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Senator Kamala Harris
333 Bush Street, Suite 3225
San Francisco, CA 94104

To: Senator Kamala Harris
From: Indivisible East Bay
Date: June 15, 2020
Subject: Resisting the Trump Agenda

Justice in Policing Act: We thank Sen. Harris for the Justice in Policing Act. We support the bill and want Sen. Harris to work to pass it right away. We are especially glad to see that it ends qualified immunity, raises use of force standards, and requires data collection. But we are worried that some of the requirements in the bill aren't strict enough to extract real change from agencies and departments that implement them only reluctantly. What is Sen. Harris' plan to use oversight to hold those responsible accountable? We were also surprised and disappointed that it doesn't end civil asset forfeiture.

Defund the Police: We agree with Sen. Harris that there are better, more effective ways to "achieve safe and healthy communities" than investing in police, such as investing in education, social services, and health care--and a non-police response for mental health crises[1] and other situations that may require intervention. What are her thoughts on how Congress can help municipalities achieve this? For instance, could the Byrne Justice Assistance Grant program be altered so that the awards go exclusively toward community support and alternatives to policing? Could DHS's State Homeland Security Program and the Urban Areas Security Initiative[2] be restructured to support community emergency preparedness and response? In the current pandemic and wildfire season, aid to state and local fire departments has been slow and often inadequate and the two recent wildfires in Mendocino[3] and Solano Counties[4] have heightened our concern about the disparity between the disbursement of aid funds for fire versus police[5] departments. Is it possible to redirect aid for policing towards fire response?

Criminal Justice Reform: We believe that reimagining how to achieve public safety also needs to include legalizing cannabis and treating drug addiction as a healthcare issue, in general reevaluating laws that in practice are routinely only enforced at a law enforcement officer's discretion (e.g. jaywalking), and ending mandatory minimums. There was a slew of "war on drugs" and "tough on crime" federal legislation from the 1970s to 1990s that led to over-policing that disproportionately impacted communities of color and we think any meaningful reform effort should include reevaluating those statutes.

The need for DHS, DOJ, and DOD oversight: We were particularly appalled by the President and AG Barr abusing DC's status as a non-state to brutally suppress peaceful protests *against* police brutality. This highlights the need to expedite DC statehood in addition to investigating:

- AG Barr's use of unbadged BOP prison guards[6] and use of DEA surveillance resources[7]
- Use of active-duty troops for domestic policing over the objection of current and past military officials[8].
- Deployment of US Army aviation resources as a "show of force" to dominate the populace that was peacefully protesting in the nation's capital[9].
- Use of DOD surveillance resources against its own citizens, over the reservations of DOD intelligence officials[10].
- CBP personnel[11] and resources such as Predator drones deployed against protestors[12].

Will the senator co-sponsor S.3902 Curtailing Insurrection Act Violations of Individuals' Liberties (CIVIL) Act [13] to prevent future use of armed forces against citizens[14]?

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[15]
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[16].
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[17] 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[18,19] 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[20] 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[21].

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[22]? 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[23] 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?

NDAA and other 2021 Spending Bills:

-Does the Senator intend to offer an amendment to the Senate NDAA to repeal authorization for the 1033 program?

-Does the Senator agree with the HASC Democrats' position that DOD authorization and appropriations should be re-evaluated[24] in light of the inadequate national response to COVID-19?

-Does the Senator see the need to alter DHS appropriations to target COVID-19 response?

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