

July 1, 2020

**Re: ACLU Priorities for COVID-19 Relief Package**

Dear Senator,

On behalf of the American Civil Liberties Union (ACLU), and our more than 8 million members, supporters, and activists, we write to urge you to include certain key elements in the much-needed, next COVID-19 relief package, in order to better protect the health and future of the country. For months, our country has struggled with the unprecedented impacts of the COVID-19 pandemic. The greatest toll has been on Black and Brown people throughout our country. Yet, despite the prior relief packages that have been enacted, Congress has simply not done enough to protect the health and well-being of people in the United States, particularly those who are most at risk.



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As COVID-19 cases rapidly spike around the country, Congress must move swiftly as the country is running out of time. Congress must act and pass legislation that protects the future of our nation. While there is a long list of relief that is needed, the ACLU has prioritized four essential requests that are critical to protect the health and well-being of people in the United States from the impact of COVID-19:

- (1) funding and mandates for no-excuse absentee ballot voting and early voting;
- (2) expanded early release for people in prisons and jails most vulnerable to COVID-19;
- (3) funding for emergency rental assistance; and
- (4) access to testing and treatment for everyone.

**Funding Mandates for No-Excuse Absentee Ballot Voting and Early Voting**

As we have seen in postponed or chaotic primaries in Georgia, Florida, Texas, and Wisconsin, many states and counties are currently unprepared to address the seismic shift in election administration necessary to ensure the 2020 elections can proceed safely during the pandemic. It is critical that Congress provides the electoral framework and funding necessary for state officials to address the unprecedented challenges facing voters, poll workers, and election administrators during the COVID-19 pandemic. **To accomplish this, Congress should include in its next stimulus package the VoteSafe Act (Harris-Clyburn)**, which sets reasonable, uniform national standards for the 2020 elections for all eligible voters to use mail-in absentee voting and a minimum early in-person voting period of 20 days. The bill provides \$2.5 billion in funding for states to implement these procedures and an additional \$2.5 billion in discretionary funding to give

states flexibility to address the specific needs of their voting population by improving voting processes and technologies, upgrading voter registration options, undertaking public education campaigns to inform voters of new procedures, and ameliorating the distinct burdens faced by groups that will have to overcome the greatest impediments to being able to vote safely, such as voters with disabilities, language minority voters, and Native American, Alaska Native, and rural voters.

### **Expanded Early Release for People in Prisons and Jails Most Vulnerable to COVID-19**

Despite increased authority to reduce the federal prison population under the CARES Act, the Bureau of Prisons (BOP) has used home confinement for just 2% of the 150,000 people in its custody<sup>1</sup> and the Department of Justice (DOJ) is actively opposing motions for pretrial release.<sup>2</sup> Meanwhile, as of June 29, the Federal Bureau of Prisons reports more than 7000 cases of COVID-19 among incarcerated persons and its staff. More than half of the 122 federal prisons have confirmed active cases. Eighty-nine (89) people in federal custody have died from COVID-19, and media reports indicate that at least two BOP staff persons have died, though BOP has included only one death in its official count.<sup>3</sup> And by BOP's own admission, these numbers are an undercount.<sup>4</sup> **In its next stimulus package, Congress should include the Emergency Community Supervision Protection Act (S. 3579, H.R. 6400), which would release to home confinement and other community supervision those persons in BOP custody most vulnerable to COVID-19—those who are pregnant; those who are age 50 and older; and those with underlying health conditions. Congress must also provide resources to state and local governments to release these same populations in jails and prisons throughout the country.**

### **Emergency Rental Assistance**

Millions of America's lowest-income renter households—8 million households—were struggling to pay rent and make ends meet before the COVID-19 pandemic. Now, many are facing increased risks of evictions and homelessness due to job losses and reduced wages. Additionally, even before the pandemic, people of color (and particularly Black women) were significantly more likely than white people to experience evictions and homelessness. Earlier this year, the ACLU's Womens' Rights Project and Data Analytics team found that, on average, Black women renters had evictions filed against them by landlords at double the rate of white renters (or even higher) in 17 of 36 states.<sup>5</sup> To help people shelter in place and avoid housing instability during

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<sup>1</sup> Laura Cassels, *Prison officials delay releasing federal inmates into home confinement, 'thumbing their nose' at judges and Congress*, FLORIDA PHOENIX (June 1, 2020), <https://www.floridaphoenix.com/2020/06/01/prison-officials-delay-releasing-federal-inmates-into-home-confinement-thumbng-their-nose-at-judges-and-congress/>.

<sup>2</sup> Walter Pavlo, *Federal Prosecutors Across The Country Oppose Many Common Sense Motions For Compassionate Release*, FORBES (Apr. 15, 2020), <https://www.forbes.com/sites/walterpavlo/2020/04/15/federal-prosecutors-across-the-country-oppose-many-common-sense-motions-for-compassionate-release/#7decd55675a0>.

<sup>3</sup> BOP, *COVID-19 Cases*, <https://www.bop.gov/coronavirus/index.jsp> (last visited June 29, 2020).

<sup>4</sup> Walter Pavlo, *Bureau of Prisons Underreporting COVID-19 Outbreaks in Prison*, FORBES (Apr. 1, 2020), <https://www.forbes.com/sites/walterpavlo/2020/04/01/bureau-of-prisons-underreporting-outbreaks-in-prison/#3c9554ec7ba3>.

<sup>5</sup> Sophie Beirs, Sandra Park, & Linda Morris, *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU NEWS & COMMENTARY (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.

and after the COVID-19 pandemic, **Congress should include at least \$100 billion for emergency rental assistance to provide direct support to people who have lost jobs and income.** This funding is essential to keep America’s low-income seniors, people with disabilities, families with children, low-wage workers, and others stably housed during and after this crisis. A just-released study from the Pew Research Center found that an overwhelming majority of respondents—88%—favor government action to prevent evictions and foreclosures for those who have lost jobs or income as a result of the pandemic.<sup>6</sup> It is imperative that Congress immediately and boldly act to prevent a coming wave of mass evictions.

### **Access to Testing and Treatment for Everyone**

Testing and treatment is essential to curbing the spread of COVID-19.<sup>7</sup> Without it, all of us are put at risk. Yet, Congress has left tens of millions of people out of COVID-related care—many of them are essential workers, including immigrants. There are approximately 19.8 million “essential” immigrant workers, risking their lives under the constant threat of exposure.<sup>8</sup> There are 1.7 million immigrant medical and health care workers caring for COVID-19 patients and 27,000 DACA recipients working as doctors, nurses, and paramedics.<sup>9</sup> People left out of testing and treatment are left to seek care at local community health centers—which do not all have COVID-19 testing and might be already facing shortages—or to hope that their state will provide testing and treatment to those not covered by Congress’ relief packages. But these options are limited and create confusion with people not knowing if they are eligible for care or where to go to receive it. The ACLU, alongside 68% of Americans, believes that the federal government has an obligation to provide medical care to undocumented immigrants with COVID-19.<sup>10</sup> **Congress should include language as in the Coronavirus Families Protection Act (S. 3609) to ensure that COVID-19 related care is available under emergency Medicaid in order to keep all of us safe.**

In summary, we strongly urge Congress to act in the interest of the health and well-being of the country by providing (1) funding and mandates for no-excuse absentee ballot voting and early voting; (2) expanded early release for people in prisons and jails; (3) funding for emergency rental assistance; and (4) access to testing and treatment for all.

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<sup>6</sup> Pew Research Center, *Broad support for government help for homeowners and renters, businesses, state and local governments* (June 25, 2020), [https://www.people-press.org/2020/06/25/republicans-democrats-move-even-further-apart-in-coronavirus-concerns/pp\\_covid-concerns-by-party\\_0-05/](https://www.people-press.org/2020/06/25/republicans-democrats-move-even-further-apart-in-coronavirus-concerns/pp_covid-concerns-by-party_0-05/).

<sup>7</sup> Matías Valenzuela, & Manar Waheed, *How many bills will it take for Congress to prioritize the health of the nation?*, THE HILL (May 12, 2020), <https://thehill.com/opinion/civil-rights/497286-how-many-bills-will-it-take-for-congress-to-prioritize-the-health-of-the?rnd=1589291436>.

<sup>8</sup> Rhina Guidos, *Report highlights role of immigrants as essential workers in COVID fight*, CATHOLIC NEWS SERVICE (May 1, 2020), <https://www.catholicnews.com/services/englishnews/2020/report-highlights-role-of-immigrants-as-essential-workers-in-covid-fight.cfm>.

<sup>9</sup> David J. Bier, *Immigrants Aid America During COVID-19 Crisis*, CATO INST. (Mar. 23, 2020), <https://www.cato.org/blog/immigrants-aid-america-during-covid-19-crisis>; JEROME N. FRANK LEGAL SERVICES ORGANIZATION to The Honorable Scott S. Harris, Letter to Court for 18-589, (March 27, 2020), [https://www.supremecourt.gov/DocketPDF/18/18-589/139241/20200327101941772\\_2020%2003%2027%20Letter%20to%20Court%20for%2018-589.pdf](https://www.supremecourt.gov/DocketPDF/18/18-589/139241/20200327101941772_2020%2003%2027%20Letter%20to%20Court%20for%2018-589.pdf).

<sup>10</sup> Jens Manuel Krogstad, & Mark Hugo Lopez, *Americans Favor Medical Care but Not Economic Aid for Undocumented Immigrants Affected by COVID-19*, PEW RESEARCH CENTER (May 20, 2020), <https://www.pewresearch.org/fact-tank/2020/05/20/americans-favor-medical-care-but-not-economic-aid-for-undocumented-immigrants-affected-by-covid-19/>.

Please do not hesitate to contact us if you have any questions.

- (1) funding and mandates for no-excuse absentee ballot voting and early voting  
Sonia Gill ([sgill@aclu.org](mailto:sgill@aclu.org))
- (2) expanded early release for people in prisons and jails most vulnerable to COVID-19  
Kanya Bennett ([kbennett@aclu.org](mailto:kbennett@aclu.org))
- (3) funding for emergency rental assistance  
Ian Thompson ([ithompson@aclu.org](mailto:ithompson@aclu.org))
- (4) access to testing and treatment for everyone  
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Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Newman". The signature is fluid and cursive, with the first name "Ronald" being more prominent than the last name "Newman".

Ronald Newman  
National Political Director