

MEMORANDUM

From: National Urban League, Lawyers' Committee for Civil Rights Under Law, LULAC, Leadership Conference for Civil and Human Rights, UnidosUS, National Action Network
To: Speaker Nancy Pelosi, Senate Democratic Leader Charles Schumer
Re: Proposed civil rights and economic justice related legislative responses to COVID-19
Date: March 19, 2020

Job Training/Workforce Development/ Rehiring Assistance:

- **Direct funding towards traditional job training and placement programs.** Increase funding through the Workforce Innovation Opportunity (WIOA) Act – Adult program. With predictions of 20% unemployment rate and the assumption that the majority of individuals seeking services in the current economic environment are going to be dislocated workers, the fastest way to provide employment and training services is to increase funding to the Adult program, which is significantly more flexible than the Dislocated Worker program.
- **Increase community-based job training grants.** Target funds for national nonprofit intermediaries with a network of community-based organizations in at least ten states that have a track record of service in underserved communities. Funds could be used to develop work opportunities for high-need populations, enhanced youth employment, improved school to work linkages, and community and national service initiatives.
- **Increase funding by \$20 billion for the Workforce Innovation Opportunity (WIOA) Act program.** Congress should allow the department to waive competitive bidding requirements and put a focus on funding established national intermediary partners with a track record of served unemployed, disadvantaged, dislocated workers
- **Increase funding by \$2 billion for the Senior Community Service Employment Program (SCEP)** for workforce development services stipends to be paid for dislocated, mature workers over 55 years of age.

Housing:

- **CDBG funding increase:** Provide \$50 billion for Community Development Block Grants. This funding will allow state and local governments to have a flexible resource to address the needs of their communities when mitigating the impacts of COVID-19.
- **CDBG changes:** In addition, this block grant platform should be amended as follows:
 - **Targeting:** Under current law, 70 percent of the CDBG funds expended must benefit people at or below 80% of the area median income (AMI). The guideline should be relaxed as this will seriously limit the programs and areas in which CDBG may fund projects.

- **Public Service Cap:** Under current law, no more than 15 percent of a CDBG grant plus prior years' program income can be used for public services. This 15 percent cap should be waived.
- **Program Income:** Under the current CDBG program any income generated by a CDBG activity must be returned to the CD program. Income generated by infrastructure projects should instead be used for operation and maintenance of those projects.
- In addition, CDBG recipients are required pursuant to Section 3, to the greatest extent feasible, to provide training, employment, and contracting opportunities for low – or very low income residents for public construction projects over \$100,000. This may provide a unique opportunity to train and prepare low-income workers of color for jobs in the construction trades industry across the country.
- **Provide \$5 billion for Social Services Block Grants (SSBG).** The capped entitlement programs under this block grant platform provide funds to assist states in delivering social services directed toward the needs of children and adults.
 - **Fully Fund the SSBG AFI initiative.** Congress should fully fund and expand the SSBG, Division of Community Discretionary and Demonstration Programs (DCDDP), Assets for Independence (AFI) initiative. Utilizing existing individual and community assets, AFI strengthens communities from within through the use of matched savings accounts called Individual Development Accounts (IDAs).
 - **Fully fund and expand the SSBG Office of Community Economic Development (OCED)** which administers grant program funding to Community Development Corporations that address the economic needs of low-income individuals and families through the creation of sustainable business development and employment opportunities.
- **Provide \$5 billion in emergency housing assistance** to help communities minimize homeless, and identify space (like hotels and motels) for isolation and quarantine, help with outreach to make sure people facing homelessness have safe space.
- **Additional funding for public housing agencies and HUD housing providers.** We want to make sure that seniors, people with disabilities and families with children are in safe housing safe since they are at higher risk and since public housing is in need of capital improvements; funding for sanitation and deep cleaning.
- **Increase funding by \$200 million for housing counseling assistance** to help families better understand their options during this time of crisis.
- **Moratorium on rulemakings at HUD and federal financial regulators** that are not related to the virus response or other imminent health and safety concerns.

- **National rent pause**, where there is an across-the-board moratorium on collecting rent, *combined with a moratorium on mortgage payments* for residences (with no penalties, fees or negative impact on credit scores), which provides relief for homeowners, renters, and provides financial protection for landlords. Make sure that interest accrual is frozen along with mortgage payments. And, a **short-term plan to house people who are homeless in hotels and motels**—which are way below capacity—as part of a two-step process to find permanent housing options. In addition, no family should have their utilities shutoff during this pandemic, and LIHEAP assistance should be extended to everyone in need even as we recover.
- **Offer small landlords (1-4 units) a full tax credit for any missed rental payments during this crisis.**
- **Urge HUD to issue guidelines about best practices and how to social distance/contain the virus for residents in large apartment complexes.**

Local Government Assistance:

- **Provide flexibility to local governments by disbursing funds through the Community Development Block Grant (CDBG) with appropriate waivers.** This will enable cities to finance projects for which there is no other funding stream (i.e., police precincts, parks, cultural institutions, libraries, and courts).
- **Block grants for states, cities and local communities** to increase their emergency response staff, purchase equipment, and build emergency hospitals and clinics.
- **Increased funding for federal food and energy assistance programs.**
- **Provide funds directly to local governments.** This would increase the pace at which these projects could be initiated.
- **Apportion funding through formulas that account for the unique needs of urban areas and prevent earmarking of funds to specific projects or regions.** The CDBG and the Education Title I programs are examples of programs with successful funding formulas.

Voting:

- Additional funding to upgrade election infrastructure and for the Election Assistance Commission and State and local jurisdictions to address additional administrative and health and safety burdens created by COVID-19.
- Authorization of national vote by mail if a national emergency remains in effect.

Cash Assistance:

- **Expand the Federal Earned Income Tax Credit and the Child Tax Credit and make permanent.**

- **Additional direct cash payments** tiered by income level every month, so that people making the least (e.g. less than \$15K/year) receive the greatest cash payments. These payments would go to everyone, including gig and domestic workers and people whose income is seasonal or irregular.
Moreover, it is critical that these payments are not limited to people who filed taxes or only people who have a permanent fixed address, as that would exclude people who are homeless or who did not earn enough money that necessitated filing an individual tax return.

Criminal Justice Reform:

- **Federal grant funding to states to facilitate re-entry of people who can safely be released from jails and prisons**—prioritizing sick and elderly people—to stop the spread of COVID-19 within jails and prisons and reduce the burden on limited medical facilities.
- **Fund state prisons and jails sufficiently to test all inmates and employees** who have inmate contact for COVID-19.
- **Increase medical funding for the BOP, with funds earmarked for COVID-19 treatment and prevention.**
- **Provide funding for state prisons and jails, with funds earmarked for COVID-19 treatment and prevention.**
- **Require all companies that provide phone and video conference services to the Federal BOP to eliminate all inmate fees** since many facilities are suspending in-person visits.
- **Provide funding to state prisons and jails to pay phone and video conference service providers** so that these services are free for all inmates.

Education:

- **Student Loans:**
 - 1) forgiveness of up to the first \$50,000 in federal student loans (completely eliminating student loan debt of less than \$50,000);
 - 2) a moratorium on federal student loan payments during the emergency, with each month under the moratorium credited towards borrowers Income-Driven Repayment plans and/or Public Service Loan Forgiveness plans;
 - 3) cessation of all involuntary collections for borrowers who are in default;
 - 4) make loan forgiveness automatic;
 - 5) there should be loan forgiveness if an institution closes or ceases providing classes.
 - 6) Prohibit derogatory credit reporting for deferment or moratorium periods. Also ensure that loan forgiveness is not treated by IRS as income and thus taxable.
- **Emergency financial aid for college students** affected by campus closures to help pay for basic needs like food, housing, and healthcare
- **Expansion of Mentoring Program Funding via OJJDP- all categories**

- **Restore the HBCU Grant Program.** Provide \$75 million for the HBCU Grant Program at the U.S. Department of Housing and Urban Development to support HBCU efforts to partner with their communities on economic development and community revitalization.
- **Ensure HBCUs have the resources and infrastructure needed to provide education services to students directly impacted by the pandemic** (incomplete transcripts, late graduations, etc.), adult students who have been displaced, furloughed or laid off (re-skilling) because of the pandemic, as well as justice involved individuals and communities impacted by mass incarceration.
- **Fund emergency childcare**, especially for healthcare workers, first responders and those that work outside of the 9am-5pm work hours like security personnel. Healthcare workers are often women and home healthcare aids are often Black women.
- **Significant increases for Title I and IDEA** to help stabilize school funding and ensure continuity of services for students attending schools in poor neighborhoods. This would include including a full range of services as allowable and necessary, including those found in community school settings (health & wellness, counseling, etc.) and offered by local community-based organizations and national intermediaries- supplemental services / afterschool services and supports, school-based apprenticeships and programming and supports for students who have to attend summer school as a result of the pandemic, are expected to earn credits towards graduation via credit recovery or other means, and those in career education programs. Funding and support for comprehensive and integrated approaches to student well-being, success and achievement.
- **Purchasing technology**, including the provision of digital and broadband access for virtual instruction.
- **Specific and targeted protections, investments and strategies for houseless and homeless students, families and caregivers.** Eliminate jobs as a qualifier for housing placement.
- **Planning for provision of meals for eligible students long term**, including during the summer and the elimination of all student meal-related debt (past and go forward).
- **Subsidies for Certain School Employees:** While CBAs may allow some teachers and staff to get paid at the moment, not all teachers serving vulnerable populations and students of color are unionized (e.g. charters school teachers). This is a big concern for substitute teachers, bus drivers, social workers and others who are not getting paid right now. Other school employees (e.g. sub-contracted custodial or clerical workers; maintenance, security etc.) and other full or part-time hourly workers may be missing from the discussion.
- **Future funding for summer school:** due to the lost instructional time, schools will need additional funding for instruction, counseling and advising over the summer.
- **Providing additional Title II funding:** professional development for educators to receive training around distance learning, remote learning and digital learning. Additional funding for social, emotional and academic learning (Whole Child Equity) professional development and capacity building.
- **Providing additional Title IV funding and introducing additional flexibility into allowable expenses, research-based approaches and community-based contractors to ensure a range of services, supports and programming are enhanced and made available** (blended learning, digital learning, trauma informed care, family engagement, etc.) *Essentially everything but charter expansion.*

Employment/ Paid Leave:

- **Allow individuals who get sick and don't have paid sick leave through their employer to apply for unemployment insurance and get reimbursed.**
- **Approve Sen. Schumer's proposal making investments in and reforms of Unemployment Insurance**
 - Increase benefit size (like in 2009)
 - One-time extension of benefits – make available an additional 13 weeks of federally-funded unemployment insurance benefits
 - Set up a trigger system so that more weeks of unemployment compensation will become automatically available as the unemployment rate rises (Fixing extended benefits of triggers –between 2008 and 2010, Congress repeatedly had to pass legislation extending the program).
 - Extend Unemployment Insurance to up to 99 weeks, similar to ARRA 2009 provision.
- **Pass the PAID Leave Act to provide emergency paid sick days and family and medical leave funded by the federal government** to provide additional support to workers and businesses, and ensure that self-employed and gig workers are counted as eligible employees for these benefits.
- **Support the UFW's call to: Extend state-required sick pay to 40 hours or more and remove the caps on accruing sick pay.**
- **Eliminate the 90-day waiting period for new farm workers to be eligible for sick pay.**
- Permit furloughed employees to qualify for Unemployment Insurance
- Extend & increase SCSEP funding for another year instead of releasing the expected FOA in March 2020.
- **Ensure robust protections for frontline workers.** Congress should ensure clear standards and sufficient funding and equitable distribution of necessary protective equipment for health care workers, direct service providers, and other workers who are in contact with people who have been exposed or are suffering from the virus as well as the people responsible for cleaning buildings and public facilities.
- **Expand paid sick leave to all workers, most especially caregivers.** HR 6201 is limited and leaves out caregivers for older adults and people with disabilities. Congress must ensure that all workers who fall ill, are impacted by quarantine orders, or are responsible for caring for loved ones--including both adults with disabilities who have lost their primary source of care and children impacted by school closures--receive paid sick leave to alleviate the devastating consequences of lost wages. Such caregivers must be covered by both paid sick days and paid leave, with additional resources for respite care and family caregiver support under Title III of the Older Americans Act, along with sufficient resources for the Social Security Administration.

Financial Services:

- **National moratorium on medical debt collection** that would compromise an individual, family or household's ability to provide for their health and care during this emergency.
- **Suspend all negative consumer credit reporting** during the pandemic. This is similar to Chairwoman Waters' legislation related to suspending reporting during a government shutdown.
- **Exempt unemployment insurance payments from taxation.**
- **Protect Americans against predatory lending. Predatory lenders such as payday loan sharks should not be allowed while individuals and families already face additional pressure from sickness and economic stress.**
- **Halt all debt collection efforts, postpone currently pending hearings, no new lawsuits should be allowed.**

Health/ Food Security:

- **Make health insurance accessible to uninsured** (open up open enrollment if not open).
- **Invest in health insurance outreach and enrollment.** Congress should fund in-language outreach and enrollment resources targeting communities of color, including increased funding for application assisters to be available via online tools to help individuals enroll during the SEP; as well as resources and promotion for difficult-to-reach populations.
- **Telehealth.** Permanently adjust Medicare and Medicaid to allow for telehealth- CMS expansion for seniors was announced- should be made permanent and expanded for additional recipients alongside a thorough parallel review of HIPA and other restrictions. Allow insurance coverage and incentivize virtual mental health access.
- **Remove eligibility restrictions for Medicaid and the Children's Health Insurance Program (CHIP).** Specifically, Congress should lift the 5-year waiting period currently in place for lawful permanent resident children and adults to access Medicaid and CHIP.
- **Suspend Social Security and Medicaid redeterminations, terminations, and reductions.** With the announcement of Social Security Field Offices closing for in-person services, Congress must require that SSA suspend all continuing disability reviews and terminations.
- **Simplify Medicaid Eligibility Determinations for Medicaid and CHIP.** The Centers for Medicare & Medicaid Services (CMS) should immediately notify all state and territorial Medicaid and CHIP officials that they can apply to use state plan authorities to use presumptive eligibility to expedite enrollment, and allow for state plan or waiver changes to enrollment, redetermination, and eligibility determination policies that promote patients' immediate access to care for COVID-19, promoting early detection of virus.

- **Increase FMAP by 10% but no less than 8%.** Increased funding to states could directly help states provide services to the most at-risk individuals who are on HCBS waiting lists. We also urge Congress to authorize an enhanced FMAP for states that fully expand their Medicaid program under the Affordable Care Act. This will make the biggest impact in terms of ensuring that uninsured individuals get access to testing and treatment and helping reduce uncompensated care costs for strained hospitals.
- **Increase investment in Community Health Workers**, particularly in areas particularly hard hit by the pandemic and in vulnerable communities (rural, impoverished census tracts, large percentage of seniors and newborns, etc.)
- **Freeze all changes to social safety net programs that would limit access and/or kick folks off** (SNAP rulemakings, injunction on work requirements for SNAP).
- **Freeze all federal rulemaking that is not essential to addressing the COVID-19 health crisis.**
- **Provide a 15 percent SNAP benefit increase with automatic extensions of the increase during the recession.** Allow for greater flexibility in SNAP purchases as the pandemic limits the availability of WIC eligible products and produce.
- **Remove eligibility restrictions for SNAP.** Specifically, Congress should remove the 5-year waiting period currently in place for lawfully permanent resident adults to access SNAP.
- **Invest in targeted, culturally responsive and linguistically appropriate outreach and enrollment in SNAP**, including for Latinos and those in mixed-status households.
- **Increase Supplemental Security Income benefits** to 200% of poverty level. In addition, any emergency cash payments should be excluded from being counted as income for those receiving Supplemental Security Income (SSI). The resource limit for SSI eligibility should be eliminated, and provisions of the SSI Restoration Act (S. 2753) should be enacted, including eliminating in-kind support and maintenance, increasing the general.
- **In addition to covering the cost of testing, cover/ subsidize the cost of treatment -** Some estimates show treatment with insurance can still be \$20,000 (if have pneumonia) or \$10,000 with “no complications.” Also dedicate funding to support and ensure the availability of bilingual health care staff who are asked to provide interpretation services and communicate directly with limited-English proficiency (LEP) populations in health care settings that are responding to COVID-19. (Note: this reflects what is included in the Health Equity and Accountability Act)
- Permit first responders and front line health providers and families priority testing kits.
- **Reauthorize and protect community health centers and rural hospitals, including through the suspension of any pending closures of rural hospitals.** Expansion of services and supports offered in these settings to account for illnesses, treatments, diagnosis, etc. that were missed during the pandemic response.
- **Ensure adequate access to supplies, personnel, testing and treatment for people in mental health facilities, prisons, jails, immigrant detention centers, juvenile detention centers, and nursing homes.**
- **Leverage Medicare to keep people at home.** Congress should eliminate the “home bound” requirement for access to Medicare home health services. We support CMS’s

action to waive Medicare's 3-day hospital stay requirement as a condition of Skilled Nursing Facility admission and payment during the COVID-19 pandemic. However, we strongly urge Congress to make this permanent so that Medicare patients who need access to SNF following any type of hospitalization get access, even after the pandemic has eased.

Immigration:

- **NO enforcement funds for ICE/CBP.** The admin is asking for money to build quarantine facilities at the border.
- **Ensure health care facilities will be “immigration enforcement-free zones”** for the duration of the outbreak.
- **Direct the U.S. Citizenship and Immigration Services Agency to issue automatic extension/renewals of Employment Authorization Documents (work permits)** that expire this year in light of disruptions at the agency.
- **Ban the defacing or elimination of COVID-19 prevention information written in non-English.**
- **Waive Matching Requirements for Municipal Governments.** This provision would waive the requirement that state, territory or local governments first obtain matching funds prior to receiving certain federal grants.

Non-profit/ Charitable Organizations Support:

- **Provide bridge loans and low-interest loans to help non-profits and charitable organizations cover cash flows.** Many nonprofits are supporting individuals and small businesses in mitigating the losses due to this crisis and are themselves facing tough choices between making payroll and delivering charitable services.

Small Business:

- **\$1 billion for the Community Development Financial Institutions (CDFI) Fund** to find promising small businesses in low and moderate income communities that need quick access to capital in order to stay afloat. Similar to the American Recovery and Reinvestment Act of 2009, matching funds and limitations on awards would be waived to provide flexibility in deploying resources to vulnerable populations and impacted small businesses.
- **Provide grants for community-based organizations serving underserved communities** that are serving as technical assistance providers for provision of client disaster recovery services. Many small businesses, particularly disadvantaged businesses are unsure how to maneuver in this environment and seeking TA and advice on how best to move forward.

- **Direct grants and expanded low-interest fixed rate federal loans for Women and Minority Business Owners**, with additional assistance for those in cities/towns most impacted by COVID-19.
- Moratorium on payment on small business loans with no fees, penalties or impact on one's credit.
- Establish efficient federal protocols for waiving fees and costs associated for SBA programs, including disaster loans.
- **Establish a temporary small business loan program** designed to address shortfalls in revenue by offering interest-free loans to small businesses. The program will be deployed through a network of trusted non-profit organizations and CDFIs.
- **Fully and quickly reimburse employers with less than 500 employees for all paid sick days and paid leave in 2020 and 2021.** In order to ensure that business do no need to wait for tax credits, only require employers to provide documentation to the Department of Labor (DOL) to demonstrate they paid out sick days or leave in order to receive reimbursement. After 2021, allow workers to accrue seven paid sick days and establish a self-sustaining family and medical leave insurance program for all workers.
- **Suspend all commercial rental payments by private sector actors.** This would support small businesses that are struggling with the decision to stay open in the face of significant declines in consumer demand and with paying their bills.
- **Suspend court proceedings for small businesses facing bankruptcy** during the crisis as a result of reduced consumer demand.

Technology and Access:

- **Expand and maintain access to broadband internet capable of handling 2-way video streaming.** Require communication and broadband providers to continue maintaing service for consumers who are unable to pay during the crisis without reporting as derogatory credit. Through the use of grants or existing eRate program, incentivize carriers and communication and broadband providers to: 1) offer communication and broadband service to consumers in low-income and rural areas at substantially-reduced or no cost; 2) expand access to increased speeds to accommodate the transition to online learning and streaming 2-way video communications.
- **Provide grants to Title I schools for the provision of tablets and notebook computers to students to access online learning platforms.**
- Develop campaign on how to stay safe while telecommuting (i.e. insider cyberattacks, spyware, malware) using company equipment. Congress should exercise its oversight authority and take any legislative steps possible to stop misinformation and scams, including passing the Stop Senior Scams act (S.149).