

April 22, 2020

The Honorable Mitch McConnell  
United States Senate  
Washington, DC 20510

The Honorable Charles Schumer  
United States Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
United States House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
United States House of Representatives  
Washington, DC 20515

## RE: Recommendations from the Deep South for the Fourth Congressional Stimulus Package Related to the Coronavirus 2019 (COVID-19) Crisis

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

The SPLC Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. Along with our partners at the Southern Poverty Law Center (SPLC), we work primarily in the Deep South where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.

The Deep South has one of the fastest growing economies and populations in the nation. Our home has been a battleground in the struggle for racial justice for decades, so we are no strangers to crisis. This global pandemic poses a unique threat to our region and shines a spotlight on the lack of fundamental protections in place for families, workers, students, and voters in the Deep South. As of this writing, Louisiana is emerging as one of the global hotspots for the novel coronavirus with a total of 1,296 deaths, and Albany, GA has one of the highest rates of infection in the world. Across our service area there are over 80,583 confirmed cases of COVID-19, and at least 3,284 deaths as a result of the disease caused by the virus.<sup>1</sup> The effects of the pandemic are not spread evenly, but rather disproportionately affect people of color. In Mississippi, a state with a poverty rate of nearly 20%, Black people

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<sup>1</sup> The COVID Tracking Project, as of April 21, 2020, <https://covidtracking.com/>.

account for 55% of COVID-19 cases<sup>2</sup> but only 37.8% of the state's population.<sup>3</sup> In Louisiana, Black people make up 70% of the COVID-19 related deaths but only 33% of the population.<sup>4</sup>

The Families First Coronavirus Response Act (Families First Act) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act provided critical relief to many people experiencing pandemic-related economic hardships, but these measures also left many gaps that must be addressed with future legislation. Many families continue to struggle to pay their bills and put food on their tables. Historic discrimination and structural inequality have made the economic devastation resulting from this crisis particularly hard on people of color, immigrants, low-wage workers, and other impacted communities.

Across the U.S., people of color are both more likely to be on the frontlines as essential workers *and* more likely to have lost their jobs during the crisis. Black people, for example, make up 30.5% of home health care workers but only 13.4%<sup>5</sup> of the U.S. population.<sup>6</sup> Although immigrants are only 13.5% of the U.S. population, they make up 36% of home health aides.<sup>7</sup> Fifty-seven percent of farm laborers in the U.S are Latinx, even though they make up only 18% of the population.<sup>8</sup> At the same time, 40% of Latinx people, compared to 27% of people overall, have been forced to take a pay cut; and 29% of Latinx people, compared to 20% of people overall, have been laid off or lost their job during the pandemic. We see these effects acutely in the Deep South. As a region, the Deep South remains one of the poorest in the nation.<sup>9</sup> At the same time, our industries supply the rest of the country with much-needed goods and resources. Georgia, alone, is home to one-third of the nation's top 100 food processing companies.<sup>10</sup> Thirty-six percent of the nation's poultry is produced in our states.<sup>11</sup> In order to address historic inequality and obstacles to building wealth in the Deep South, we need the federal government to support all families who are struggling to make ends meet, regardless of their immigration status; all voters, those who vote regularly and those who have not; all children in need of food and protection from discrimination and violence, and those held in custody by the state, local, or federal government.

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2 Mississippi State Department of Health, *COVID-19*, [https://msdh.ms.gov/msdhsite/\\_static/14,0420.html](https://msdh.ms.gov/msdhsite/_static/14,0420.html)

3 United States Census, *Quick Facts Mississippi*, <https://www.census.gov/quickfacts/MS>

4 Jamelle Bouie, *Why the Coronavirus is Killing African-Americans More Than Others: Higher Rates of Infection and Death Among Minorities Demonstrate the Racial Character of Inequality in America*, *The New York Times*, April 14, 2020, <https://www.nytimes.com/2020/04/14/opinion/coronavirus-racism-african-americans.html>

5 U.S. Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, <https://www.bls.gov/cps/cpsaat18.htm>

6 United States Census, *Quick Facts United States*, <https://www.census.gov/quickfacts/fact/table/US/PST045218>

7 New American Economy Research Fund, *Immigration and Covid-19*, <https://tinyurl.com/NewAmericanEconomy>

8 United States Census, *Quick Facts United States*, <https://www.census.gov/quickfacts/fact/table/US/PST045218>

9 Samantha Artiga & Anthony Damico, Kaiser Family Foundation, *Health and Health Coverage in the South Updated*, <https://www.kff.org/disparities-policy/issue-brief/health-and-health-coverage-in-the-south-a-data-update/>

10 Georgia.org, *Food Processing*, <https://www.georgia.org/industries/food-processing>

11 United States Department of Agriculture, Economic Research Service, *Farm Income and Wealth Statistics*, [https://data.ers.usda.gov/reports.aspx?ID=17843#P1a045dfc742b4c07ae5ce2f9cce7330e\\_20\\_17iT0R0x0](https://data.ers.usda.gov/reports.aspx?ID=17843#P1a045dfc742b4c07ae5ce2f9cce7330e_20_17iT0R0x0).

Additional funding and programs must be created in order to address the needs of those who were left behind by the Families First Act and the CARES Act. We ask that Congress prioritize essential workers in low-wage jobs who are putting their lives and health on the line to keep this country running and require that they have basic job and safety protections. Congress must ensure that our communities get the additional resources necessary to weather this pandemic. Even before this crisis, the economy was not working for many among us. We must come together to implement policies that will promote a fair and just society where everyone can thrive.

Along with supporting the requests made by the Leadership Conference on Civil and Human Rights in the letter circulated on April 16, 2020,<sup>12</sup> we make the following recommendations for the fourth stimulus package in order to address the specific challenges Southerners face during this crisis. We outline recommendations in the following issue areas: workers' rights, economic justice, voting rights, children's rights, criminal justice, immigrant justice, and equal protection.

## **WORKERS' RIGHTS**

The South offers the weakest labor protections and lowest minimum wages in the country. In 2015, half of all workers earning the minimum wage or less—approximately 1.3 million people—lived in the South. Immigrants and people of color are also overrepresented in many of the essential jobs in the South, including agriculture and food processing plants. In Florida, for example, immigrants comprise 43.7% of the workers in the food processing industry.<sup>13</sup> Historic structural barriers to economic opportunity have left these essential workers with even fewer resources to withstand an emergency, making it imperative that they are not denied the basic protections everyone deserves.

Some of the largest companies employing agricultural visa workers, poultry and meat-packing workers, and other essential workers are in the South, and these frontline workers continue to do dangerous and grueling jobs for our benefit without very basic protections.<sup>14</sup> A Tyson Foods' poultry plants near Albany, Georgia, one of the epicenters of the coronavirus outbreak in the Southeast, provides a grim example. Within the past couple of weeks alone, at least three workers—all of whom were Black—have died and many more have been hospitalized due to COVID-19. Among these was Annie Grant, a 55-year-old grandmother who continued to work even as she developed symptoms and eventually died from the virus.<sup>15</sup> Grant's coworkers continue to report to work, and they were offered \$500 bonuses for perfect attendance for the next three months of this pandemic. Attendance-based bonuses for low-wage jobs only encourage workers to go to work sick; in contradiction to Georgia's shelter-in-place order that criminalizes going out if you have been exposed to the virus.

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12 The Leadership Conference on Civil and Human Rights, [http://civilrightsdocs.info/pdf/policy/letters/2020/LCCHR\\_Economic\\_Security\\_COVID-19\\_Priorities\\_Coalition\\_4.16.20.pdf](http://civilrightsdocs.info/pdf/policy/letters/2020/LCCHR_Economic_Security_COVID-19_Priorities_Coalition_4.16.20.pdf)

13 New American Economy Research Fund, *Covid-19: Immigrant Workers are Essential in Securing U.S. Food Supply Chain*, <https://research.newamericaneconomy.org/report/covid-19-immigrant-food-workers/>

14 Federal Reserve Bank of Atlanta, *Share of Minimum Wage Workers*, <https://tinyurl.com/FederalReserveAtlanta>

15 Miriam Jordan and Caitlin Dickerson, The New York Times, *Poultry Worker's Death Highlights Spread of Coronavirus in Meat Plants*, April 9, 2020, <https://tinyurl.com/NYTimesPoultryWorkers>

Employers like Tyson have failed to follow Centers for Disease Control and Prevention (CDC) recommendations and do not allow workers to spread out and practice physical distancing. As Tanisha Isom, a 36-year-old worker at Tyson's Camilla, Georgia, plant explained, "Our work conditions are out of control. We literally work shoulder to shoulder daily." We continue to hear similar stories across our states, and we recommend the following policy changes for the fourth stimulus package related to the COVID-19 crisis.

**Enhance and enforce safety protections for all essential workers.**<sup>16</sup> In order to protect the health of entire communities, Congress must do more to protect workers. The federal Occupational and Safety and Health Administration's (OSHA) guidelines for physical distancing should be made mandatory during this crisis; and all employers must procure enough personal protective equipment (PPE) for all their essential workers. The fourth stimulus package should require the U.S. Department of Agriculture to reduce food processing line speeds which will allow workers to spread out during production and take staggered bathroom and meal breaks. Workers need ample time for bathroom breaks to prevent overcrowding at these facilities; and hand washing stations must be available for everyone throughout the plant, any warehouses, or workspaces. Employers must extend these protections to all areas of their workplaces, including employer housing and transportation. OSHA must also prioritize audits, site visits, and investigations into all essential workplaces, such as food processing plants and delivery warehouses to enforce these protections.

**Provide essential workers with premium pay.** Essential workers should be paid at least time-and-a-half for all hours worked, and this should be retroactively applied to the beginning of the pandemic and continue through at least December 31, 2020.

**Ensure that all essential workers can care for their families, their children, and themselves.** Food production workers, grocery store workers, delivery workers, and other essential workers continue to risk their health and safety, and that of their families, so that the nation gets through the pandemic. Therefore, we have a moral responsibility to ensure that essential workers are cared for during and after the pandemic. The fourth stimulus bill must include access to affordable high-quality childcare for all essential workers. In addition, employers must be required to provide leave for childcare for workers whose children's schools and day care centers are closed for safety and public health reasons. Congress should expand the paid sick leave provisions of the Families First Act to cover all workers—including health care providers, emergency responders, and employees at larger companies, like Tyson, who are currently exempted. The next bill must also provide funding to cover the expenses for testing and short- or long-term treatment for essential workers who contract COVID-19. Congress must make it clear that these workers are essential, not expendable.

## **ECONOMIC JUSTICE**

The pandemic has heightened the economic crisis across the Deep South. Already in March 2020, states in our service area had three of the five highest per capita individual bankruptcy filings in the U.S., and more than 6 million people are receiving Supplemental Nutrition Assistance Program (SNAP) benefits. Even so, nearly one in five children in our communities has experienced food insecurity. Because of a severe lack of affordable housing, almost 1 million extremely low-income households in our communities paid more

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<sup>16</sup> Essential workers are defined by the Cybersecurity and Infrastructure Agency.

than half of their household income on rent and utilities, leaving little to no room for food, clothes, or other necessities. In the best of economies, our states have some of the weakest unemployment insurance programs in the country. To strengthen our safety nets and reduce the harm to our communities, we recommend the following policy changes for the fourth stimulus package related to the COVID-19 crisis.

**Eliminate requirements that obstruct families from accessing our safety net.** The purpose of our safety net is to reduce unnecessary suffering and empower families to live safe, dignified lives. Yet, every aspect of that safety net poses barriers for those families who need access to the support we, as a society, have promised. The unprecedented loss of jobs and economic activity in this pandemic illustrate the need to eliminate punitive work requirements in SNAP, Temporary Assistance for Needy Families (TANF), public housing's Moving to Work program, Medicaid state waivers, and the earned income and child tax credits. The fourth stimulus package should expand access to these lifesaving programs. In addition, no one should be denied access to the health care, nutrition and income supports they need because of their immigration status. Further, the fourth stimulus package should halt the implementation of the Department of Homeland Security and State Department public charge regulations.

**Strengthen the unemployment insurance (UI) program.** Over the past month, more than 1.5 million people have applied for unemployment in the communities we serve.<sup>17</sup> However, it is likely that many more have lost their jobs but have been unable to access the UI system. In Florida, the collapse of the state's online system, CONNECT, required FedEx to step up where the state government failed by printing and providing paper applications to Floridians who could not access applications by phone or online. Congress must provide additional funding to states for the sole purpose of administering the increase in demand for unemployment benefits and enhancing the infrastructure for state's UI programs. As a condition of accepting funding, states must commit to adequately funding their unemployment insurance systems so there are funds in time of a crisis; and to ensure access for people that have limited internet access, need language interpretation, or have disabilities that could impair access to their services. Southern states have some of the lowest unemployment benefits in the country. However, with the next stimulus bill, Congress can require that all states raise the floor for the benefits, increasing the minimum number of weeks to 26 and the amount states cover to 60% of a worker's weekly wages, with a maximum of 67% of the state's average weekly wage.

**Eliminate restrictions so that all taxpayers receive recovery rebates.** All taxpayers, including young adults, seniors, and immigrants should be eligible to receive recovery rebates. Anyone with a tax identification number should be eligible to receive cash payments. At the very least, mixed status households should receive payments for those family members who are U.S. citizens within the same household.

**Extend and enhance emergency SNAP benefits.** States need additional funding to identify families who qualify for benefits and create more efficient application processes. The next stimulus bill should exempt Pandemic Unemployment Compensation (PUC),

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17 Nigel Chiwaya and Jiachuan Wu, NBC News, *The coronavirus has destroyed the job market in every state*, April 14, 2020, <https://tinyurl.com/NBCNewsCoronavirus>

Pandemic Unemployment Assistance (PUA), and Recovery Refund benefits from the definition of income in SNAP and TANF, and permit states that are approved for telephonic Medicaid applications to use the same system to allow SNAP applicants and beneficiaries to sign SNAP applications and recertifications by telephone. The maximum SNAP benefit levels for households should increase by 15%, and the proposed changes by the U.S. Department of Agriculture that limit eligibility and weaken SNAP benefits should not be permitted to go into effect.

**Allocate \$38 billion dollars for rent and utility relief and forgive student loan debt.**

Congress must provide additional funds for rent and utility relief between April – October of 2020. Those in households that do not qualify for PUC, PUA or recovery rebates should take priority. In addition to this funding, the fourth stimulus bill should increase accountability measures to ensure that landlords and utilities waive late fees, lower rent payments by 15%, waive administrative costs, and stop credit reporting for debts incurred during this crisis. Federal student debt should be forgiven to invest in the future of young Americans whose talents will be needed as the economic recovery begins.

In addition, creditors and high cost lenders should be excluded from capturing federal stimulus funds. Consumer loan interest should be limited during the pandemic to 36%. PUC, PUA, recovery rebates, and other federal stimulus payments should be protected from garnishment, attachment, levy, or offset including for states and federal agencies collecting through the Treasury Offset Program.

**Enhance Federal Medical Assistance Percentages (FMAP) and Protect Medicaid**

**Coverage.** Roughly 9 in 10 people who fall into the Affordable Care Act's coverage gap live in a Southern state that has not expanded Medicaid.<sup>18</sup> Apart from Louisiana, where the state expanded Medicaid, communities of color in our service area are more likely to be uninsured and they are uninsured at higher rates than the national average. On average, nearly 30% of Latinx people and 16% of Black people have no health insurance in the communities where we work compared to 19% and 11% nationally.<sup>19</sup> Our states need to expand Medicaid coverage to address this health crisis and avoid a budget shortfall. The fourth stimulus package should extend the federal match for states that decide to expand Medicaid and the protections under the CARES Act for families receiving Medicaid and Children's Health Insurance Program (CHIP) until the end of the recession in order to provide care to the roughly 2.5 million people in the Deep South who remain uninsured. In addition, Congress must eliminate immigration restrictions on Medicaid funding for testing and treatment of COVID-19. Finally, Congress should ensure that no one is denied the ability to access this care because of their immigration status.

**Provide Additional Funding to Hospitals Serving Large Numbers of Uninsured**

**Patients, Rural Hospitals, and Community Health Centers.** Since 2010, rural hospitals have been closing across the Deep South. During this period, eight hospitals closed in Georgia and seven closed in Alabama. Both states have five additional hospitals at risk of closing as of January 2020. Almost 40% of Alabama's rural hospitals are considered

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18 Minemyer, FierceHealthcare, KFF: 9 in 10 people who fall into the ACA 'coverage gap' live in Southern states, March 26, 2019, <https://tinyurl.com/FierceHealthcareACAGap>

19 This data does not include Louisiana; Kaiser Family Foundation, *Uninsured Rates for Non-elderly by Race/Ethnicity*, 2018, <https://tinyurl.com/KFFRaceEthnicityUninsuredRate>

vulnerable to closing and 27% of the hospitals are among the most vulnerable to closure. Mississippi has 13 hospitals at risk of closing and 42% of its rural hospitals are vulnerable to closing with 22% of hospitals considered most vulnerable to closure. Nationally, care for uninsured patients infected with COVID-19 could cost \$40 billion.<sup>20</sup> Because most of our states have not expanded Medicaid, the costs of COVID-19 testing and treatment will hit rural hospitals, community health centers, and hospitals serving a disproportionate share of uninsured patients hard. The fourth stimulus package must include funding for these facilities which are covering a large volume of uninsured residents; the money will improve access and transportation in rural areas.

## VOTING RIGHTS

Even amid a global pandemic, states must protect all citizens' fundamental right to vote. Instead, this crisis has highlighted the unnecessary hurdles and barriers many states place between voters and the ballot box. Unfortunately, in the Deep South, voter suppression is alive and well. States in our service area have implemented strict photo identification laws, closed polling places in majority Black or Latinx communities, and purged hundreds of thousands from the voter rolls. Now, facing the COVID-19 crisis, these Deep South states are woefully unprepared to protect voters, poll workers, and the right to vote. Nevertheless, our states must act now to ensure that they can carry out safe, accessible elections in which any eligible voter can cast a ballot during the remainder of the 2020 election cycle. We recommend the following policy changes for the fourth stimulus package related to the COVID-19 crisis.

### **Provide an additional \$1.4 billion dollars to states to update their voting infrastructure.**

Congress must provide funding and resources to states that need to make critical changes to our election infrastructure during this crisis. Funding must be contingent on states implementing the following necessary reforms to protect voters, poll workers, and the democratic process.

**Extend voter registration deadlines.** States must address the limitations of government closures, challenges with online access, and breakdowns in voter registration systems. With this fourth stimulus package, states should be required to implement or bolster online voter registration to accommodate a surge in online voter registrations. Considering anticipated mail delays, same-day voter registration for all voters should be adopted or, in the alternative, same-day voter registration should be adopted for voters who affirm that they submitted timely registrations or were unable to do so because of COVID-19.

**Implement or extend early voting.** The bill should require that states allow and extend early voting to at least 14 days, but ideally 21 days, prior to Election Day, including at least one Saturday and one Sunday.

**Implement no-excuse absentee voting for all voters.** Within the fourth stimulus package, Congress should require no-excuse absentee voting-by-mail be universally implemented, and the process should include several options for how to request and return a ballot. Notary and witness requirements and requirements for including a photocopy of a photo ID should be waived or removed for those casting an absentee ballot, and postage

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20 Kaiser Family Foundation, *Analysis Estimates Up to 2 Million Uninsured People Could Require COVID-19 Hospitalization*, April 7, 2020, <https://tinyurl.com/KFFuninsuredhospitalizationrat>

paid return envelopes should be included. States must be required to remove any restrictions on “inactive voters,” and they must accept and count absentee ballots postmarked by Election Day, received within 10 days of Election Day, or received in-office on Election Day if submitted in person. Voters must be allowed to drop off their absentee ballot or instruct a designee to drop off their absentee ballot at any polling place or in a secure drop box at accessible locations. Absentee ballot applications should be made available in more than one language, especially in those districts that meet the threshold for providing ballots in more than one language as required under the Voting Rights Act of 1965.

**Suspend or revise signature match policies.** Any action by Congress should suspend states’ signature match requirements for absentee ballots. In the alternative, states must be required to provide voters adequate notice of any issues and an opportunity to cure those issues remotely; most states require that voters cure any issues with signature matching in person or have tools like scanners or printers that may not be available given the COVID-19 shelter-in place policies or public health states of emergency.

**Continue to provide safe and accessible in-person voting at polling places for voters who cannot use vote-by-mail.** To protect voters, especially those with disabilities, Congress must require that states continue to provide in-person voting that is safe and accessible. For polling places that must be relocated to protect vulnerable populations, states should provide adequate notice to affected voters of the changes and comply with the Voting Rights Act of 1965, Americans with Disabilities Act, and other federal nondiscrimination and election laws. In areas where there will be insufficient access to polling places due to closures, states should add vote centers where voters can access the ballot for their jurisdiction. States should implement or extend curbside voting to any voter who is unable or unwilling to cast an absentee ballot, or who is also unable to enter the polling place on Election Day due to COVID-19 concerns.

**Ensure that states conduct an aggressive public education campaign to inform voters about changes to voting rules and options for voting.** Within the fourth stimulus bill, Congress should ensure that as states continue to change dates and deadlines, voters be given proper notice of changes and requirements for the to exercise their right to vote. Therefore, states must be required to make any advertising campaigns and websites accessible and available in languages other than English.

## **CHILDREN’S RIGHTS**

Even before the COVID-19 crisis, public school funding in many Southern states had still not recovered to levels before the 2008 recession, and these states are especially in need of federal support to ensure all students can continue to learn. Disinvestment in public education in this region has resulted in children in the Deep South having fewer resources compared to children across the country, and the resources that do exist in the region are inequitably distributed across race, socioeconomic status, ability, and language status. States including Florida, North Carolina, Georgia, and Alabama were still funding their public schools at more than 10% below pre-recession levels in recent years. The pandemic has only put added stress on these schools as they have had to move quickly to implement distance learning plans and ensure students have resources including meals, technology, and social-emotional supports. In order to address these inequities and secure the future of our young people, we recommend the following policy changes for the fourth stimulus package related to the COVID-19 crisis.



**Provide substantial additional funding to the education stabilization fund to ensure public schools can meet the needs of students during this pandemic.** Within the next stimulus bill, Congress must provide dedicated funding for students who are most impacted by this crisis, including additional funding for homeless youth through the McKinney-Vento program, students with disabilities through the Individuals with Disabilities Education Act (IDEA), migrant students and English learners through the Elementary and Secondary Education Act (ESEA, Title I Part C and ESEA Title III). One-third of the nation's English language learners and one-third of the nation's migrant students attend school in the South, and most public-school students in the South are from families with low income.

**Federal funding should go to support public schools working to meet the needs of all students.** Essential public dollars should not be diverted to private uses or schools through "micro-grants" or other forms of vouchers. Congress should ensure that the fourth stimulus package require states to prioritize equity in their distribution of federal funds, and to maintain their current level of funding to ensure these federal dollars supplement, and not supplant, existing state funds.

**All eligible low-income households and the newly unemployed should receive an emergency broadband benefit.** Schools across the country are closed, impacting tens of millions of students. The Deep South has the lowest rate of broadband adoption of any region in the country, and a quarter of rural communities lack access to high-speed internet, compared to about 2% in urban areas.<sup>12</sup> Racial disparities also exist in children's access to internet at home.<sup>13</sup> Therefore, Congress must provide resources and funding to ensure all students can stay connected to their schools and continue their learning.

**Invest in programs that will help to make up for lost learning time.** Funding for summer school and after school programs, as well as the community schools' programs, should be included in the fourth stimulus package. This will help ensure that students have wrap-around supports to address trauma and social-emotional needs during and after the crisis. After Hurricane Katrina devastated New Orleans, research shows it took two years for students to make up lost learning time from school closures during that crisis.<sup>14</sup>

**Protect federal education laws.** Congress must not grant additional waiver authority to the secretary of education under the IDEA, Rehabilitation Act, or Every Student Succeeds Act (ESSA). While this crisis presents many new challenges to ensuring students have equal educational opportunities, schools and districts already have flexibility to address these challenges without the need to roll back protections for students under federal law. For example, Secretary of Education Betsy DeVos has already granted waivers of assessment requirements under ESSA and IDEA, legislation that already provides flexibility in determining how to meet the needs of students with disabilities. We cannot use this crisis as an excuse to rollback necessary protections for our nation's young people.

## **CRIMINAL JUSTICE**

It is virtually impossible to physically distance in overcrowded prisons and jails, making incarcerated people especially vulnerable to an outbreak of the COVID-19 virus. All of the five states in our service area—Alabama, Florida, Georgia, Louisiana, and Mississippi—fall within the top 15 states with the highest incarceration rates in the country according to

the U.S. Department of Justice; and collectively our five states detain over 220,000 people. Southern prisons, jails, juvenile and immigrant detention facilities, like correctional facilities throughout the country, disproportionately imprison people of color, while providing underfunded and inadequate means for medical care. Therefore, we recommend the following policies for the fourth stimulus package related to the COVID-19 crisis.

**Release incarcerated people who pose no threat to public safety, and people at a higher risk if infected with COVID-19.** Congress should use this crisis as an opportunity to alleviate the stress of overcrowded facilities by requiring that states release people who do not pose a threat to public safety (from both adult and juvenile facilities), pregnant people, people with already compromised health, and elderly people who are most vulnerable to the virus. Additionally, there are people who have served nearly all their sentence and have demonstrated rehabilitation that should be considered for expedited release. Once released, individuals will need re-entry support in order to prevent recidivism.

The fourth stimulus bill should appropriate additional funds for states and localities through Bureau of Justice Assistance grants to incentivize the release and reentry of individuals currently incarcerated. As a condition of that funding, recipients must commit to waiving or cancelling fines, fees, and other costs associated with the released individual's incarceration and reentry, including probation or monitoring fees. Ideally, early releases would happen in advance of a COVID-19 outbreak to mitigate potential harm. However, we have begun to see COVID-19 related illnesses and deaths in Southern prisons. Two Florida incarcerated men, Jeffrey Sand and William Wilson, recently died from COVID-19 in early April, and the Florida Department of Corrections kept the information from the press for nearly a week. Without enough testing for incarcerated people, it will be extremely difficult for prisons to be aware of the amount of virus exposure, possibly making the deaths such as Sand's and Wilson's more common across the South. Congress must act now to prevent a dangerous outbreak within these facilities in our states and especially in rural communities.

**Provide the funding necessary to maintain a safe and healthy environment for incarcerated people and correctional staff.** Providing a safe and sanitary place for incarcerated people to live is not only the responsibility of detention centers, regardless of a pandemic, but also the humane thing to do. As such, free and adequate access to COVID-19 tests, personal protective equipment, and resources to maintain a sanitary environment for incarcerated people and prison staff are vitally important. Members of Alabamians for Fair Justice (AFJ) realized that incarcerated people in their state resorted to sharing bars of soap and other hygiene items due to the lack of provisions from the prison. As a result, AFJ crowdsourced funds and organized donations to provide thousands of hygiene items and toiletries to Alabama prisons. While this is admirable, it exposes how prisons are not equipped or prepared to provide these resources internally. Overall, early release for select people and increased funding for a safe and sanitary environment can be done without jeopardizing public safety, while improving the safety of incarcerated people, staff, and the communities in which they reside.

## **IMMIGRANT JUSTICE**

Immigration and Customs Enforcement (ICE) has created a public health emergency for more than 30,000 people in its custody—and the communities around them—by confining people in conditions that virtually guarantee high transmission rates of COVID-19. ICE is

systematically undercounting cases by failing to test people inside and refusing to count confirmed cases among private contractors, which make up the lion's share of the workforce at detention centers.

Since early March, the Southeast Immigrant Freedom Initiative (SIFI)—a project of the SPLC that offers *pro bono* representation to detained immigrants in the Southeast—has visited and spoken to dozens of individuals in detention centers in the Deep South. SIFI has learned that ICE is failing to take even basic steps to protect the health and safety of the people in its care and custody. ICE is not providing enough hygiene supplies like soap, toilet paper, and sanitary napkins. Hand sanitizer is forbidden as contraband. Many detained immigrants say the only information they get on COVID-19 is through the television. In Georgia, a detained man who, due to a preexisting illness, faces a higher risk of serious illness from COVID-19, told us: “ICE is providing no health control—at all. We do not receive information from ICE about prevention. They’ve not even given us a list of symptoms. We are in bedrooms where it is impossible to keep the physical distance recommended by health authorities. My concern has become fear. Now I’m terrified.” ICE is facilitating transmission by holding people with and without symptoms in the same quarters and forbidding them from leaving, even for recreation or meals.

In the Stewart Detention Center in Lumpkin, Georgia, where ICE has confirmed seven detained people have the virus, people across the facility report that they and others they live with have a fever and cough. Testing is virtually nonexistent inside detention centers. Many with symptoms get no medical attention at all. Those who do, wait days for a perfunctory visit and mere ibuprofen. One man with lingering pain in his lungs was refused medical attention because he no longer had a fever. Another was told he could not be seen for a fever because he had already been seen a week earlier.

When detained people take collective action to change these abuses, their peaceful protests, like hunger strikes, are met with excessive use of force. Deploying pepper spray, tear gas, and solitary confinement only exacerbates the harm ICE is causing to people in its custody and care.

**Release everyone from custody who does not pose a clear and convincing threat of violence.** The next stimulus package must require that ICE release everyone from custody who does not pose a clear and convincing threat of violence *and* ensure adequate protections and health care for those who remain. Congress must ensure ICE halts facility-to-facility transfers, provides testing for every person in custody or entering custody, and provides funding for treatment for detained people and workers. Access to supplies, PPE, and hygienic products must be made available immediately.

## **EQUAL PROTECTION RIGHTS**

At this moment, when white supremacists are attempting to use the pandemic to further their agenda, we must strengthen anti-discrimination protections.<sup>21</sup> Yet the Trump administration has already begun to chip away at key protections against discrimination. The Office

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21 Cassie Miller, Hatewatch, *What Supremacists See Coronavirus as an Opportunity*, March 26, 2020, <https://www.splcenter.org/hatewatch/2020/03/26/white-supremacists-see-coronavirus-opportunity>

of Federal Contract Compliance Programs issued a memorandum allowing its director to exempt federal contractors from complying with federal affirmative action requirements.<sup>22</sup> In order to protect our constitutional right to equal protection, we recommend the following policy changes be included in the next stimulus package related to the COVID-19 crisis.

**Prohibit any waivers to antidiscrimination laws and protections.** The SPLC Action Fund opposes any type of waiver from anti-discrimination protections or affirmative action requirements. Congress must not include any waivers in future legislation. Congress must also prohibit the Trump administration from issuing similar waivers to antidiscrimination laws and protections.

**Provide explicit protections against discrimination.** As the pandemic continues to have a disproportionate impact on people of color, it is imperative that Congress explicitly prohibit discrimination by anyone who receives COVID-19 related federal financial assistance. Any additional bills to address the pandemic should include explicit language prohibiting discrimination by recipients of federal funds on any basis other than need or eligibility, such as (but not limited to) age, disability, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), race, color, national origin, immigration status, or religion.

**Ensure that people with limited English proficiency (LEP) have access to information in their own language.** Congress must also provide funding to federal agencies and recipients of federal financial assistance to ensure that all COVID-19 related materials and services are accessible to LEP people, as is required by Title VI of the Civil Rights Act of 1964, Section 1557 of the Affordable Care Act, and other civil rights laws. This will be crucial for the almost 8.5 million LEP people in our states.<sup>23</sup> The federal government, states, and service providers must have accessible materials about both COVID-19 and the economic and other relief programs. There must also be enough funding for interpretation services so that health care workers and other service providers can communicate with their patients and clients.

## SYSTEMIC AND LONG-TERM REFORMS

The COVID-19 pandemic has once again highlighted how long-term and historic workplace, housing, and education discrimination has created systemic inequality that leaves too many people vulnerable. We need an economy and health care system that works for *all* of us. Everyone within the United States and its territories should be able to earn a decent living, receive high-quality affordable healthcare, and get a great education for their children regardless of where they live, what kind of job they have, the color of their skin, their sex, sexual orientation, gender identity or expression, disability, their religious convictions, or their immigration status or national origin. And we need a system that does not leave people dangerously vulnerable when crises do happen—whether it is a global pandemic, an environmental threat, a factory closing, or a cancer diagnosis. Congress must prepare for the next crisis *now*. Implementing smart, forward-looking policies will save lives and protect all of us both now and in the future.

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22 U.S. Department of Labor, *News Release: U.S. Department of Labor Takes Actions to Facilitate Response Efforts for COVID-19 Outbreak*, March 18, 2020, <https://www.dol.gov/newsroom/releases/ofccp/ofccp20200318>.

23 U.S. Census Bureau, *QuickFacts*, <https://www.census.gov/quickfacts/fact/table/AL,FL,MS,LA,GA/POP815218>

**Implement systemic changes to protect people when the next crisis happens.** In this moment, we can choose to work towards a better future or retreat into a system that has failed too many of us. Since the crisis started, we've seen how much we all rely on each other and the vital role that government plays in protecting our wellbeing. Now is the time to build the kind of world we want, one in which all us can thrive. Therefore, the next relief package must take a long-term view and implement structural reforms, such as providing the enhanced FMAP for states that expand Medicaid and providing critical funding for states to update their unemployment insurance infrastructure, in order to address the systemic problems that the crisis has exacerbated.

**Tie relief measures to economic conditions.** The economic recovery will last much longer than the immediate public health crisis. Therefore, any relief measures, such as the expansions in unemployment benefits and the increase in SNAP benefits, should be tied to economic conditions—and specifically the unemployment rate—rather than an arbitrary calendar date that determines when assistance phases in or out. There should be a national “trigger,” as well as state-specific triggers to begin these processes. Many states, including those in the South, will continue to face economic challenges long after other parts of the nation have recovered. Relief measures should also be automatically triggered any time there is an economic downturn. This pandemic has demonstrated the need for immediate action to help ameliorate long-term economic consequences. Therefore, requiring that relief measures go into effect during any crisis will help prevent the worst of the economic devastation that we have seen during this pandemic.

As your teams work on the fourth stimulus package related to the COVID-19 pandemic, please keep in mind the specific challenges that states in the Deep South face during these uncertain times. We offer our continued support to all of you in drafting or implementing any of these recommendations. Thank you for your consideration and resolve.

Sincerely,



Margaret Huang  
President and CEO  
SPLC Action Fund

CC: All Members of the U.S. House of Representatives and U.S. Senate