



# CITY OF TACOMA

## OFFICE OF THE CITY MANAGER

### ISSUE BRIEF

**TO:** Mayor and City Council

**FROM:** Anita Gallagher, Assistant to the City Manager, City Manager's Office

**SUBJECT:** Federal Priorities for Systems Transformation

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The City's Government Relations team will present a set of policy statements related to systems transformation for Council's deliberations on potential federal priorities for 2021. Many of these policy concepts would be new to the City's agenda, and others will be familiar topics that the Council has included in past priority documents. This memorandum provides background information on pieces of legislation and other federal action on which the Council may consider for policy advocacy in the coming year. For the legislative proposals, bill numbers for the House and Senate versions with links to the full text are provided below each item.

#### **Legislation**

##### **Policing and Criminal Justice System Transformation**

- **The George Floyd Justice in Policing Act:** This bill is comprehensive police reform package championed by Congressional Democrats in response to the death of George Floyd and the nationwide protests that have followed. It includes measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices.
  - [H.R. 7120](#) Passed House 236-181
  - [S.3912](#) 36 co-sponsors (35 Dem; 1 Ind)
  - Note: The City Council sent a letter to Tacoma's congressional delegation on June 16, 2020 thanking them for co-sponsoring this bill.
- **Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act:** This bill is the police reform package championed by Republicans. There is significant overlap with the George Floyd Justice in Policing Act, but the JUSTICE Act does not address qualified immunity reform, criminal liability for civil rights violations, and restrictions on the transfer of military equipment. It did include some elements that the Democrats' proposal did not, such as records retention requirements, making it illegal for a federal law enforcement officer to engage in a sexual act while acting under the color of the law, regardless of consent, and adding a criminal penalty for falsifying a police report in connection with a civil rights violation that results in serious bodily harm or death.
  - [H.R. 7278](#) 163 co-sponsors (162 Rep; 1 Dem)
  - [S. 3985](#) 48 Republican co-sponsors
- **Justice Safety Valve Act:** This bill would allow courts to impose a criminal sentence below the mandatory minimum. The House bill was introduced by a Democrat and the Senate companion bill was introduced by a Republican.
  - [H.R. 1097](#) 5 co-sponsors (4 Dems; 1 Rep)
  - [S. 399](#) 1 Republican sponsor



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- **The Police Training and Independent Review Act:** This bill would authorize the U.S. Department of Justice to award grants to States that require sensitivity training for law enforcement officers, including training on racial bias. It also creates a financial incentive for States to require an independent prosecutor to investigate serious police use-of-force incidents.
  - [H.R. 125](#) 114 Democratic co-sponsors
  - [S. 1938](#) 22 co-sponsors (21 Dem; 1 Ind)
- **The Reverse Mass Incarceration Act:** This bill authorizes a grant program for States to implement evidence-based programs designed to reduce crime rates and incarcerations.
  - [H.R. 2865](#) 15 Democratic co-sponsors
  - [S. 1557](#) 1 Democratic co-sponsor
- **Next Step Act:** This bill is a comprehensive package to reform sentencing, prisons, re-entry of prisoners, and law enforcement practices. This legislation would end the federal prohibition on marijuana and eliminate the disparity between crack and powder cocaine sentences. It builds upon the work of the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act – a bipartisan criminal justice reform bill signed into law by President Trump in 2018.
  - [H.R. 1893](#) 4 Democratic co-sponsors
  - [S. 697](#) 1 Democratic co-sponsor
- **The Police Creating Accountability by Making Effective Recording Available (Police CAMERA) Act:** This bill authorizes the U.S. Department of Justice to administer grants to State, local, and tribal governments to purchase and implement police body-worn camera programs.
  - [H.R. 120](#) 32 Democratic co-sponsors
  - No Senate companion bill

### Economic Security

- **The Commission to Study and Develop Reparation Proposals for African-Americans Act:** This bill is the primary legislative vehicle on reparations. The measure would establish a commission to recommend reparation proposals in a report to Congress and to examine federal and state policies that contribute to white supremacy.
  - [H.R. 40](#) 156 Democratic co-sponsors
  - [S. 1083](#) 20 Democratic co-sponsors
- **Guaranteed Income:** Mayor Woodards has joined Mayors for a Guaranteed Income (MGI), a network of mayors who are studying or piloting guaranteed income (GI) projects in their communities. GI is a monthly recurring cash payment given directly to individuals intended to serve as an unconditional, targeted intervention that supplements the existing social safety net. This network has also advocated for additional Economic Impact Payments (EIPs), also known as the \$1,200 stimulus checks, and the expansion and modernization of the Earned Income Tax Credit (EITC).

### Immigration

- **Dignity for Detainees Act:** The bill would ensure all immigrants receive individualized and fair bond hearings by ending the use of mandatory detention of certain immigrants and requiring the



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U.S. Department of Homeland Security (DHS) to establish probable cause of removability within 48 hours of detention.

- [H.R. 2415](#) 155 Democratic co-sponsors
- [S. 1243](#) 11 Democratic co-sponsors
- Note: Congressman Adam Smith (D- 9<sup>th</sup> Dist.) has been the prime sponsor of this bill.
- **Federal Immigrant Release for Safety and Security Together (FIRST) Act:** This legislation would provide for the immediate release of individuals in ICE custody during a National Emergency related to a communicable disease who are over 50 years old, under 21 years old, or have an underlying health condition. It would suspend the enforcement of civil immigration laws except where there is a risk to public safety and contains various other provisions regarding sanitary requirements in detention centers.
  - [H.R. 6537](#) 44 Democratic co-sponsors
  - [S. 3645](#) 6 co-sponsors (5 Dem; 1 Ind)
  - Note: City Council Resolution 40636 stated support for both of the bills mentioned above.

### Gun Violence

- **Bipartisan Background Checks Act and the Background Check Expansion Act:** Both bills would prohibit firearm transfer between private parties unless a licensed gun dealer, manufacturer, or importer first takes possession of the firearm to conduct a background check. The House version (H.R. 8) was cosponsored by 227 Democrats and 5 Republicans.
  - [H.R. 8](#) Passed House 240-190
  - [S. 42](#) 41 co-sponsors (40 Dem; 1 Ind)

### Housing

- **Housing Fairness Act:** The bill directs the U.S. Department of Housing and Urban Development (HUD) to assess the prevalence of housing discrimination and creates a grant program for organizations to study the causes and effects of such discrimination.
  - [H.R. 149](#) 10 Democratic co-sponsors

### Climate Justice

- **Climate Action Now Act:** The Climate Action Now Act requires the President to develop a plan for the U.S. to meet its contribution under the Paris Agreement on climate change.
  - [H.R. 9](#) Passed House 231-190
  - [S. 1743](#) 46 co-sponsors (43 Dem; 2 Ind; 1 Rep)
- **Environmental Justice for All Act:** The bill will correct present and future environmental injustices in the United States.
  - Strengthens the Civil Rights Act of 1964 – Amends Title VI of the Civil Rights Act to strengthen legal protections against illegal discrimination based on disparate impact. The bill overturns the infamous Alexander v. Sandoval Supreme Court decision. H.R. 4447 restores this right and strengthens existing legal protections.



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- Codifies Executive Order 12898 on Environmental Justice – Codifies and bolsters President Clinton’s 1994 Executive Order by directing federal agencies to create a working group on environmental justice compliance and enforcement and to develop environmental justice strategies and annually report on implementation.
- Empowers Community Voices in Federal Decision-Making – Ensures that federal agencies provide early and meaningful community involvement opportunities under the National Environmental Policy Act (NEPA) when they propose an action that can harm an environmental justice community. The bill ensures robust Tribal representation throughout the NEPA process for an activity that could harm an Indian Tribe, including activities harming off-reservation lands and sacred sites.
- Authorizes Environmental Justice Grants – Offers \$75 million annually for grants to support research, education, outreach, development, and implementation of projects to address environmental and public health issues in environmental justice communities.
- Creates an Interagency Working Group on Environmental Justice Compliance and Enforcement – The working group will help federal agencies address disproportionate pollution and environmental hazards in environmental justice communities, provide direct guidance and technical assistance to environmental justice communities, and develop an interagency federal environmental justice strategy.
- Establishes a National Environmental Justice Advisory Council – Directs the president to create a representative Environmental Justice Advisory Council to provide independent advice and recommendations to the EPA on environmental justice issues.
- Invests in Environmental Justice Training at Federal Agencies – Authorizes \$10 million annually for a culturally and linguistically appropriate training program for environmental justice communities. The program includes hazardous substances training, including risk detection and reduction, and training on basic rights and safeguards currently afforded to individuals through policies and laws intended to help environmental justice communities.
- Requires Public Meetings – Directs the EPA Administrator to hold biennial public meetings with senior officials in each regional office to solicit community input on the agency’s environmental justice activities.
- Creates an Environmental Justice Clearinghouse – Directs the EPA Administrator to create an online clearinghouse for environmental justice information, including training materials and a directory of experts and organizations with the capability to provide advice or technical assistance to environmental justice communities.
- [H.R. 5986](#) Incorporated into H.R. 4447

### **Regulatory Issues**

- **U.S. Department of Justice (DOJ) Memorandum on Litigation Guidelines for Civil Consent Decrees and Settlement Agreements:** Former U.S. Attorney General Jeff Sessions issued a memo on November 7, 2018 that will make it more difficult for DOJ to pursue consent decrees, a critical tool to hold local State and law enforcement agencies accountable for civil rights violations.
  - Government Relations recommends advocating for future action to reverse this guidance.
- **U.S. Department of Housing and Urban Development Final Rule revising implementation of the Fair Housing Act (FHA) “disparate impact” standard:** On September 24, 2020, HUD



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published a Final Rule revising the standard for bringing disparate impact claims under FHA to shift the burden of proof to plaintiffs.

- Government Relations recommends advocating for future action to reverse this rule.
- **U.S. Department of Housing and Urban Development Final Rule replacing the Obama Administration's Affirmatively Furthering Fair Housing (AFFH) regulation with Preserving Community and Neighborhood Choice Final Rule:** On July 23, 2020, HUD Secretary Ben Carson announced the department would replace the Obama-era AFFH regulation, which required federal grant recipients to identify and work toward eliminating housing discrimination in their communities.
  - Government Relations recommends advocating for future action to reverse this rule.