



April 16, 2020

The Honorable Nancy Pelosi  
Speaker  
U.S House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Minority Leader  
U.S. House of Representatives  
H-204, The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Senate Majority Leader  
U.S. Senate  
S-230, The Capitol  
Washington, DC 20510

The Honorable Chuck Schumer  
Senate Minority Leader  
U.S. Senate  
S-221, The Capitol  
Washington, DC 20510

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

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we write to urge Congress to prioritize the health and economic well-being of African Americans, other ethnic and racial minorities, and low-income people in the fourth COVID-19 stimulus package. The Lawyers' Committee is a nonprofit civil rights organization founded in 1963 by leaders of the American bar, at the request of President John F. Kennedy, to help defend civil rights and secure equal justice under law for racial minorities.

In less than four months, the spread and impact of COVID-19 in the United States has deeply exacerbated existing racial inequities within our society. As legislation is considered to mitigate the pandemic's reach across the nation, the health and economic needs of African Americans cannot be ignored and must be prioritized in forthcoming legislation. African Americans are less likely to recover both physically from the infection of COVID-19 and economically from the growing recession in their communities. Recently released data on the mortality rate of people infected with COVID-19 from numerous localities paints a devastating picture: African Americans are dying from the virus at a vastly higher rate than other racial and ethnic groups. In Milwaukee County, 81 percent of residents who died from the virus were African American, despite only making up 26 percent of the population.<sup>1</sup> As the unemployment rate surges into the millions, African Americans are acutely vulnerable because their unemployment rate tends to be twice as high as that of white Americans.<sup>2</sup> This growing

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<sup>1</sup> Akilah Johnson and Talia Burford, *African Americans Have Contracted and Died of Coronavirus at an Alarming Rate*, PROPUBLICA (Apr. 3, 2020, 1:21 PM), <https://www.propublica.org/article/early-data-shows-african-americans-have-contracted-and-died-of-coronavirus-at-an-alarming-rate>.

<sup>2</sup> Janelle Jones, *Black unemployment is at least twice as high as white unemployment at the national level and in 12 states and D.C.*, ECON. POL'Y INST. (2018), [https://www.epi.org/publication/2018q3\\_unemployment\\_state\\_race\\_ethnicity/](https://www.epi.org/publication/2018q3_unemployment_state_race_ethnicity/).



unemployment will limit access to medical care for those infected by and exposed to the virus, since half of the U.S. population receives health insurance through their employer.<sup>3</sup>

While the stimulus efforts in Phases 1-3 appropriated emergency funds, offered some paid leave for workers and provided some additional economic relief, it did not do enough to stem the tide of the devastating impact of the virus on African Americans. The Coronavirus Aid, Relief and Economic Security Act (CARES Act) allocated a historic \$2 trillion, but it predominantly provided funds to businesses and state and local governments—only 30 percent of the funds went to individual people and families.<sup>4</sup>

We strongly urge that the fourth stimulus package (CARES 2) fill in the gaps left by the prior packages and prioritize relief for vulnerable populations. The fourth package must address the racial health disparities of COVID-19, financially support lower-income Americans who are experiencing an unprecedented loss in income, help states prepare for the 2020 election, ensure the health and safety of people in confinement, safeguard housing security by placing a moratorium on evictions, ease internet and technology access barriers for students engaged in distance learning, provide paid leave for all workers, and increase emergency funding to states and localities for medical equipment and expanding medical facilities. Additionally, all COVID-19 response legislation must include language: 1) requiring federal contractors responding to COVID-19 to undertake affirmative action to employ African Americans and other underrepresented groups; and 2) prohibiting discrimination by recipients of federal funds on any basis, such as but not limited to race, color, national origin, age, disability, religion, sex, sexual orientation or gender identity.

Specifically, the following civil right policies must be implemented as part of CARES 2 to fill the gaps left by recently enacted COVID-19 response legislation:

- **Racial Health Disparities:** The limited publicly released data on COVID-19 patients has shown disparate health outcomes for Black Americans and other people of color. Congress must include the “Equitable Data Collection and Disclosure on COVID-19 Act” (sponsored by Representative Pressley, Representative Kelly, and Senator Warren) in the fourth bill, which would require the Department of Health and Human Services, including its relevant sub-agencies, the Centers for Disease Control (CDC) and the Centers for Medicare and Medicaid Services (CMS), to collect and immediately release racial and ethnic demographic data related to COVID-19 testing, disease burden, and patient outcomes. Releasing the data will better inform a robust public health response for the Black community and help to ensure that COVID-19 testing and treatment are not being administered or denied in a racially discriminatory manner. While states and localities must continue to receive emergency aid to address needs like medical equipment and hospital staff support, the federal government must ensure that aid is

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<sup>3</sup> KAISER FAMILY FOUND., *Health Insurance Coverage of the Total Population*, <https://www.kff.org/other/state-indicator/total-population/> (last visited Apr.13, 2020).

<sup>4</sup> Kelsey Snell, *What's Inside the Senate's \$2 Trillion Coronavirus Aid Package*, NAT'L PUB. RADIO (Mar. 26, 2020, 5:34 PM), <https://www.npr.org/2020/03/26/821457551/whats-inside-the-senate-s-2-trillion-coronavirus-aid-package>.



equitably distributed to marginalized communities, many of which lack access to hospitals. For example, in Washington, D.C. there are 16 hospitals, only one of which is located on the east side of the Anacostia River in predominantly African American neighborhoods, where the poverty rate is three times higher than the rest of the city.<sup>5</sup> Furthermore, Congress must encourage states to expand access to Medicaid to ensure that low-income Americans are able to receive the necessary medical testing and treatment for COVID-19; and increase access to testing for communities of color, particularly those in heavily impacted states and rural counties. Lastly, funding must be allocated to hospitals for training programs that increase access to culturally competent medical care for people of color and for improving positive health outcomes in maternal and infant care, as Black women and other women of color face significantly higher rates of maternal and infant mortality.

- Economic Assistance: COVID-19 has ravaged financial stability for many Americans, particularly retail, restaurant, gig economy, and other service industry workers, who are disproportionately people of color. It is imperative that direct cash assistance with few encumbrances be provided to low-income Americans every month of the pandemic, and that access for TANF, SNAP and unemployment insurance be expanded. The CARES Act only provides a one-time direct payment to Social Security beneficiaries, and single, head of household and joint tax filers—excluding benefits for those with dependents 17 and older. Notably, the administrative burdens associated with this one-time payment will delay many low-income Americans from receiving a check until September.<sup>6</sup>
- Employment Protections: Black and Hispanic workers are facing significant and distinct harms during this pandemic and are more vulnerable to unsafe work environments as well as discriminatory discipline and discharges. Congress must ensure essential and frontline workers have access to safe workplaces and personal protective equipment, and that employers are mandated to comply with temporary emergency standards. Congress must also ensure that all workers have access to EEOC protections by automatically tolling the deadline to file a charge of discrimination with the agency.
- Voting: With the November election less than seven months away, and many state primaries ahead of that, Congress must take the necessary steps to protect our democracy by providing states with at least \$4 billion dollars to meet their additional staffing, equipment, and technology needs so that every eligible voter is able to register and safely cast a ballot. This funding will allow for expanded voting by mail, extended periods for early voting, additional polling places and extended hours, all of which will help to

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<sup>5</sup> Gillian B. White, *How Can the Hospitals that Serve D.C.'s Poor Keep Up?*, ATLANTIC (July 29, 2016), <https://www.theatlantic.com/business/archive/2016/07/dc-hospital-community-needs/493613/>; Clair Zippel, *D.C.'s Black Residents Increasingly Live East of the Anacostia River*, D.C. FISCAL POL'Y. INST. (Sept. 28, 2016), <https://www.dcfpi.org/all/dcs-black-residents-increasingly-live-east-of-the-anacostia-river/>.

<sup>6</sup> Lisa Rein, *IRS to begin issuing \$1,200 coronavirus payments April 9, but some Americans won't receive checks until September, agency plan says*, WASH. POST (Apr. 2, 2020, 7:10 AM), [https://www.washingtonpost.com/politics/irs-to-begin-issuing-1200-coronavirus-payments-april-9-but-some-americans-wont-receive-checks-until-september-agency-plan-says/2020/04/02/8e0cfc84-751e-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/politics/irs-to-begin-issuing-1200-coronavirus-payments-april-9-but-some-americans-wont-receive-checks-until-september-agency-plan-says/2020/04/02/8e0cfc84-751e-11ea-85cb-8670579b863d_story.html).



ensure Americans can exercise their fundamental right to vote while following social distancing guidelines and other health and safety protocols recommended by the CDC. States should be held accountable to ensure that these funds are used for their intended purpose which is to put in place meaningful reforms to help voters overcome the significant barriers to the ballot box that voters face this election season. While the CARES Act provides \$400 million to address election issues created by COVID-19, that amount is insufficient. COVID-19's effects on voter turnout and voter well-being are unprecedented. Fifteen states have already extended and changed their voting procedures to better address administrative, health and safety burdens posed by the pandemic.<sup>7</sup> The others must have the resources needed to follow suit.

- **Paid Leave:** Providing paid sick days and family and medical leave to all workers is vital to slowing the spread of COVID-19 and to protect workers' economic security. These protections are necessary to ensure that workers do not put their health—or their community's health—at risk by showing up for work when they are exhibiting symptoms and/or have tested positive for the virus. The PAID Leave Act (sponsored by Senators Murray and Gillibrand and Representative DeLauro) must be included in the fourth stimulus package. The Families First Coronavirus Response Act only requires employers with fewer than 500 employees to provide mandatory paid leave, and it exempts certain small businesses. Despite employing half the workforce, large businesses are exempt from providing paid leave. Providing employer-funded or federally-funded emergency paid sick days and family and medical leave will ensure that the majority of workers, including those who are self-employed and gig workers, are counted as eligible employees for these vital benefits. Paid leave for all workers will reduce the likelihood of low-wage workers risking their personal health, along with their community's health, by showing up for work when they are exhibiting symptoms and/or have tested positive for the virus.
- **Criminal Justice:** Funds must be allocated to federal and state prisons, jails, and detention centers to adequately test and treat staff and inmates for COVID-19, and precautions should be taken to minimize the spread. The CARES Act provides \$100 million to the Bureau of Prison and \$850 million for state and local law enforcement. However, prisons and jails remain hotbeds for contraction of COVID-19, since social distancing recommendations are an impossible task for people incarcerated in confined spaces. Recently, 141 inmates tested positive for COVID-19 in Cook County Jail in Chicago (one of the largest single-site jails in the nation).<sup>8</sup> Three federal inmates have already died after contracting COVID-19,<sup>9</sup> a number which is likely to rapidly rise in the coming

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<sup>7</sup> Nick Corasaniti and Stephanie Saul, *16 States Have Postponed Their Primaries Because of Coronavirus. Here's a List.*, N.Y. TIMES (Apr. 9, 2020), <https://www.nytimes.com/article/2020-campaign-primary-calendar-coronavirus.html>.

<sup>8</sup> Bill Hutchinson, *One of the largest single-site jails in the U.S grapples with 141 coronavirus cases*, ABC NEWS (March 31, 2020, 9:41 PM), <https://abcnews.go.com/Health/largest-single-site-jails-us-grapples-134-coronavirus/story?id=69871778>.

<sup>9</sup> Rosemary Westwood, *Third Federal Inmate Dies from COVID-19*, NAT'L. PUB. RADIO (April 1, 2020, 3:38 PM), <https://www.npr.org/sections/coronavirus-live-updates/2020/04/01/825448006/second-federal-inmate-dies-from-covid-19>.





weeks if proper precautions are not taken. Cash bail must be waived for individuals awaiting trial for misdemeanors and non-violent felony charges, similar to the state of New Jersey's model.<sup>10</sup> To minimize the spread, the number of people confined should be reduced. Funding must support the home confinement and re-entry of people, with specific funding for job readiness training programs. Vulnerable populations, including the elderly, pregnant, and immunocompromised individuals who do not pose a safety or flight risk to the community should be prioritized for release and home confinement.

- **Housing:** The 120-day moratorium on evictions for renters in federally-subsidized properties and properties with a federally-backed mortgage must be enforced and extended to other low-income tenants, and landlords receiving relief from paying their mortgage under the CARES Act should be required to pass that relief on to their tenants by waiving rent and fees for that same period of time. Congress should also direct the Federal Housing Finance Agency to create a publicly accessible search tool that enables tenants and members of the public to ascertain whether a rental property is subject to a federally-backed mortgage for purposes of the CARES Act. Fifty-eight percent of Black heads-of-household rent, rather than own, their homes.<sup>11</sup> While many states have issued guidance to landlords discouraging evictions, there needs to be uniformity in this relief given the stark rise in unemployment.<sup>12</sup> The 6-month moratorium on federally-backed mortgage payments must also be automatically instituted instead of a request-based system, which has led to delays, ambiguity and administrative burdens.<sup>13</sup> The next relief bill should also specifically allocate funds for local governments, Public Housing Authorities (PHAs), and nonprofit affordable housing development organizations to acquire existing rental units from owners facing liquidity or financial challenges to convert those units to affordable housing, addressing the short-term need to prevent homelessness and housing insecurity, while expanding the limited supply of affordable housing nationally. Finally, the Department of Housing & Urban Development should pause all non-emergency rulemaking, and devote the majority of staff resources to the implementation and expansion of programs that provide assistance to renters, homeowners, and people experiencing homeless or housing insecurity.
- **Education:** The CARES Act designated \$13.5 billion for K-12 relief and \$14 billion for higher education; however, the funding does not ensure that K-12 students have adequate technology to access distance learning curricula nor cover costs tied to the provision of summer school. Additional funds must be earmarked for technology support for K-12

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<sup>10</sup> Lea Hunter, *Fact Sheet: Ending Cash Bail*, CTR. AM. PROGRESS (March 16, 2020, 9:05 AM), <https://www.americanprogress.org/issues/criminal-justice/reports/2020/03/16/481543/ending-cash-bail/>.

<sup>11</sup> Anthony Cilluffo, A.W Geiger and Richard Fry, *More U.S households are renting than at any point in 50 years*, PEW RES. CTR. (July 19, 2017), <https://www.pewresearch.org/fact-tank/2017/07/19/more-u-s-households-are-renting-than-at-any-point-in-50-years/>.

<sup>12</sup> Alan Gomez, *Worried about paying rent on April 1? What states are doing, and not doing, to help*, USA TODAY (March 31, 2020, 6:00 PM), <https://www.usatoday.com/story/news/nation/2020/03/31/paying-rent-during-coronavirus-many-states-offer-relief-renters/5086542002/>.

<sup>13</sup> Dima Williams, *Borrowers Seeking Mortgage Forbearance Hit Ambiguity*, SNAFUS, FORBES (April 2, 2020, 2:48 PM), <https://www.forbes.com/sites/dimawilliams/2020/04/03/borrowers-seeking-mortgage-forbearance-hit-ambiguity-snafus/#404859baedc5>.



students now engaged in distance learning, for summer school to prevent racially disparate learning gaps due to the sudden closure of K-12 schools in marginalized areas, and grants for college students from low-income households who now have to offset unexpected housing costs after their on-campus housing closed. The moratorium on federal student loan payments until September 30, 2020 must be expanded to include Perkins and Federal Family Education Loans. Further, about 45% of college students face food insecurity<sup>14</sup> and many do not earn enough income to require the filing of a federal tax return, rendering them ineligible for the cash assistance benefit provided under the CARES Act. These vulnerable students must be provided with the assistance they need to meet their basic needs.

- Increase Federal Assistance to Communities with High COVID-19 cases: Data released from certain states and cities across the country reveal that African Americans are disproportionately represented among known coronavirus cases and deaths. In the coming weeks and months, states and localities will continue to require additional emergency aid to expand their capacity to treat patients, properly furnish hospitals with the necessary medical equipment, and provide proper protective equipment to hospital staff. Funding to the states and U.S. territories must be informed by racial and ethnic data revealing hot spots across the country and supplemental funding should be directed to areas that serve low-income patient populations to ensure that these communities are given adequate resources in order to provide proper care.

As we continue to see the impact of the COVID-19 pandemic on communities throughout the United States and the world, Congress must expend sufficient resources to ensure that all Americans, particularly African Americans and other communities of color, can weather the storm ahead. Thank you for your leadership, and for your consideration of our priorities. Please feel free to contact Demelza Baer, Director of Public Policy, at [dbaer@lawyerscommittee.org](mailto:dbaer@lawyerscommittee.org); or Erinn D. Martin, Policy Counsel, at [emartin@lawyerscommittee.org](mailto:emartin@lawyerscommittee.org) with any questions.

Sincerely,

Kristen Clarke  
President & Executive Director  
The Lawyers' Committee for Civil Rights Under Law

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<sup>14</sup> Kaya Laterman, *Tuition or Dinner? Nearly Half of College Student Surveyed in a New Report Are Going Hungry*, N.Y. TIMES (May 2, 2019), <https://www.nytimes.com/2019/05/02/nyregion/hunger-college-food-insecurity.html>.