just, and effective criminal justice system. The following are a few examples of this Smart on Crime approach.³⁴⁵

Respond to substance misuse as an epidemic, not a war

The United States is currently in the middle of a devastating substance abuse crisis. Since 2000, the number of opioid related deaths has quadrupled, and there were three times more heroin-related deaths in 2015 than in 2010.³⁴⁶ To put it in starker terms, nearly 200 lives are lost every day to a drug addiction. Needless to say, the current emergency requires immediate attention and solutions, but recent history teaches that the thoughtfulness of the approach is just as important as the speed of the response.

Thankfully, a growing number of elected leaders have acknowledged the failures of tough on crime responses to crack cocaine and are taking a different approach to tackling this problem. Instead of reviving a war on drugs, states are considering opioid addiction to be a public health epidemic. This means that treatment is preferred over punishment and that a medical diagnosis is held to be more effective than a criminal conviction. For example, some states are expanding Medicaid and health insurance coverage for evidence-based medication-assisted treatment, combining a medication such as methadone with behavioral therapy. States also are enhancing and expanding prescription drug monitoring programs that track controlled substance prescriptions in a state through an electronic database that is accessible to health care providers. A few jurisdictions are experimenting with more provocative harm reduction strategies such as syringe exchanges and safe injection sites.

As the effort to institute a public health approach to substance abuse grows, states must address how to reform criminal justice responses to ensure that they are aligned with this course. This entails significant training and policy changes within police departments, jails, and state prisons, among other agencies. The following is a list of policies and strategies that states can undertake to ensure a consistent approach.

Pass and consistently enforce good Samaritan laws

These laws afford immunity or some type of legal protection to a person who reports an overdose to 911 or other emergency responders. These laws encourage people who are experiencing, or observe another person experiencing, a drug overdose to seek assistance even if the person, for example, is in possession of drug paraphernalia or has violated probation conditions.

Provide police with tools to prevent overdoses

An increasing number of law enforcement agencies are equipped with naloxone, a medication that rapidly reverses the effects of an opioid overdose. States should continue to provide funding for this tool, and their police accreditation agencies should require police and sheriff's departments to train all officers and deputies on how and when to use naloxone.

Invest a significant portion of the state's corrections budget in substance abuse treatment

States should increase substance abuse treatment programs and facilities. North Dakota, for example, appropriated \$7.5 million from its corrections budget and transferred it to its Department of Health and Human Services for drug treatment programs for parolees and probationers. The head of the state's corrections department endorsed this package of reform measures to “reduce our over-reliance on incarceration to deal with addiction and behavioral health issues.”³⁴⁷

Evaluate retroactively applying the public health approach for all substance abuse

The opioid epidemic is notable not only because of the devastation it is causing but also because it is affecting a broader population—namely suburban and rural majority-white communities. Previous approaches, however, resulted in criminal convictions for people of color who were similarly dealing with substance abuse. States should consider greater use of clemency, expungement, and sealing of records for those who have previous criminal convictions that should have been addressed through a public health approach instead.

Make the pretrial system fairer and more effective

On any given day, approximately 20 percent of the total population incarcerated in our country's prisons and jails has not been convicted of the crime for which they were arrested but are legally innocent and awaiting trial or disposition of their case.³⁴⁸ In fact, the total U.S. jail population has nearly doubled in the past 15 years due to our antiquated pretrial systems that require some type of financial collateral to be paid, either directly by the person being released or through a bail bondsman who charges a substantial fee in order to secure release.³⁴⁹ Certainly, the public has an interest in ensuring that people neither abscond nor pose a danger to the community between their scheduled court appearances. But the manner in which states seek to achieve these goals can cause more individual and societal harm than needed.

For example, incarceration for even three days has a significant impact on whether a person will commit another crime in the future. According to a study conducted by the Laura and John Arnold Foundation, “When held 2-3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours.”³⁵⁰ The money bail system also has a disproportionate effect on those who are poor and people of color. Recent studies in New York showed that black people were 10 percent more likely than white people to be detained pretrial.³⁵¹ Moreover, only 15 percent of those arrested could afford to pay bail set at \$500 or lower.³⁵²

But jurisdictions have found alternatives that take a smarter and more just approach. For the past 20 years, the District of Columbia has allowed more than 90 percent of people who are arrested to be released prior to trial. Instead

of requiring these individuals to pay money for their release, the D.C. Pretrial Services Agency conducts an assessment of the person's needs and risks and makes a recommendation to a judge. The presumption is that a person will be released with specific requirements such as regular check-ins with pretrial officers and, where applicable, additional conditions such as drug testing. Those with a higher risk profile will be monitored through a GPS tracking device or subjected to home confinement. A person will be jailed only if no combination of conditions will reasonably assure the person's appearance in court and the public's safety. The results have surpassed conventional expectations: The district's court appearance rate and the percentage of people who do not commit crimes while released exceed 90 percent.³⁵³

Other states have enacted similar reforms. Kentucky passed legislation in 2011 that required judges to release any person whose pretrial assessment showed low or moderate risk levels.³⁵⁴ New Jersey followed suit in 2014, and since implementation, both the state's crime rate and pretrial jail population have decreased.³⁵⁵ In Congress, Sens. Kamala Harris (D-CA) and Rand Paul (R-KY) introduced the Pretrial Integrity and Safety Act, a bipartisan bill that provides resources to states looking to reform or remove their money bail systems.³⁵⁶ The bill also provides a roadmap of four reforms that a state can institute through legislation to bring more fairness and equity to the pretrial justice system.

First, states should add an assessment tool that brings in objective factors other than criminal history to help determine whether a person will show up for court appearances and does not pose a danger to the community. These risk assessments should be locally validated so that they do not result in unwarranted racial or other disparities. Second, states should clarify that detention can only be used after a judicial officer determines, by clear and convincing evidence and after a hearing during which the defendant is represented by counsel, that the appearance of the defendant in court and the safety of the community cannot reasonably be assured through the use of any combination of release conditions. Third, states should direct pretrial release conditions to be the least restrictive necessary to reasonably assure the appearance of the defendant in court and the safety of others in the community. Finally, states should take the steps necessary to safeguard the constitutional rights of a defendant to a speedy trial.

Enable people with minor criminal records to earn a “clean slate”

Following decades of mass incarceration and over-criminalization, as many as 100 million—or 1 in 3 Americans—now have some type of criminal record. Many have only minor records, such as misdemeanors, and many have arrests that never even led to conviction. But with nearly 9 in 10 employers and 4 in 5 landlords now using background checks, any record can mean the difference between an opportunity and a closed door. Even a minor record can be a life sentence to poverty for people with records and their families, as employment, housing, education, and more can be permanently out of reach.³⁵⁷

Meanwhile, nearly half of U.S. children now have a parent with a criminal record.³⁵⁸ The barriers associated with a parent’s record can severely limit a child’s life chances, hampering cognitive development, school performance, and even employment outcomes in adulthood.³⁵⁹ The lifelong barriers associated with a criminal record take a toll on the national economy. Estimates put the cost of employment losses as high as \$87 billion in lost GDP every year, even as employers say they are facing skilled worker shortages and are having trouble finding qualified workers.³⁶⁰

The Clean Slate Act, bipartisan legislation that has passed both chambers of the Pennsylvania legislature, offers a model: enabling people to earn a “clean slate” once they have proven their rehabilitation by remaining crime-free for a set period of time. Research shows that once a person with a nonviolent conviction stays crime-free for three to four years, they are no more likely to commit a new crime than a member of the general population.³⁶¹

Clean slate legislation provides for the sealing of records, meaning the record is unavailable to the public but is retained by law enforcement—unlike with expungement, where the record is destroyed. Minor nonviolent records qualify for clean slate sealing. Exactly which types of records qualify for sealing can be tailored based on a state’s needs, current records infrastructure, and political landscape.

Furthermore, clean slate legislation creates automatic, electronic sealing of records, ensuring that all eligible people benefit even if they cannot afford a lawyer. In addition, the automatic feature relieves additional burdens on the nation’s already overtaxed courts by eliminating the need for lengthy expungement proceedings and oftentimes accomplishes sealing through a simple electronic data query by state court systems.

States should follow Pennsylvania's lead by enacting clean slate legislation. It has the potential to make a huge dent in the nation's poverty rate, boost labor force participation, and save taxpayer dollars in reduced incarceration costs—all while increasing public safety.

Gun violence prevention

Gun violence in the United States is a public health crisis. In 2016, 38,658 people were killed in tragic incidents that involved homicides, suicides, and accidental shootings.³⁶² Tens of thousands more are injured by gunfire every year.³⁶³ In 24 states, more people are killed by gunshots than in car accidents,³⁶⁴ and gunshots are a leading cause of injury-related death of young people between the ages of 15 and 29.³⁶⁵ While much attention is paid to the horrific high-profile mass shootings that take many lives in a single incident, the more common experience of gun violence in the United States involves interpersonal disputes that become fatal because of easy access to guns. When it comes to this daily toll of gun violence, communities of color are disproportionately affected because they often face social and economic challenges, such as poverty, lack of employment and educational opportunities, and overcriminalization and barriers to re-entry, as well as a lack of trust in police. All of these factors combined jeopardize public safety. While African Americans make up 14 percent of the total population, they account for 56 percent of all gun homicide victims.³⁶⁶ Easy access to guns also imperils the safety of victims of domestic violence. The presence of a gun in a household that has experienced domestic violence increases the risk that a woman will be murdered 500 percent.³⁶⁷ From 2006 to 2015, 55 percent of all women who were murdered by an intimate partner were killed with a gun.³⁶⁸ When we compare our experience with other high-income nations, it becomes clear that gun violence is a uniquely American problem. The gun murder rate in the United States is 25 times higher than that of our peer nations.³⁶⁹

Gun violence can seem like an intractable problem, particularly in light of the relative inaction to address it at the federal level. However, while there has been little progress in Congress to strengthen the nation's laws to help reduce gun violence, many states have been leading the way when it comes to enacting bold new solutions to help keep guns out of the wrong hands and to protect community safety. In just the two months immediately following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, a number of states acted quickly to strengthen state gun laws, including Florida, Vermont, Maryland,

and Oregon.³⁷⁰ There is a growing body of evidence demonstrating that strong gun laws are effective at reducing gun violence. A 2016 CAP report analyzing data from the FBI and the Centers for Disease Control and Prevention found that the 10 states with the weakest gun laws collectively have an aggregate level of gun violence that is more than three times higher than the 10 states with the strongest gun laws.³⁷¹ In addition to pursuing strong legislation to help keep guns out of the wrong hands, there are many options available for state leaders to take nonlegislative action to address many aspects of the gun violence problem in their communities. In 2015, CAP released a report offering 28 ideas for state executive action to reduce gun violence, including measures to strengthen the background check system, improve data collection, enhance community engagement in violence prevention efforts, and increase oversight over the gun industry.³⁷²

While progress on enacting strong new laws and policies to reduce gun violence remains stagnant in Congress, there is much that state leaders can do to address gun violence in their communities.

Implement strong laws and policies to help keep guns out of the wrong hands

There are four core aspects to keeping guns out of the wrong hands that state policymakers should consider.

Prevent gun sales to those who pose a serious risk to public safety

States need to enact strong laws that prohibit dangerous people from buying and possessing guns. Federal law sets a floor when it comes to eligibility for gun possession, barring nine categories of people from buying and possessing guns, including individuals convicted of felony crimes, some domestic abusers who have been convicted of misdemeanor crimes or subject to a restraining order, and individuals with a certain history of involuntary mental health treatment.³⁷³ However, the federal law has some significant gaps that can be addressed at the state level. For example, federal law does not prohibit gun ownership for individuals who have been convicted of misdemeanor-level domestic abuse against a dating partner, rather than a spouse. Federal law also does not cover individuals convicted of violent misdemeanor crimes, such as stalking and hate crimes. Governors should work with state legislators to enact strong laws that address these gaps in federal

law and ensure that all individuals who pose a serious risk to public safety are not legally eligible to buy guns. States should also enact legislation creating extreme risk protection orders—a civil remedy that allows family members or law enforcement to petition a court to temporarily remove firearms from a person experiencing a crisis who poses a risk of harm to self or others.³⁷⁴

Keep background check records accurate and updated

State leaders need to take steps to ensure that all records of prohibited individuals are provided to the National Instant Criminal Background Check System (NICS), the federal system operated by the FBI to conduct background checks for gun sales. The efficacy of the background check system hinges on the quality of the records within it, and there have been numerous examples of a breakdown in the communication of these records from local and state law enforcement agencies and courts to the FBI. For example, the perpetrator of the mass shooting at the First Baptist Church in Sutherland Springs, Texas, in November 2017 was able to buy the guns used in that attack despite a military conviction for domestic abuse because the Air Force failed to provide the record of his conviction to NICS.³⁷⁵ The perpetrators who committed the mass shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, in 2015 and Virginia Tech in 2007 similarly were able to buy guns despite being prohibited under federal law because of a breakdown in providing their information to NICS.³⁷⁶ State executives have a substantial role to play in working with local law enforcement agencies and court administrators to ensure that records of prohibited individuals are being properly identified, through a process of pre-validation, and communicated to NICS.³⁷⁷ States can also apply for federal grant funding provided through the NICS Act Record Improvement Program and the National Criminal History Improvement Program to help improve their ability to provide these crucial records.³⁷⁸ New federal legislation enacted as part of the fiscal year 2018 omnibus bill in March 2018 provides additional incentives for states to improve the submission of these records.³⁷⁹

Require background checks for all gun sales

States must enact legislation to require a background check for all gun sales. Under current federal law, only licensed gun dealers are required to conduct a background check, but unlicensed individuals are free to sell guns through private transactions without a background check and with no questions asked. As of April 2018,

20 states and Washington, D.C., have acted to close this gap in the federal law and require background checks for all gun sales, including private sale transactions that occur online or at gun shows.³⁸⁰ Evidence shows that states that have closed this loophole present significantly lower rates of gun suicides, gun homicides of women by intimate partners, and law enforcement officers killed with a gun.³⁸¹

Improve enforcement of gun laws

State leaders need to ensure that there are policies in place to ensure robust implementation and enforcement of gun laws, by ensuring, for example, that individuals are required to surrender any guns already in their possession once they become prohibited from gun ownership.³⁸² State leaders should also focus investigative and enforcement efforts on gun trafficking, particularly large-scale trafficking networks that move guns from states with weaker gun laws to states with stronger laws.³⁸³ State and local leaders should also dedicate resources to support community-based violence reduction programs, such as group violence intervention programs.³⁸⁴

Protect communities by preventing gun theft

The best estimates put the number of guns in the United States between 270 million and 310 million.³⁸⁵ One of the risks inherent in this level of gun ownership is that of theft. Gun theft is a substantial problem in the United States. From 2012 to 2015, an estimated 1.2 million guns were reported stolen from individuals nationwide.³⁸⁶ The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has recently expressed concern about an increase in thefts from gun stores. Between 2012 and 2016, burglaries of gun stores increased 48 percent and robberies increased 175 percent. Nearly 31,500 guns were stolen from gun dealers during this period.³⁸⁷

Stolen guns pose a serious risk to community safety. In addition to exploiting weaknesses in the current law, theft is one of the primary ways that guns end up diverted from lawful owners and into illegal trafficking channels. The most recent ATF analysis found that nearly 14 percent of federal gun trafficking investigations involved guns stolen from gun dealers and another 10 percent involved guns stolen from individuals.³⁸⁸ Stolen guns also end up used in the commission of violent crime: From 2010 to 2015, more than 9,700 guns recovered by police as part of a criminal investigation and traced by ATF had been reported stolen or lost from gun dealers.³⁸⁹

There are many steps that state leaders can take to help prevent gun theft. There is a significant gap in the federal law that prevents ATF from requiring licensed gun dealers to implement any specific security measures to help secure their dangerous inventory.³⁹⁰ Governors should work with legislators to fill this gap by enacting state legislation to require gun stores to take certain mandatory steps to secure their inventory, such as installing an alarm system and video cameras, and storing guns securely during nonbusiness hours.³⁹¹ State executives should also consider options for using existing authority to encourage or incentivize gun stores to implement anti-theft measures.³⁹² In addition, governors should work with state legislatures to enact common sense laws to help prevent theft from individual gun owners, such as laws requiring the safe and secure storage of guns in the home and in vehicles.³⁹³ Finally, states should enact laws that require gun owners to report to local law enforcement when their guns are stolen or lost. Only 9 states require this type of reporting, and the lack of such mandatory reporting hinders law enforcement efforts to investigate gun thefts and recover stolen guns. The absence of a reporting requirement also enables gun trafficking and straw purchasing by allowing traffickers to simply say that any crime gun traced to them was stolen.³⁹⁴

Conclusion

Americans are hungry for government to take meaningful action to improve their lives. In this moment, states can step in where the federal government is blocked: As laboratories of democracy, states' experimentation and ability to more nimbly meet the needs on the ground enable them to deliver stability, security, and positive change for working families.

The policies in this report are a broad menu of new options for states to consider as they take up this mantle and tackle some of the most significant challenges facing their residents. While federal action is still needed, states can take steps to ensure that prosperity is broadly shared, safeguard air and water for generations to come, enshrine education as a pathway forward for all, and restore Americans' faith in democracy. By adopting these policies, states will not only uplift their own residents, they will also show the way for Congress and federal policymakers to govern with progressive values that put working families first.

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