

THE BREATHE ACT



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*The BREATHE Act is a project of the Movement for Black Lives' 501(c)4
Electoral Justice Project. Contact us at policy@m4bl.org.*

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Section-by-Section Bill Summary

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Divesting Federal Resources from Incarceration and Policing & Ending Criminal-Legal System Harms

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Investing in New Approaches to Community Safety Utilizing Funding Incentives

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Allocating New Money to Build Healthy, Sustainable & Equitable Communities for All People

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Holding Officials Accountable & Enhancing Self-Determination of Black Communities

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SECTION 1:

Divesting Federal Resources from Incarceration and Policing & Ending Criminal-Legal System Harms

THE BILL WOULD:

- ◆ **Eliminate federal programs and agencies used to finance and expand the U.S. criminal-legal system,** such as the Department of Defense 1033 program, the Edward Byrne-Justice Assistance Grant Program, Community Oriented Policing Services, the Drug Enforcement Administration, and Immigration and Customs Enforcement. The bill would ensure that non-punitive, non-carceral elements of these programs are identified so that they can be transferred to another funding source.
- ◆ **Make recommendations to dramatically reduce the Department of Defense budget.**

- ❖ **Directly make changes to the federal criminal-legal system, including changes to the policing, prosecution, sentencing, and jailing practices** that have disproportionately criminalized Black and Brown communities, LGBTQIA people, Indigenous people, and disabled people. Specific changes include, but are not limited to:
 - Eliminating surveillance tactics that are disproportionately used to target Black, Brown, and Muslim communities by prohibiting predictive policing, facial recognition technologies, drones, and similar tools;
 - Eliminating the use of electronic monitoring, including ankle monitors, smartphone applications, and any other tool used to track location;
 - Ending civil asset forfeiture;
 - Abolishing mandatory minimum sentencing laws;
 - Ending life sentences;
 - Abolishing the “three strikes” law;
 - Developing a time-bound plan to close all federal prisons and immigration detention centers;
 - Repealing federal laws that criminalize human movement and border entry;
 - Further repealing and replacing the 1994 Violent Crime Control and Law Enforcement Act with non-carceral, non-punitive investments in communities; and
 - Decriminalizing and retroactively expunging drug offenses.

SECTION 2:

Investing in New Approaches to Community Safety Utilizing Funding Incentives

THE BILL WOULD:

- ◆ Create federal grant programs that incentivize decarceration and subsidize non-punitive, community-led approaches to public safety. Such grants will:
 - Make grants to local jurisdictions so that they can make and implement tailored plans to decarcerate their jails and/or defund their police forces;
 - Offer a 50% federal match for projected savings when States and/or local jurisdictions close detention facilities, including (but not limited to) local jails, State prisons, and youth prisons; and
 - Incentivize State, tribal, and local governments to make specified changes that shrink their criminal-legal systems and, in return, provide federal funding to make non-punitive, non-carceral, participatory investments in communities.
- ◆ State, tribal, and local policy changes incentivized under the grant programs include, but are not limited to, the following:
 - Banning pretextual stops and “consent” searches;
 - Removing police, armed security, metal detectors, and other surveillance equipment from schools and government offices that provide social services;
 - Abolishing State gang databases;
 - Eliminating all fees and surcharges within the criminal-legal system and forgiving outstanding court debt, reducing a financial burden that falls disproportionately on Black women;

- Decriminalizing and retroactively expunging State drug convictions;
- Categorically eliminating misdemeanor and “pay only” probation;
- Until ICE and CBP are fully dismantled, ending State and local police entanglement with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and all federal immigration enforcement agencies;
- Repealing all existing State juvenile offenses; and
- Banning the use of police agencies as tools of political repression.

❖ If States are selected as a recipient of the grant programs, funding must be used to fund non-carceral interventions that improve community safety and are selected through a participatory process. Selected interventions may include, but are not limited to:

- Transformative justice and healing justice programs;
- Violence interruption and intervention, including in domestic violence situations;
- Abuse interruption, intervention, and prevention;
- Park redevelopment, streetlights, and other infrastructure;
- Neighborhood mediation programs;
- Supportive housing;
- New, accessible methods of processing 911 calls that reduce unnecessary contact between law enforcement and community members;
- Safe passage to schools programs;
- Funding for community-based organizations that provide voluntary, non-coercive health services and healing supports for communities so that they can recover from exposure to violence, abuse, and/or harmful interactions with police; and
- Employment opportunities that benefit formerly incarcerated individuals.

SECTION 3:

Allocating New Money to Build Healthy, Sustainable & Equitable Communities for All People

THE BILL WOULD:

- ◆ Establish a grant to promote educational justice, which:
 - Incentivizes jurisdictions to make specified equity-focused policy changes, including:
 - Altering their school funding formulas so that there is funding equity between schools;
 - Creating a clear, time-bound plan for closing all youth detention facilities within the jurisdiction and replacing these facilities with community-based, rehabilitation-focused continua of care; and
 - Removing police, School Resource Officers (SROs), ICE, probation, armed security, metal detectors, and other surveillance equipment and practices from schools.
 - Provides resources for programs and investments that include, but are not limited to:
 - Developing curricula that examine the political, economic, and social impacts of colonialism, genocide against indigenous people, and slavery;
 - Providing voluntary, non-coercive wraparound services that meet students' social, emotional, and physical needs;
 - Promoting innovative programming to better support foster youth, as well as the children of incarcerated parents;
 - Providing free, high-quality health services at schools and/or at nearby student- and family-focused centers, which services include reproductive body autonomy;

- Providing full and free access for all people, including those who are undocumented, currently incarcerated, and formerly incarcerated, to a lifetime education;
- Providing free public transportation to students; and
- Modernizing, renovating, or repairing facilities used by public schools.

◆ **Establish a grant to promote environmental justice, which:**

➤ **Incentivizes States to make specified equity-focused policy changes, such as:**

- Creating a clear, time-bound plan for ensuring that all communities have public access to safe, clean water for housing, drinking, and food production;
- Creating a clear, time-bound plan for ensuring that all communities have access to breathable air within EPA safety limits; and
- Creating a clear, time-bound plan for meeting 100% of the State power demand using clean, renewable, and zero-emission energy sources.

➤ **Provide resources for programs and investments that include:**

- Subsidizing community-owned sustainable energy solutions, including projects by community-based nonprofit organizations;
- Funding climate resilience in communities so that they can prepare for climate change-fueled disasters (such as hurricanes, floods, and wildfires) that are exacerbated by human fossil fuel consumption; and
- Funding to support, build, preserve, and restore cultural assets and sacred sites—especially sites and land belonging to the Indigenous community.

❖ **Establish a competitive grant to promote health and family justice, which:**

- Incentivizes jurisdictions to make specified equity-focused policy changes, such as:
 - Expanding Medicaid as offered under the Affordable Care Act without work requirements or any burdensome administrative requirements during enrollment;
 - Creating alternatives to terminating parental rights, including guardianship arrangements, and procedures for reinstating parental rights;
 - Eliminating State laws that bar formerly incarcerated people from serving as guardians to their own children or others in their community; and
 - Ensuring all communities have convenient access to sources of healthy food.
- **Provide resources for programs and investments that include, but are not limited to:**
 - Food cooperatives and urban gardens;
 - Paid parental and sick leave;
 - Comprehensive, high-quality child and elder care; and
 - The creation of comprehensive health centers that offer culturally competent services for all people, including services related to reproductive health.

❖ **Establish a competitive grant to promote economic justice, which:**

- **Incentivizes States to make specified equity-focused policy changes, such as:**
 - Valuing the labor of Black and Brown women by extending employment protections for workers—including domestic workers and farm workers—who are in industries that are not appropriately regulated;
 - Establishing the right for workers, in public and private sectors, to organize, especially in “On Demand Economy” jobs; and
 - Establishing a living wage, pegged to inflation, and eliminating the subminimum tipped wage.

➤ **Provide resources for programs and investments that include, but are not limited to:**

- Establishing job programs that specifically target the most economically disadvantaged individuals, including groups that disproportionately include Black cis- and trans women, formerly incarcerated people, undocumented people, and disabled people;
- Pilot programs for universal basic income;
- “Baby bonds” programs, including a preference for communities that were specifically targeted by redlining; and
- Start-up funds for establishing worker-owned cooperatives and businesses that are being started by individuals who are formerly incarcerated.

❖ **Establish a competitive Housing & Infrastructure Grant Program that:**

➤ **Incentivizes jurisdictions to make specified equity-focused policy changes, such as:**

- Authorizing State funds to expand the affordable housing supply; and
- Change local zoning laws so as to allow multifamily unit construction and ban exclusionary zoning laws.

➤ Provide resources for programs and investments

that include, but are not limited to:

- Modernizing and expanding the stock of affordable housing;
 - Providing quality assisted housing;
 - Creating tax-relief programs to help individuals who are facing potential displacement as the result of rapidly increasing home values (i.e., gentrification); and
 - Supporting the development of Community Land Trusts.
- ◆ Make direct federal investments in equity, which include:
- A federal commission that proposes changes to tax policy, which will dramatically increase racial and economic equity;
 - A universal child allowance;
 - A program that provides assistance with down payments and closing costs—specifically for those households that rent or live in historically redlined communities;
 - Land grant programs in cities experiencing economic decline and/or hyper-vacancies;
 - A program at the United States Department of Agriculture, which will forgive the debt of Black farmers who were impacted by previous United States Department of Agriculture discrimination;
 - Tools to promote environmental justice, including an Equity Impact Mapping Initiative & Equity Screen and a Green Infrastructure Program; and
 - Federal programs to better support successful reentry.

SECTION 4:

Holding Officials Accountable & Enhancing Self-Determination of Black Communities

THE BILL WOULD:

- ◆ Require Congress to acknowledge and address the lasting harms that it has caused, specifically through:
 - Passing H.R.40 (“Commission to Study Reparation Proposals for African-Americans Act”); and
 - Establishing commissions that design reparations for mass criminalization—including the War on Drugs, the criminalization of prostitution, and police violence; border violence; and the systemic violation of the U.S. Government’s treaty obligations to Tribal nations.

- ◆ Ensure democratic, fair, and secure voting processes that are free from racial discrimination and voter suppression in every State, specifically through measures that include:
 - Enfranchising all formerly and presently incarcerated people in federal elections;
 - Creating a public financing program for campaigns that are powered by small dollar contributions;
 - Incentivizing States to increase voter turnout;
 - Incentivizing States to pass laws that expand voting access, including laws that:
 - Enfranchise all formerly and presently incarcerated people for State and local elections; and
 - Allowing local and State resident voting for undocumented people.
 - Increase accountability for federal officials and police officers who have committed harms, specifically by measures that include:
 - Guaranteeing a private right of action for recovering damages when a federal official has committed a constitutional violation; and
 - Creating a grant program that offers States grant dollars if they strengthen mechanisms to hold police officers accountable when they have committed harm.



**Join us in defending
Black lives.
Join us on the right
side of history.**

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