

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.¹ 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

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

account for 55% of COVID-19 cases² but only 37.8% of the state's population.³ In Louisiana, Black people make up 70% of the COVID-19 related deaths but only 33% of the population.⁴

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%⁵ of the U.S. population.⁶ Although immigrants are only 13.5% of the U.S. population, they make up 36% of home health aides.⁷ Fifty-seven percent of farm laborers in the U.S are Latinx, even though they make up only 18% of the population.⁸ 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.⁹ 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.¹⁰ Thirty-six percent of the nation's poultry is produced in our states.¹¹ 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.

2 Mississippi State Department of Health, COVID-19

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, 2020,¹² 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.¹³

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. ¹⁶In 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 a 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

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.

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.²⁰ 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

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.¹² Racial disparities also exist in children's access to internet at home.¹³ 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.¹⁴

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

of Federal Contract Compliance Programs issued a memorandum allowing its director to exempt federal contractors from complying with federal affirmative action requirements.²² 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 pro

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