



November 24, 2020

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The Leadership Conference on Civil and Human Rights Transition Priorities

For 70 years, The Leadership Conference on Civil and Human Rights has led efforts to achieve the coalition's shared vision of an America as good in practice as it is in promise. To that end, together with our [11 task forces](#), we have identified and developed a comprehensive list of priority executive and legislative initiatives that represent a path forward for our country in advancing social and economic justice. Our task forces are composed of coalition members who have expertise in each issue area highlighted in this document, including census, education, employment, fair courts, fair housing and lending, hate crimes, health care, immigration, justice, media/telecommunications, and voting rights. Since early 2020, our task forces and staff have worked to develop a shared transition agenda that prioritizes civil rights for the next administration and the 117th Congress. Our priorities are organized by task force and are presented alphabetically, not in order of urgency or importance. Similarly, the initiatives within each subject matter area are not ranked in order of importance but are equally of concern to the relevant task force. Finally, the priorities do not reflect the views of any one person or organization but rather reflect the shared agenda developed over the past several months.

While the below executive summary of our priorities does not reflect the full agenda of all of our member organizations, it does highlight the issues that are at the top of the coalition's agenda. We believe that these goals can and should be met by the new administration and Congress.

Day One COVID-19 Response

- Introduce and enact [comprehensive COVID-19 relief legislation](#) that: 1) [ensures equal access to quality health care with data collection](#); 2) [provides more relief to the most marginalized communities](#); 3) provides [affordable access to broadband](#) and ends predatory communications pricing in prisons; 4) safeguards homes and financial health and provides shelter to those most in need; 5) protects all workers from exposure to COVID-19 in the workplace; 6) extends and expands emergency paid leave and paid sick days; 7) reauthorizes and extends pandemic-related unemployment insurance; 8) [reduces](#) pretrial and prison populations and [risks](#) to incarcerated people and corrections employees; 9) combats the sharp increase in hate crimes; 10) minimizes learning loss, ensures educational opportunity, and protects student loan borrowers; 11) protects our democracy and democratic institutions; and 12) protects [immigrants](#) and citizens alike. The bill should [reject any measure](#) that would allow employers to escape accountability for making decisions that sacrifice their employees' health and well-being in the name of "reopening" the economy, or that would deprive working people of their legal rights when employers disregard policies that prevent people from contracting the virus.

President & CEO

Vanita Gupta

- Ensure a swift and robust administrative response to COVID-19, including: 1) transparent procedures to ensure equitable evaluation, approval, and distribution of treatments and vaccines; 2) provide continued coverage of testing and treatment; 3) provide PPE to frontline/essential workers; and 4) take other necessary steps to stem the continued spread of COVID-19, which has disproportionately harmed people of color and people in congregate settings.

Regulatory and Executive Action

First 100 Days

- **Census:** Rescind the July 11, 2019 Executive Order on citizenship status in the census and the July 21, 2020 Memorandum on undocumented immigrants and apportionment.
- **Employment:** Rescind all executive orders, regulations, and guidance documents, and immediately suspend action on any proposed rules or guidance under development or not yet finalized, which undermine civil rights and workplace protections.
- **Fair Courts:** Make judicial nominations an immediate and enduring priority and select and nominate for federal judgeships individuals who have a demonstrated commitment to civil and human rights, are fair-minded, and possess a progressive vision of the law and Constitution, and who are reflective and representative of the vast and rich diversity of our country. This diversity includes race, sex, gender identity, sexual orientation, disability status, ethnicity, national origin, socio-economic status, and experiential and professional background.
- **Fair Housing & Lending:** Take an unequivocal stance against discrimination in housing and financial services by: 1) reversing HUD's disparate impact rule and the CFPB's payday lending rule; 2) restoring the 2015 HUD rule on affirmatively furthering fair housing; 3) withdrawing the proposed Mixed-Status Family and Equal Access rules; and 4) strengthening both agencies to ensure that all civil rights and consumer protection laws are vigorously enforced.
- **Fair Housing & Lending:** Rescind the OCC's new Community Reinvestment Act rule and propose a uniform OCC-FDIC-Fed rule that fulfills the law's purpose: to undo the damage of redlining and ensure that banks make responsible loans and investments in low-income communities of color.
- **Immigration:** Reverse Trump-era anti-immigrant policies, including by: 1) repealing the Muslim, African, and immigration bans; 2) restoring DACA and TPS designations; 3) restoring refugee admission levels; 4) ending child and family detention; 5) halting border wall construction; and 6) rescinding the public charge rule and other arbitrary barriers to green cards and naturalization.
- **Justice Reform:** 1) Place a moratorium on the transfer of military equipment via the DoD 1033 Program; 2) rescind and replace the [Sessions memorandum](#) limiting the authority of the Civil Rights Division on consent decrees addressing patterns or practices of constitutional violations by law enforcement; commit adequate staffing and resources to the DOJ Civil Rights Division to investigate under 34 U.S.C. 12601; 3) rescind the memorandum [directing federal prosecutors to charge and pursue the most serious, readily provable offenses, including mandatory minimum sentences](#); and 4) DOJ should rescind the July 19, 2019 addendum to the Federal Executive Protocol, withdraw any pending death warrants, and cease seeking any death sentences.
- **Media/Telecommunications:** Issue a first-week NPRM in the 2018 Quadrennial Review docket to evaluate the impact of media ownership consolidation on ownership diversity; direct the Solicitor General to withdraw the petition for certiorari in *FCC v. Prometheus Radio Project* and move to

dismiss the National Association of Broadcasters' petition in *NAB v. Prometheus Radio Project*; and authorize the FCC to provide support for affordable broadband via the Lifeline program and to adopt a final order on affordable communications rates for incarcerated people.

First Year

- **Education:** Double the size of the Office for Civil Rights (OCR) in order to rebuild and expand the office's ability to meet its policymaking, enforcement, and data collection responsibilities; rescind and replace OCR's case processing manual; strengthen and reissue guidance documents such as those addressing discrimination in school discipline and diversity at the K12 and higher education levels; and undergo rulemaking under Title IX to protect students from discrimination based on sex – including those who experience sexual violence and those who are LGBTQ.
- **Hate Crimes:** DOJ must invest in: 1) community centered approaches to improving hate crimes reporting and response, including improving hate crimes data collection (effective training, earning trust of communities targeted for hate through CRS and CRT staffing and engagement, grants to financially support local community organizations serving people targeted for hate); 2) alternatives to penalty enhancements; 3) ensuring local communities are at the table to help define what safety from hate looks like; and 4) additional funding to increase hiring for CRT and CRS.
- **Health Care:** Roll back/rescind all harmful executive orders, regulations, and guidances related to Medicaid, Medicare, ACA (including Section 1557), CHIP, and Civil Rights and other HHS programs that have been implemented by the Trump administration and ensure robust enforcement of existing civil rights protections.
- **Voting Rights:** Aggressively enforce the VRA, including the general anti-discrimination, bail-in, observer and monitoring, minority language, and right to assistance provisions, and vigorously defend it in court. Proactively enforce the ADA and HAVA to ensure accessible polling places and options to cast a private, independent ballot. Proactively enforce the pro-voter provisions of the NVRA, including those requiring state agencies to provide voter registration during transactions with constituents, and those providing safeguards against improper registration purges.

Legislation, Oversight, and Appropriations

First 100 Days

- **Census:** Enact one-time postponements of statutory deadlines for delivery of apportionment and redistricting data codified in 13 USC § 141.
- **Education:** Enact legislation to provide [safe, healthy, and inclusive school climates](#), including by ending federal funding for school-based law enforcement; banning the use of seclusion, restraint, and corporal punishment; and incentivizing broad reform that decreases exclusionary discipline.
- **Employment:** Pass legislation to: 1) strengthen and ensure anti-discrimination protections for all working people, including the Paycheck Fairness Act, POWADA, Pregnant Workers Fairness Act, and Equality Act; and to 2) support the health, safety, and economic security of working people, including the PRO Act, Public Service Freedom to Negotiate Act, Healthy Families Act, FAMILY Act, Raise the Wage Act, and Forced Arbitration Injustice Repeal Act.

- **Hate Crimes:** The Senate must follow the House in passing three bills that will help prevent and respond more effectively to hate crimes and the white supremacist threats to our country: the [Jabara-Heyer NO HATE Act](#); the [NO BAN Act](#); and [the Domestic Terrorism Prevention Act](#). Congress must also ensure that there is no new domestic terrorism charge.
- **Immigration:** Create paths to citizenship for undocumented people, including DACA and TPS recipients, farm workers, and other essential workers, and improve the paths for family visa applicants, refugees, and asylum seekers.
- **Voting Rights:** Pass the [John Lewis Voting Rights Advancement Act](#) or comparable legislation to restore the protections of the Voting Rights Act struck down or rendered inoperable by the *Shelby County* ruling; the For the People Act or comparable legislation; the Native American Voting Rights Act; and the Washington, DC Admission Act.

First Year

- **Fair Courts:** Pass legislation that modernizes and reforms our courts, including legislation on ethics reforms, such as extension of the Code of Conduct for United States Judges to apply to Supreme Court Justices, further transparency measures, and court structure reforms such as expanding the number of authorized judgeships for circuit and district courts.
- **Justice Reform:** Vocally support and push for legislation to: 1) repeal the 1994 Crime Bill and shift resources away from criminalization and policing toward investments in communities; and 2) implement a transformative police accountability framework that a) ends qualified immunity, racial profiling, and militarization; b) creates national use of force standards; c) reforms *Bivens* and section 242; d) prohibits quick/no-knock warrants; e) bans certain restraint maneuvers; and f) publicizes officer misconduct.
- **Media/Telecommunications:** [Address](#) the role of online platforms and algorithms in perpetuating and enabling discrimination and voter suppression; pass federal consumer privacy legislation that will prevent discrimination in access to credit, housing, employment, education, public accommodations, etc.