THE BREATHE ACT

SECTION 1:
DIVESTING FEDERAL RESOURCES FROM INCARCERATION AND POLICING & ENDING CRIMINAL-LEGAL SYSTEM HARMS
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HARMS

The BREATHE Act is an invest/divest bill, and Section 1 is the primary “divest” portion of the Act. The Section terminates the federal programs and agencies that have been responsible for driving mass criminalization and incarceration—both in the United States and worldwide. The Section also makes direct changes to shrink, end the abuses of, and decarcerate the federal criminal-legal and immigration systems.

◆ Divesting from federal criminal-legal programs (Subsection 1). The Section first terminates the federal programs and agencies that have been primarily responsible for driving mass incarceration and mass criminalization. To ensure that important non-carcel initiatives that currently receive federal funding from the divested programs are preserved, the Subsection requires the overseeing Department of each repealed program to submit a written report that details any non-carcel programming funded by the repealed offices or programs and identify other grant programs to disburse those funds. This Subsection also creates an Employee Transition Plan for all government employees affected.
Such programs that are repealed include, but are not limited to:

➢ DOD 1033 program;
➢ DOD 1122 program;
➢ DOJ Office of Justice Programs State and Local Law Enforcement Assistance, including the Edward Byrne-Justice Assistance Grant Program;
➢ DOJ Community Oriented Policing Services, including such programs as Operation Relentless Pursuit;
➢ DOJ Denaturalization Section;
➢ DHS Immigration and Customs Enforcement (ICE); and
➢ Department of Agriculture Community Facilities Program, as spent on construction of jails, prisons, and police facilities.

◆ **Funding Preservation for Survivors, Youth & Tribes.** The Subsection establishes funding and programmatic transfers to ensure that Survivors, Youth, and Tribes do not lose critical funding as a result of programmatic repeals in the BREATHE Act.

➢ Subsection 1C transfers all Tribal funding from defunded offices and programs to the Office of Self Governance within the Department of the Interior.
➢ Subsection 1D creates a new Office of Survivor Support & Harm Prevention within the Community Public Safety Agency, which will receive all transferred funding for survivors from repealed programs.
➢ Subsection 1E creates an Office of Youth Support & Harm Prevention Programs within the Community Public Safety Agency, which includes all of the non-carceral, non-punitive programming that was previously funded by the Office of Juvenile Justice and Delinquency Prevention.

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✦ **Beginning military divestment (Subsection 2).** Next, this Subsection begins the process of shrinking the military-industrial complex that has destabilized democracies worldwide and caused so much devastation to majority Black countries. The Subsection directly terminates the Overseas Contingency Operations and, beginning the fiscal year after enactment, mandates a 10% budget cut on budget function 050, which includes funding for the Department of Defense and Department of Energy nuclear weapons spending. In addition, the Subsection creates a commission that will effectuate, within 4 years of Presidential approval, a 50% reduction in the Department of Defense and Department of Energy budget.

✦ **Shrinking the federal criminal-legal system (Subsection 3).** Section 1 finally makes a wide range of changes that will shrink the federal criminal-legal system:
FEDERAL LAW ENFORCEMENT:

- The Subsection on Policing makes numerous changes to policing tools and practices available to federal law enforcement, including (but not limited to):

  ➢ Categorically prohibiting federal law enforcement from using:
    - Tear gas, rubber bullets, pepper bullets, pepper spray, flash bangs, long range acoustic devices (LRADs), Stingrays, lasers, and any other “less than lethal” forms of crowd control;
    - Military-grade weaponry; and
    - Predictive policing software.

  ➢ Ending civil asset forfeiture; and
  ➢ Prohibiting federal law enforcement agents, acting under color of law, from the following:
    - Engaging in violence, assault, sexual harassment, or extortion against any member of the public;
    - Engaging in any sexual act with a member of the public who is under arrest, detained, or in custody;
    - Chemical restraints, such as ketamine; and
    - Physical restraints that are life-threatening or that restrict breathing.
The Subsection on Decriminalization repeals a long list of federal laws that have disproportionately criminalized Black women, youth, and families, including the following:

- Several prostitution-related laws (including the Fight Online Sex Trafficking Act, the Stop Enabling Sex Traffickers Act, and the Mann Act);
- Failure to pay child support obligations;
- Several conspiracy and gang-related offenses; and
- Several laws criminalizing youth (including the Juvenile Justice and Delinquency Prevention Act and the Federal Juvenile Delinquency Act).

In addition, the Subsection has a comprehensive policy for ending the devastating War on Drugs, which includes:

- Establishing a rulemaking task force, led by the National Institutes of Health (NIH), to draft a rule defining “personal use quantities” and procedures that will facilitate voluntary access to harm-reduction, evidence-based services;
- Repealing penalties for simple possession, possession with intent to distribute, & possession of certain tools;
- Shifting all Substance Use Disorder prevention and treatment programs within the jurisdiction of the Department of Justice to the Department of Health and Human Services;
- Expunging all convictions of offenses that were decriminalized, whether or not the individual has fulfilled every obligation of the individual's sentence;
- Reversing, vacating, expunging, or otherwise remedying any civil or other collateral consequence resulting from such conviction;
Authorizing the immediate resentencing and early sentence termination of sentences for any person who was convicted solely of a drug offense; and

Requiring the BOP to release individuals who are serving sentences for drug and prostitution-related convictions within one year of enactment.

PRETRIAL DETENTION

The Subsection on Pretrial Detention makes two changes to federal criminal-legal pretrial detention to protect the right to pretrial liberty. The Subsection:

- Eliminates all existing “presumptions” of pretrial detention that are contained in the Bail Reform Act, including the “previous violator presumption” and “drug and firearm offender presumption”; and
- Amends the Bail Reform Act to categorically eliminate pretrial detention for any Class C, D, or E felony and for any misdemeanor.

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sentencing

- The Subsection on Sentencing makes a number of changes that eliminate the most inhumane aspects of U.S. sentencing policy—including changes that eliminate the most harmful provisions of the '94 Crime Bill. Such changes include, but are not limited to:
  - Banning the use of algorithm-based "risk-assessment" tools during pretrial or sentencing determinations;
  - Abolishing all mandatory minimum sentencing laws;
  - Abolishing the "three strikes" law;
  - Raising the age of criminal liability to 24;
  - Ending all sentencing enhancements;
  - Abolishing the federal death penalty;
  - Ending life sentences and de facto life sentences; and
  - Ensuring that all sentencing changes are retroactive, meaning that they apply to currently incarcerated individuals.

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DECARCERATION & PRISONS

♦ The Subsection on Decarceration & Prisons creates a roadmap for prison abolition, specifically by:
  ➢ Requiring that the U.S. Attorney General and Secretary of the HHS create and implement a Population Reduction Plan that:
    ■ Provides for full decarceration of federal detention facilities within 10 years, without increasing the population on probation, parole, or criminal or civil supervision of any kind; and
    ■ Enacts a moratorium on all new federal prison, jail, immigrant, and youth detention construction.

♦ The BREATHE Act ends for-profit exploitation in the federal criminal-legal system, including by:
  ➢ Prohibiting contracts with private, for-profit detention facilities;
  ➢ Ending the privatization of surveillance programs and community corrections; and
  ➢ Prohibiting all so-called “offender-funded” contracts in the federal system and funding all ancillary prison, jail, supervision, and surveillance services using government funding.

♦ The BREATHE Act facilitates the vindication of due process rights, including by:
  ➢ Repealing the Prison Litigation Reform Act; and
  ➢ Ensuring access to legal representation upon request by a person with an innocence claim in federal prison.

♦ Finally, the BREATHE Act ends some of the worst practices harming incarcerated individuals, including by:
  ➢ Ending solitary confinement in all federal detention facilities;
  ➢ Categorically ending the practice of incarcerating youth; and
  ➢ Ensuring that the employment rights, including wages, of incarcerated or detained workers in federal detention centers are protected.

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IMMIGRATION

◆ The Subsection on Immigration creates a time-bound plan for closing immigration detention facilities.
  ➢ The BREATHE Act directs the Secretary of the Department of Homeland Security, the Director of ICE, the Commissioner of CBP, and the Department of Justice Attorney General to close all immigration detention facilities within a specified timeframe.

◆ Next, the Subsection addresses the key ways that the immigration and criminal-legal systems intersect. Specifically, the Act:
  ➢ Removes the immigration consequences of criminal-legal contact, such as by:
    ■ Incorporating the New Way Forward Act (H.R. 5383);
    ■ Repealing the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA); and
    ■ Repealing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).
  ➢ Ends all cooperation and coordination between State and local law enforcement and immigration authorities and revokes all agreements that serve to facilitate detention and deportation; and
  ➢ Enshrines the right to seek asylum based on domestic, sexual, homophobic, transphobic, reproductive, ableist and gang violence into law, as well as eliminates bars to obtaining asylum that include:
    ■ The one-year application requirement;
    ■ The bar for a conviction of a so-called “particularly serious crime”; and
    ■ Any associated fees.
Third, underscoring that due process issues in the immigration system parallel those in the criminal-legal system, the Subsection has several provisions to bolster due process. These provisions include, but are not limited to:

- Ending Operation Streamline and mass hearings in criminal immigration cases;
- Guaranteeing the right to free government-appointed counsel during immigration proceedings; and
- Establishing the Immigration Court System Task Force that develops a new mechanism to adjudicate immigration cases.

Finally, recognizing that the abuses of Customs and Border Protection (CBP) in many ways mirror the abuses that are being perpetrated by law enforcement, the Subsection overhauls Customs and Border Protection (CBP) so as to:

- Refocus CBP on environmental protection, humanitarian aid, and border rescue;
- Prohibit the use of CBP agents as part of law enforcement;
- Abolish CBP Border Patrol;
- Abolish CBP Air and Marine Operations; and
- Ensure that any border management fully respects U.S. commitments under international law, including respect for the dignity, humanity, and autonomy of all individuals.
PROSECUTION

- The Subsection on Prosecution first eliminates “absolute immunity” for prosecutors.

- Next, the Subsection imposes a number of restrictions that limit prosecutor power, including:
  - Open file discovery in all federal criminal cases;
  - A requirement to document, in writing, all plea offers made in each case; and
  - A requirement that caps sentence recommendations and offers at the last plea offer.

- Third, the Subsection seeks to protect survivors from coercive tactics—including the issuance of material witness warrants—as a way of forcing their cooperation in investigations or trials.

- Finally, the Subsection bars the use of compensated informants, including Perkins informants, and prohibits prosecutors from charging both attempt and completion of the same substantive offense against a person.
The Subsection on Community Corrections bans a wide range of common practices that unjustifiably criminalize and surveil individuals. These include bans on:

- Misdemeanor probation;
- “Pay-only” probation and parole;
- Arrest and re-incarceration over technical violations;
- The use of electronic monitoring;
- The use of devices that gather biometric data;
- Drug testing as a condition of federal probation and parole; and
- The sale of personal data.

In addition, the Subsection establishes new presumptions that discourage the use of supervision, including a new presumption against probation, parole, or home arrest.
The Subsection on Reentry addresses many ways that social policy discriminates against people who are formerly incarcerated. Specific solutions include:

➤ Ensuring no healthcare gaps by incorporating the Medicaid Reentry Act (H.R. 1329);
➤ Incorporating the Fairness and Accuracy in Employment Background Checks Act of 2019 (H.R. 2851), which requires the FBI to update and correct all arrest and conviction records before they are released for employment or licensing purposes;
➤ Incorporating the Fair Chance Licensing Act (S. 697), requiring all licensing boards and agencies to adopt fair chance licensing protections;
➤ Prohibiting States from banning receipt of federally-funded public assistance based on prior criminal convictions or drug use;

The BREATHE Act expands reentering individuals’ access to higher education, such as by:

➤ Incorporating the Beyond the Box for Higher Education Act (S.1338);
➤ Incorporating the Expanding Educational Opportunities for Justice-Impacted Communities Act (H.R. 4073), ensuring that currently and formerly incarcerated individuals can access Pell Grants; and
➤ Eliminating drug conviction questions from the Free Application for Federal Student Aid (FAFSA).
The Subsection enhances reentering individuals’ protections against employment discrimination, such as by authorizing funding that the Equal Employment Opportunity Commission can use to aggressively enforce federal anti-discrimination laws.

The BREATHE Act addresses housing instability among reentering individuals, specifically through creating a Reentry Housing Voucher Assistance Program that provides housing vouchers for individuals who are being released from local, State, or federal criminal-legal facilities.

The Subsection addresses economic security for reentering individuals, specifically through creating a Warm Handoff Reentry Program that provides a supplemental monthly benefit to help cover reentering individuals’ housing, transportation, and food costs.

Finally, the Subsection on Reentry expands employment opportunities for reentering individuals, specifically by creating a new Reentry Employment Opportunities Program in the Employment and Training Administration at the Department of Labor, which provides reentry and workforce development services for individuals who have criminal records.
END THE WAR ON BLACK FAMILIES

- The Subsection on Ending the War on Black Families **repeals two of the major child welfare laws** that have been particularly devastating to Black families, namely the Adoption and Safe Families Act (ASFA) and the Child Abuse Prevention and Treatment Act (CAPTA).

- In addition, the Subsection **eliminates requirements that survivors need to file police reports** if they wish to receive services.
THE BREATHE ACT

SECTION 2:
INVESTING IN NEW APPROACHES TO COMMUNITY SAFETY UTILIZING FUNDING INCENTIVES
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Section 2 builds out the infrastructure for a new paradigm of public safety: a non-punitive, non-carceral, prevention-oriented paradigm that will genuinely keep our communities safe.

ESTABLISHING FEDERAL INFRASTRUCTURE (Subsection 1)

As of now, “public safety” is often tied to the Department of Justice (DOJ) and carceral institutions. Subsection 1 breaks this link by establishing a brand-new federal agency that is completely dedicated to community safety, but is grounded in public health rather than criminal punishment.

◆ Building federal infrastructure (Subsection 1). This Section first creates a new federal Community Public Safety Agency (CPSA) at the Department of Health and Human Services. This agency will:
  ➢ Research non-punitive, non-carceral approaches to public safety;
  ➢ Provide technical assistance; and
  ➢ Run grant programs that fund these non-punitive, non-carceral approaches to public safety and spur State and local governments to shrink their criminal-legal systems.
The CPSA will answer to an Advisory Commission that is composed of individuals who have been directly impacted by the criminal-legal system. This Commission will have authority to:

➢ Determine the process that is used to award grants;
➢ Conduct annual reviews of and make recommendations for Agency grants;
➢ Approve annual priorities for research and technical assistance; and
➢ Make recommendations on how Agency dollars can best reduce incarceration and support community-based organizations.

BUILDING LOCAL POWER & ALTERNATIVE APPROACHES TO PUBLIC SAFETY (Subsection 2)

Community safety is rooted in local power. That reality is why Subsection 2, the first section describing the work of the new CPSA, is geared at funding community-based organizations and building community-led Community Safety Offices that can drive non-punitive, non-carceral approaches to safety.
Supporting Community Based Organizations (CBOs) & local infrastructure (Subsection 2). Next, this Section provides resources to build local infrastructure that supports public safety. Specifically, the bill provides the following:

 Grants to CBOs. The BREATHE Act sets aside funding for community-based organizations that are providing non-punitive, non-carceral programming to improve public safety, including programming related to:

- **Non-carceral accountability** (e.g., transformative justice);
- **Violence reduction** (e.g., violence interruption mentorship, safe passage to schools, and afterschool programs related to art, music, theater, or dance);
- **Public health** (e.g., patient-based, community-based mental healthcare and non-mandatory, harm reduction-based Substance Use Disorder treatment programs);
- **Housing** (e.g., long-term supportive housing);
- **Non-carceral crisis intervention** (e.g. unarmed first-responders and new, accessible methods of processing 911 calls);
- **Healing** (e.g., funding for CBOs that provide trauma-informed health services);
- **Reentry** (e.g., educational, workforce development, and transition supports for reentering individuals, including support for worker-owned coops);
- **Capacity-building** (e.g., funding for fiscal agency, professional services, and other resources allowing CBOs and community leaders to develop advocacy and programming infrastructure); and
- **Voluntary pretrial supports** (e.g., transportation assistance and text-message reminders).
Grants to fund local Community Safety Offices. The BREATHE Act creates a formula grant for localities that wish to establish Community Safety Offices (CSO) that:

- Identify, prioritize, vet, distribute money to, and evaluate non-carceral, non-punitive projects and programs that will improve community safety; and
- Provide capacity-building assistance to organizers, local advocates, and community-based organizations.

All CSOs must operate wholly outside of the criminal-legal system, with no connection to law enforcement. In addition, such CSO must vest ultimate governance with a Commission that is made up predominantly by individuals who have been directly impacted by the criminal-legal system or who work in related fields like racial justice, housing justice, or legal services.
Using Grant Programs to Spur State & Local Change (Subsections 3-6)

Because the federal government does not directly control State and local criminal-legal systems, the next few Subsections establish four CPSA grants that incentivize State and local governments to shrink their criminal-legal systems while providing much-needed resources for the non-punitive, non-carceral investments that genuinely keep communities safe.

- Incentivizing local governments to decarcerate & defund (Subsection 3). The Reimagining Public Safety Grant Program is a competitive grant for local governments so that they can create plans to reduce their jail populations or shrink their police budgets, specifically through prevention-oriented, non-carceral investments that address the root causes of criminal-legal involvement. This grant includes both a planning phase and an implementation phase, enabling localities to develop community-driven solutions that are targeted to their specific needs.
◆ **Incentivizing closure of detention facilities (Subsection 4).** The **Free Them All Grant Program** provides a 50% funding match of what State, local, or Tribal governments are projected to save when they close prisons, jails, or other detention facilities.

◆ **Incentivizing States and localities to shrink their criminal-legal systems—and invest in non-punitive, non-carceral approaches to public safety (Subsection 5).** The **Just Communities Grant Program** is a competitive grant to spur State and local criminal-legal system reforms. Jurisdictions that take significant steps to shrink their criminal-legal systems will receive money that they can put toward non-carceral, non-punitive interventions to improve public safety—things like transformative justice, mental health services, and violence interruption.

The Just Communities Grant Program also has a formula grant set-aside for Tribal nations. These grant dollars may go toward all the same non-punitive, non-carceral programs eligible under the competitive grant.

◆ **Incentivizing demilitarization of police forces (Subsection 6).** Although Section 1 of the BREATHE Act ends federal programs that provide military equipment to police forces, such termination does not address existing weapons. The **Neighborhood Demilitarization Grant Program** fills this gap. This program is a formula grant that helps State, local, and Tribal governments to collect and destroy military-grade equipment.
SECTION 3: ALLOCATING NEW MONEY TO BUILD HEALTHY, SUSTAINABLE & EQUITABLE COMMUNITIES FOR ALL PEOPLE
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Section 3 of the BREATHE Act invests funds into specific areas that are proven to ensure all communities may thrive regardless of the racial, immigration status, or economic make up of that community. Section 3 dreams bigger, acknowledging and repairing the harm of decades of community divestment from non-punitive approaches to safety and wellbeing. The Section is broken into the five areas that will receive these added resources:

- Education Justice
- Health & Family Justice
- Environmental Justice
- Economic Justice
- Housing Justice

In each Subsection, Section 3 of the BREATHE Act establishes or expands a number of federal programs and investments—for example, paid leave and free college—that directly secure fundamental rights to individuals nationwide. The bill also establishes competitive grants to spur equity-focused State and local reforms. These competitive grants reward jurisdictions for making much-needed changes and dedicating their expertise.
to the specific areas. On receiving those dollars, they will be able to deepen and catalyze those efforts—allowing localities to be more innovative, create more jobs, and produce even more numerous and sustainable success outcomes.

All dollars distributed pursuant to Section 3 must go to programs that are ADA compliant, open to all people regardless of immigration status, fully non-carceral, and earmarked for community-based organizations wherever possible. All competitive grant applicants must use a participatory process for designing and implementing their proposed programming, including direct participation and leadership by people who are directly impacted by the issue area. Additionally, Section 3 of the BREATHE Act establishes an Undersecretary for Racial and Economic Equity in each of the major federa
EDUCATION JUSTICE (Subsection 2)

Education is a fundamental right that has for too long been denied to Black, Latinx, Indigenous, and other communities of color. The programs in Subsection 1 are designed to ensure that all people have access to a free, high-quality, equitable system of education.

- The BREATHE Act expands and secures funding for low-income schools and certain populations, namely by:
  - Quadrupling Title I funding and making such funding mandatory rather than discretionary;
  - Making funding for the Individuals with Disabilities Education Act mandatory rather than discretionary; and
  - Making full funding of PELL grants mandatory rather than discretionary.

- The BREATHE Act makes major investments that will make higher education affordable and accessible to all. These include:

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Incorporating The College for All Act (S. 806), which provides free college and student loan forgiveness;

Offering expanded supports—including food and housing—for college students; and

Incorporating the Community College Student Success Act (H.R. 3578), which helps higher education institutions boost degree competition or transfer rates.

The Education Justice Grant is a competitive grant that will incentivize State and local governments to make education equity-focused policy changes, which include:

- Equalizing school funding and otherwise ensuring educational equity, including through programs that ensure wraparound, trauma-informed services at all schools that are low-income and limiting the expansion of programs that encourage school privatization; and
- Decriminalizing schools and otherwise addressing youth criminalization, including by developing a time-bound plan for closing all juvenile criminal-legal detention facilities.

In turn, grant dollars may be used for:

- Increasing student supports, including wraparound services and programs that provide WiFi at home;
- Developing curricula that critically examine the political, economic, and social impacts of colonialism, imperialism, capitalism, racism, white supremacy, genocide against Indigenous peoples, patriarchy, and slavery;
- Free transportation;
- Violence reduction and gender justice, including advocacy and prevention services related to sexual assault, harassment, and other violence; and
- School infrastructure.
HEALTH & FAMILY JUSTICE (Subsection 3)

A history of systemic racism, ableism, medical violence, and neglect within the healthcare system, combined with denial of universal, affordable, competent and quality care, has placed access to medical care out of reach for the majority of Black people. The Subsection 3 programs are a first and important step—alongside high-quality, equitable, and universal healthcare, such as through Medicare-for-All—toward ensuring health equity. This Subsection also protects and preserves family bonds and addresses child poverty through targeted measures.

- The BREATHE Act [ensures economic security for children], namely through:
  - Establishing a Universal Child Benefit that provides a universal monthly benefit of $400 for children ages 6 to 18 or $500 for children under 6;
  - Providing all workers with 18 weeks of paid medical and family leave, including parental leave to care for newborn children;
  - Providing full federal funding of prekindergarten, including funding for on-site, two-generational services for both parents and children;
  - Universal school meals for all children; and
  - A federal program to provide baby boxes to expecting parents.
The BREATHE Act lays the foundation for reimagining the inequitable, harmful system of child welfare, namely through a Commission to Redesign the Child Welfare System.

The BREATHE Act expands access to reproductive justice, namely through incorporating the Each Woman Act (H.R. 1692) and thereby repealing the Hyde Amendment.

The Health and Family Justice Grant is a competitive grant that will incentivize State and local governments to make health equity-focused policy changes, which include:

- Ensuring health equity, including equity for Black, Latinx, AAPI, Indigenous, LGBT, low-income, homeless, disabled, and undocumented individuals, such as through addressing food apartheid;
- Expanding healthcare access, such as through funding community health workers, including but not limited to, doulas, health coaches, patient navigators, peer support specialists, and outreach workers; and
- Maintaining family bonds, such as by reducing the incidence of child removal in the child welfare system.

In turn, grant dollars may be used for:

- Nutrition access (e.g., developing and sustaining food cooperatives & incentivizing the location of grocery stores);
- Healthcare access (e.g., expanding or enhancing the services offered at neighborhood-based health centers that include reproductive health); and
- Building the care economy (e.g., providing out-of-school time care).
ENVIRONMENTAL JUSTICE (Subsection 4)

The climate crisis is a moral imperative that requires immediate, bold action, including enactment of a Green New Deal that dramatically reduces greenhouse gas emissions nationally and invests in transformative, equitable solutions to address the racial injustice and climate crises. Subsection 4 begins this work by creating new programs that expressly address environmental justice while beginning the transition to a clean, renewable economy.

◆ The BREATHE Act increases environmental accountability for federal programs, specifically by:
  ➢ Creating a cross-agency Equity Impact Mapping initiative that tracks environmental impacts, pollution hotspots, public health data, and income inequality;
  ➢ Requiring an Equity Screen on major federal policy actions; and
  ➢ Guaranteeing that 40% of all federal climate-related spending, including funding through the Environmental & Climate Justice grant, will be invested in “Environmental Justice” communities.

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The Environmental & Climate Justice Grant is a competitive grant that will incentivize State and local governments to make environmental equity-focused policy changes, which include:

- Addressing climate vulnerability;
- Ensuring a just transition (e.g., ensuring that climate spending reach those communities that are most vulnerable to climate change & protecting natural resources within the jurisdiction); and
- Promoting water and air justice and addressing pollution.

In turn, grant dollars may be used for:

- Energy justice (e.g., subsidizing community-owned sustainable energy solutions);
- Climate resilience (e.g., establishing and/or supporting conservation corps that will undertake land restoration, restoration and preservation of sacred sites, and other activities related to conservation);
- Transportation justice (e.g., overhauling transportation systems to eliminate pollution); and
- Enhancing accountability (e.g., cleaning up the previous destruction of Native American lands, such as through military testing).
ECONOMIC JUSTICE (Subsection 5)

The current unprecedented levels of income and wealth inequality are an economic, moral, and racial injustice crisis. The economy must be reconstructed to ensure that all workers have equal access to economic opportunities, dignity in labor, and discrimination free welfare and assistance programs.

- The BREATHE Act creates a Universal Basic Income for low-income individuals by modifying the Earned Income Tax Credit to:
  - Give all low-income families an allowance (i.e., eliminating the EITC phase-in so that households with no earnings receive the maximum $2,000 benefit); and
  - Ensure equity and nondiscrimination in benefit payments (e.g., expanding the EITC to Puerto Rico and ITIN filers);
  - Ensure responsiveness to economic needs (e.g., require the Department of the Treasury to make the credit advanceable).

- The BREATHE Act addresses the racial wealth gap by incorporating the American Opportunity Accounts Act (S. 3766), which establishes a universal federal “baby bonds” program for all American children—a savings account that children can later use for higher education and other important investments.

- The BREATHE Act catalyzes development of a jobs guarantee, specifically by incorporating the Federal Jobs Guarantee Development Act (S. 2457), which establishes a three-year pilot program for a federal jobs guarantee in 15 high-need communities.

- The BREATHE Act expands access to banks and addresses predatory lending by incorporating the Postal Banking Act (S. 2755), which grants the U.S. Postal Service the power to provide basic financial services.
The BREATHE Act **begins to address our inequitable tax system** through:
- Repeal of the Tax Cuts and Jobs Act (i.e., Trump-GOP tax cuts), except for a few provisions;
- A wealth tax;
- An estate tax by incorporating the ***For the 99.8 Percent Act** (S. 309);
- Corporate tax reform;
- Capital gains tax reform;
- A financial transactions tax by incorporating the **Wall Street Tax Act** (S. 647);
- Closing offshore loopholes by incorporating the **Corporate Tax Dodging Prevention Act** (S. 586); and
- Laying the foundation for further reforms, specifically by creating a Federal Tax Commission that will propose changes to eliminate the racial wealth gap, increase racial and economic equity, and eliminate child poverty.

The BREATHE Act **addresses occupational segregation**—where certain jobs are disproportionately funneled to particular racial, gender, or other groups—via a federal audit of funds that are authorized pursuant to the Workforce Innovation and Opportunity Act.

The BREATHE Act **addresses United States Department of Agriculture (USDA) discrimination against Black farmers**, specifically by creating a USDA Undersecretary who is authorized to operate policies and programs that advance racial equity for Black farmers, Latinx farmers, Indigenous farmers, and other groups who have faced ongoing and historic systemic discrimination by the USDA.

The BREATHE Act **creates a framework for addressing the systemic, racially discriminatory design of social welfare programs**, including Temporary Assistance for Needy Family, Supplemental Nutrition Assistance Programs, and Child and Adult Care Food Program, by creating an independent Commission to Study Economic Security Program Redesign.

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A new Economic Justice Grant is a competitive grant that will **incentivize State and local governments to make economic equity-focused policy changes**, which include:

- Addressing the primary issues that are causing wealth and income disparities jurisdiction-wide; and
- Preserving the dignity of labor, such as by passing a Domestic Workers Bill of Rights, ensuring employers follow fair scheduling practices, & preventing the erosion of labor standards.

In turn, grant dollars may be used for:

- Enhancing job opportunities (e.g., career pathway, workforce development, and jobs training programs, including a preference for communities that were specifically targeted by redlining);
- Building community wealth (e.g., start-up funds for establishing worker-owned cooperatives); and
- Building community infrastructure (e.g., developing, building, and supporting organizational infrastructure for community-based, grassroots organizations).
HOUSING JUSTICE (Subsection 6)

Housing is a fundamental right that has for too long been made out-of-reach to Black, Latinx, Indigenous, and other communities of color. Especially given its history of racially discriminatory housing policies and practices, the federal government must ensure that historically excluded groups have meaningful access to affordable housing, as well as to home and land ownership.

◆ The BREATHE Act authorizes substantial new federal investments in housing, including:
  ➢ A robust social housing program, including 12 million new and permanently affordable units, for individuals experiencing homelessness and extremely cost-burdened renters;
  ➢ Major investments in affordable housing through the Housing Trust Fund, Capital Magnet Fund, Indian Housing Block Grant Program, and Native Hawaiian Housing Block Grant Program;
  ➢ Addressing the backlog in public housing repairs;
  ➢ Fully funding Section 8 vouchers for all who qualify, investments in a robust social housing program, dollars to address the Public Housing Capital Fund backlog, and fully funding Section 8 vouchers.

◆ The BREATHE Act reauthorizes NAHASDA to ensure American Indians, Alaska Natives, and Native Hawaiians have access to safe, accessible, and affordable housing.

◆ The BREATHE Act expands home ownership and addresses the effects of redlining, specifically through a down payment assistance program that provides assistance with down payments and closing costs, specifically for communities that were historically redlined or subject to other forms of housing discrimination.

The BREATHE Act is a project of the Movement for Black Lives' 501(c)4 Electoral Justice Project. Contact us at policy@m4bl.org.
The BREATHE Act begins to address hyper vacancies in housing and expand community ownership with a Housing Restoration Fund, a new pilot program that will use federal funds to help communities buy, transfer ownership of, and restore abandoned properties in selected localities.

The BREATHE Act addresses housing discrimination by creating stand-alone federal protections against housing discrimination based on gender identity, sexual orientation, source of income, marital status, and veteran status.

The Housing Justice Grant is a competitive grant that will incentivize State and local governments to make housing equity-focused policy changes, which include at the State level:

- Ending housing discrimination against survivors and individuals who are formerly incarcerated, such as by codifying a housing “ban the box” policy for individuals who are formerly incarcerated; and
- Ensuring affordable housing for all and addressing gentrification, such as by rehousing displaced people and supporting the development of resident-run co-ops and Community Land Trusts.

And at the local and regional levels:
- Ensuring affordable housing for all, such as by ensuring safe, affordable housing for youth who have become too old for system-based care;
- Ensuring that all residents have access to economic opportunities, including by developing public transportation, bike routes, and street policies that more effectively link affordable housing options and economic opportunities; and
- Ending discriminatory zoning.

In turn, States and localities may use the funding for goals that include:
- Modernizing and expanding the stock of quality accessible and affordable housing;
- Supporting the development of Community Land Trusts; and
- Subsidizing broadband and Wi-Fi expansion in under-served communities.
THE BREATHE ACT

SECTION 4:

HOLDING OFFICIALS ACCOUNTABLE & ENHANCING SELF-DETERMINATION OF BLACK COMMUNITIES
Section 4 seeks to establish accountability: historical accountability for the U.S. legacy of racial exclusion and violence; political accountability through free and fair elections; and democratic accountability through measures that will enhance accountability for law enforcement.
HISTORICAL ACCOUNTABILITY THROUGH REPARATIONS
(Subsection 1)

The BREATHE Act would seek historical accountability for systemic racism using reparations and healing commissions.

- The BREATHE Act establishes four commissions to study and establish reparations programs for the following harms: slavery, the War on Drugs and mass criminalization, police violence, and immigration enforcement.

- The bill establishes an independent United States Commission on Truth, Racial Healing, and Transformation. The Commission is designed to assess and acknowledge the U.S. history of racial violence and exclusion; memorialize that history; and provide recommendations to move the U.S. toward:
  - Jettisoning the belief in a hierarchy of human value;
  - Embracing our common humanity; and
  - Permanently eliminating persistent racial inequities.
FULFILLING TREATY & TRUST COMMITMENTS (Subsection 2)

This Subsection is designed to protect Tribal sovereignty and fulfill the federal government’s treaty and trust commitments to Indian Tribes.

- The BREATHE Act requires the federal government to secure **free, prior, informed consent** before the federal government makes any decision that would affect a Tribal community, their lands, resources, members, or religious practices.

- The bill establishes a process whereby Tribal Nations have a **right of first refusal** for the purchase of any public lands that are made for sale.

- This Subsection creates a **grant program for Missing and Murdered Indigenous Women** within the new federal Community Public Safety Agency. This grant would provide funding for Indigenous-led, community-based organizations to:
  - Research and gather data on missing and murdered Indigenous women and girls;
  - Provide safe shelter, counseling, and other non-carceral services and supports for impacted individuals and families; and
  - Administer transformative justice, healing justice, conflict resolution, and other traditional, non-carceral models of justice.

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Voting is a fundamental right that has for too long been denied, suppressed, or otherwise made inaccessible to Black, Latinx, Indigenous, and other communities of color. The federal government must protect the constitutional right to vote and guarantee free, secure, and accessible elections.

- The BREATHE Act creates uniform election standards that all federal elections must follow. In turn, the federal government will cover the costs of all federal elections. These standards are designed to protect the right to vote and increase democratic participation. They include:
  - Enfranchisement of all formerly and currently incarcerated people;
  - Accessible, universal, and automatic voter registration processes, including same-day registration;
  - Unhindered access to vote-by-mail;
  - Extended early voting periods and adequate voting hours at polling locations;
  - Standards for optimal ballot design; and
  - A ban on automatic voter purges.
Under the Act, States and localities could gain full federal funding of all State and local election costs if those elections also adhere to the federal election uniform standards.

- The bill would establish a federal public financing program for grassroots, small-dollar driven political campaigns, with a 6-to-1 match for small donations.
- The bill abolishes prison gerrymandering.
- The bill requires strong oversight of elections and robust data collection to promote voter registration and turnout, as well as reduce barriers to voting.
DEMOCRATIC ACCOUNTABILITY (Subsection 4)

This Subsection is designed to promote law enforcement accountability, as well as prevent and address instances of police violence and misconduct.

- The BREATHE Act abolishes qualified immunity for federal law enforcement and guarantees a private right of action for recovering damages when a federal officer has violated a person's constitutional rights.

- The BREATHE Act requires the Attorney General to collect comprehensive data and report annually on law enforcement misconduct.

- The bill establishes a competitive grant that will promote police accountability. This competitive grant would award funding to States and localities if they make specified reforms, which include:
  - Dissolving police departments that have shown a pattern of misconduct;
  - Eliminating State statutes that protect officers from misconduct allegations and disciplinary proceedings; and
  - Abolishing State Law Enforcement Officer Bills of Rights.

In turn, grant funding may be used to:
  - Pay reparations to individuals who were impacted by police brutality; and
  - Invest in non-carceral, non-punitive public safety programs.