



IndivisibleEB.org

Senator Dianne Feinstein  
One Post Street, Suite 2450  
San Francisco, CA, 94104

**To:** Senator Dianne Feinstein  
**From:** Indivisible East Bay  
**Date:** May 27, 2020  
**Subject:** Resisting the Trump Agenda

**Action in the Senate:** We are very disappointed at how little Sen. Feinstein and other Senate Democrats have done on the floor of the Senate to hold Republicans accountable for failing to respond to this continuing crisis. It is frightening to see our representatives shy away from votes and confrontation as our death toll passes 100,000[1] and the programs keeping food on our tables and preventing further collapse of our economy are set to expire in less than 10 weeks and the state and local governments that have picked up miles of federal slack and managed to slow the spread of the virus are running out of money. Sen. Feinstein can't force the Senate to pass the HEROES Act, but she can force a procedural vote on the bill, which, even if the first one fails, is a step toward passage.

**HEROES Act Priorities:** There are a lot of good things in this bill and we can't really afford to water any of it down. That said, we believe the following are particularly essential:

1. Extend the expanded unemployment insurance provisions
2. Expanded paid sick/family/medical leave that fills in the gaps from previous legislation by including all workers and expanding peoples' ability to use their leave.
3. \$1,200 payment to all residents (including immigrants)
4. Increase of SNAP benefit levels by 15%, "Pandemic EBT" for school kids, and \$300 million for states to meet the needs of new enrollments
5. Additional federal funding for state Medicaid programs and safety-net healthcare providers, and funding for employers to keep furloughed workers on their health care coverage through next January
6. Funds for state and local governments[2]
7. Requirement that ICE review for release any immigrant whose detention is not required by law
8. \$3.6 billion in election funding to expand vote by mail and maintain safe in-person voting locations, allow any eligible voter in any state to request a mail-in ballot for any reason (online), ban states from throwing out ballots without giving the voter the opportunity to fix discrepancies, extended early voting days and safety measures for in-person voting, \$25 billion in funding for the United States Postal Service
9. Free testing and treatment for all, regardless of immigration status, income, or health care coverage status.
10. Hazard pay and whistleblower protections, new Occupational Safety and Health Administration (OSHA) emergency temporary standard to protect people from exposure to COVID-19 at their workplace[3].
11. Requirement that the Trump administration use the Defense Production Act for increased production of PPE and other medical supplies that are currently in short supply.
12. Automatic extensions of all work permits and immigration benefits so that people don't lose status while appointments are on hold
13. No additional money for ICE or CBP, and transfer restrictions to prevent money intended for other things from being repurposed for detention or deportations or stupid wall.

**What the HEROES Act Leaves Out:** Perhaps there will be a chance to add some of this during the negotiations process. If not, we will need to pass additional legislation. The bill leaves out a lot--including many independent pieces of legislation that have already been written and could be added as amendments, such as Sen. Feinstein's

bill[4] regarding the National Guard but the following are two major missing components that could be integrated to strengthen the entire response:

1. **Automatic Stabilizers:** We are supportive and proud of the bold response contained in the above provisions (and many others in the bill). If passed it will help a lot of people make it through this crisis, but we are very concerned that it is not nearly enough to set us on a path to economic recovery. More federal spending will be needed, and the most effective way to use those dollars to encourage a quick recovery would be to put in place assistance programs that get turned on and off automatically by economic triggers (such as the unemployment rate and other indicators of economic pain). Many of the programs in the HEROES Act would work better if instead of being turned off after a certain date, they were turned off by objective signs that the economy is improving. Would the Senator support Sen. Bennet's plan[5,6] for supplemental income based on economic indicators?
2. **Measurable Health Care Outcomes:** Although Congress appropriated \$25 billion for testing in the CARES Act, it left the crafting of a national testing plan to HHS and surprising absolutely no one, the administration's proposed plan seems to be scant on details[7] and includes only one specific plan to purchase and distribute 100 million cotton swabs by the end of the year. Those must be very expensive cotton swabs. In order to leave as little wiggle room as possible for the administration to backpedal, obfuscate or ignore, it's necessary for legislation to include performance metrics instead of deferring to executive agencies to formulate and implement plans. We want to see the language requiring X percentage of the population tested by Y date or Z number of contact tracers per capita as criteria for reopening[8].

#### **Implementation and Oversight of Previous Legislation:**

1. Access to unemployment: While the program passed by Congress is a great accomplishment, many people still aren't receiving the help they need due to state systems being difficult to use, and difficult to expand to meet unprecedented need. What can Congress do to make sure the law is implemented as intended across the states[9]? According to US Digital Response, technical investment in the following infrastructure would go a long way toward helping states administer their UI programs.
  - Infrastructure to support cross state wage verification.
  - Federal anti-fraud and anti-money laundering checking for bank accounts and individuals
  - Clear identity verification requirements, or identity verification service
2. Another urgent form of aid that states have so far failed to distribute in too many cases is the "Pandemic-EBT" program[10] to replace school lunches. What will Congress do to make sure the next iteration gets to more kids faster? Also it leaves out Puerto Rico?
3. Homelessness: has she gotten a response to her letter to HUD[11]?
4. Reporting to Congress: Will she join Sen. Murray[12] in calling for a more adequate report on racial health disparities?
5. Small Business Loans: has she gotten a response to her letter[13]?

**Immigration Enforcement Oversight:** We thank Sen. Feinstein for her work to protect people in immigration detention facilities. When does she expect the Judiciary Committee hearing she requested[14] to take place? -Has she received a response to her letter[15,16] about the deported unaccompanied kids[17]?

**Inspectors General:** The recent removal of Christi Grimm, the current chief of the Office of the Inspector General of HHS, is the 5th removal of an IG since the beginning of April. Her removal was retaliation for her office's investigation of the administration's failure to competently respond to the pandemic. This purge of IGs along with general indifference to reporting requirements set out by Congress and outright hostility to oversight means that Congress will be unable to provide any check on the executive branch. Much more than a hundred thousand lives will be lost because waste, fraud, incompetence, and abuse of power by the executive branch cannot be checked. -Will the Senator support Sen. Murphy's bill[18] to protect Inspectors General?

-What appropriations measures would she be willing to use to ensure that IGs can continue to do their work, free from political interference?

**NDAA and other 2021 Spending Bills:** What is happening with these and what do you expect to happen?

**Sources:**

1. Barry D, Buchanan L, Cargill C, Daniel A, Delaquérière A, Gamio L, et al. Remembering the Nearly 100,000 Lives Lost to Coronavirus in America. The New York Times [Internet]. 2020 May 24 [cited 2020 May 25]; Available from: <https://www.nytimes.com/interactive/2020/05/24/us/us-coronavirus-deaths-100000.html>
2. Feinstein Supports Relief for States, Localities [Internet]. United States Senator for California. [cited 2020 May 25]. Available from: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=F49681FF-2352-4AF5-AB8A-C4CFAD05C1A9>
3. Feinstein, Murray Call for Coronavirus Workplace Safety Standards [Internet]. United States Senator for California. [cited 2020 May 25]. Available from: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=D4540FEF-5E84-43CD-8807-F05C61E9495C>
4. Feinstein, Duckworth Introduce Legislation to Ensure National Guard Troops Activated In Response to COVID-19 Receive Full Benefits During the Public Health Emergency [Internet]. United States Senator for California. [cited 2020 May 26]. Available from: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=78D9C851-E275-4C40-A2E8-055E477E101F>
5. Bennet, Brown, Booker, Colleagues Call for Direct Cash Assistance to Help Americans Weather Economic Fallout of Coronavirus Outbreak [Internet]. Michael Bennet. [cited 2020 May 23]. Available from: <https://www.bennet.senate.gov/public/index.cfm/2020/3/bennet-brown-booker-colleagues-call-for-direct-cash-assistance-to-help-americans-weather-economic-fallout-of-coronavirus-outbreak>
6. Yglesias M. Michael Bennet's plan to prevent and end recessions, explained [Internet]. Vox. Vox; 2019 [cited 2020 May 23]. Available from: <https://www.vox.com/2019/8/22/20827080/michael-bennet-recession-federal-reserve-fiscal-stimulus>
7. Administration leaves testing responsibility to states in report to Congress. The Washington Post [Internet]. The Washington Post; 2020 May 24 [cited 2020 May 25]; Available from: [https://www.washingtonpost.com/health/trump-administration-vows-in-new-report-to-distribute-100-million-swabs-to-states-by-years-end/2020/05/24/9c02d240-9d06-11ea-ac72-3841fcc9b35f\\_story.html](https://www.washingtonpost.com/health/trump-administration-vows-in-new-report-to-distribute-100-million-swabs-to-states-by-years-end/2020/05/24/9c02d240-9d06-11ea-ac72-3841fcc9b35f_story.html)
8. Definitions and Criteria [Internet]. [cited 2020 May 25]. Available from: <https://www.covidexitstrategy.org/definitions-and-criteria>
9. Pahlka J. What states must do about Pandemic Unemployment Assistance. U.S. Digital Response; 2020 [cited 2020 May 25]; Available from: <https://medium.com/u-s-digital-response/what-states-must-do-about-pandemic-unemployment-assistance-e4a96b6c7db>
10. DeParle J. Hunger Program's Slow Start Leaves Millions of Children Waiting. The New York Times [Internet]. 2020 May 26 [cited 2020 May 26]; Available from: <https://www.nytimes.com/2020/05/26/us/politics/child-hunger-coronavirus.html>
11. Feinstein to HUD: Release \$9 Billion in Homelessness Aid Passed by Congress [Internet]. United States Senator for California. [cited 2020 May 26]. Available from: <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=F43135C4-9B80-42D2-837D-99E92D209242>

12. Murray, Pallone Demand More Data After Trump Administration Submits Embarrassingly Skimpy Report on COVID-19 Health Disparities | The U.S. Senate Committee on Health, Education, Labor & Pensions [Internet]. 2020 [cited 2020 May 26]. Available from:  
<https://www.help.senate.gov/ranking/newsroom/press/murray-pallone-demand-more-data-after-trump-administrati-on-submits-embarrassingly-skimpy-report-on-covid-19-health-disparities->
13. Feinstein to Small Business Committee: Make Key Improvements to Paycheck Protection Program [Internet]. United States Senator for California. [cited 2020 May 26]. Available from:  
<https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=6C0B93DE-1463-48EE-8065-635435B3330A>
14. Feinstein Calls for Hearing on Death of ICE Detainee, Conditions at Detention Facilities [Internet]. United States Senator for California. [cited 2020 May 26]. Available from:  
<https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=9EE46935-AABE-43EA-BF19-6A68199330CC>
15. DHS Will Examine Coronavirus Policy in Detention After Senators Raised Concerns [Internet]. United States Senator for California. [cited 2020 May 26]. Available from:  
<https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=522D58DA-8934-47D3-B473-AAE10DB1521A>
16. Leahy P, Feinstein D. Senate Judiciary Committee letter to DHS re Title 42 [Internet]. 2020. Available from:  
<https://www.leahy.senate.gov/imo/media/doc/4.7.20%20FINAL%20Jud%20letter%20to%20DHS%20re%20Title%2042%20-%20SIGNED.pdf>
17. Dickerson C. 10 Years Old, Tearful and Confused After a Sudden Deportation. The New York Times [Internet]. 2020 May 20 [cited 2020 May 25]; Available from:  
<https://www.nytimes.com/2020/05/20/us/coronavirus-migrant-children-unaccompanied-minors.html>
18. Murphy C. Inspectors General Independence Act of 2020 [Internet]. 3664 May 7, 2020. Available from:  
<https://www.congress.gov/bill/116th-congress/senate-bill/3664>