

117TH CONGRESS  
1ST SESSION

# H. R. 40

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Ms. JACKSON LEE (for herself, Ms. PLASKETT, Mr. RUSH, Mr. ESPAILLAT, Mrs. WATSON COLEMAN, Ms. NORTON, Ms. CASTOR of Florida, Ms. LEE of California, Mr. KHANNA, Mrs. BEATTY, Mr. MCNERNEY, Mr. NORCROSS, Mr. RUPPERSBERGER, Ms. ESHOO, Mr. COOPER, Mr. CONNOLLY, Ms. MENG, Mr. RASKIN, Mr. WELCH, Mrs. TRAHAN, Ms. PRESSLEY, Ms. CLARKE of New York, Mr. JEFFRIES, Mr. SARBANES, Mr. BISHOP of Georgia, Ms. DEGETTE, Mr. KILDEE, Ms. BONAMICI, Mr. GREEN of Texas, Ms. MOORE of Wisconsin, Mrs. DINGELL, Ms. ADAMS, Ms. WILLIAMS of Georgia, Mr. BEYER, Ms. CLARK of Massachusetts, Mr. CROW, Mr. SUOZZI, Mr. CICILLINE, Mr. NADLER, Mr. MCGOVERN, Ms. DELBENE, Mr. LYNCH, Mr. JONES, Mr. BLUMENAUER, Mr. KEATING, Mr. NEGUSE, Ms. BLUNT ROCHESTER, Mr. EVANS, Ms. SPEIER, Ms. MCCOLLUM, Ms. JAYAPAL, Mr. MEEKS, Ms. STRICKLAND, Ms. SCANLON, Ms. VELÁZQUEZ, Mr. DEUTCH, Mr. COHEN, Mr. PAYNE, Mr. MORELLE, Ms. WILSON of Florida, Mrs. DEMINGS, Mr. BERA, Mr. TAKANO, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mrs. LAWRENCE, Ms. TITUS, Mr. LIEU, Mr. MFUME, Mr. CARSON, Ms. FUDGE, Mr. DAVID SCOTT of Georgia, Ms. BARRAGÁN, Mr. QUIGLEY, Mr. DANNY K. DAVIS of Illinois, Mr. VARGAS, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. BROWN, Ms. WASSERMAN SCHULTZ, Mr. LOWENTHAL, Mr. KILMER, Mr. NEAL, Mr. PALLONE, Ms. SEWELL, Ms. MATSUI, Mr. LAWSON of Florida, Mr. THOMPSON of California, Mr. YARMUTH, Mr. COSTA, Mr. HORSFORD, Ms. PINGREE, Mr. SOTO, Ms. DEAN, Mrs. HAYES, Mr. CASTEN, Mr. DESAULNIER, Mr. POCAN, Mr. GOMEZ, Mr. VEASEY, Miss RICE of New York, Ms. LOFGREN, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. OMAR, Ms. BASS, Mr. PETERS, Ms. GARCIA of Texas, Ms. ESCOBAR, Mr. SWALWELL, Mr. BUTTERFIELD, Ms. KELLY

of Illinois, Mr. BOWMAN, Ms. OCASIO-CORTEZ, Ms. TLAIB, Ms. CHU, Mr. PANETTA, Mr. FOSTER, and Ms. BUSH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Commission to Study  
 5        and Develop Reparation Proposals for African Americans  
 6        Act”.

7        **SEC. 2. FINDINGS AND PURPOSE.**

8        (a) FINDINGS.—The Congress finds that—

9                (1) approximately 4,000,000 Africans and their  
 10                descendants were enslaved in the United States and  
 11                colonies that became the United States from 1619 to  
 12                1865;

1           (2) the institution of slavery was constitu-  
2           tionally and statutorily sanctioned by the Govern-  
3           ment of the United States from 1789 through 1865;

4           (3) the slavery that flourished in the United  
5           States constituted an immoral and inhumane depri-  
6           vation of Africans' life, liberty, African citizenship  
7           rights, and cultural heritage, and denied them the  
8           fruits of their own labor;

9           (4) a preponderance of scholarly, legal, commu-  
10          nity evidentiary documentation and popular culture  
11          markers constitute the basis for inquiry into the on-  
12          going effects of the institution of slavery and its leg-  
13          acy of persistent systemic structures of discrimina-  
14          tion on living African Americans and society in the  
15          United States;

16          (5) following the abolition of slavery the United  
17          States Government, at the Federal, State, and local  
18          level, continued to perpetuate, condone and often  
19          profit from practices that continued to brutalize and  
20          disadvantage African Americans, including share  
21          cropping, convict leasing, Jim Crow, redlining, un-  
22          equal education, and disproportionate treatment at  
23          the hands of the criminal justice system; and

24          (6) as a result of the historic and continued dis-  
25          crimination, African Americans continue to suffer

1       debilitating economic, educational, and health hard-  
2       ships including but not limited to having nearly  
3       1,000,000 Black people incarcerated; an unemploy-  
4       ment rate more than twice the current White unem-  
5       ployment rate; and an average of less than  $\frac{1}{16}$  of  
6       the wealth of White families, a disparity which has  
7       worsened, not improved over time.

8       (b) PURPOSE.—The purpose of this Act is to estab-  
9       lish a commission to study and develop Reparation pro-  
10      posals for African Americans as a result of—

11           (1) the institution of slavery, including both the  
12      Trans-Atlantic and the domestic “trade” which ex-  
13      isted from 1565 in colonial Florida and from 1619  
14      through 1865 within the other colonies that became  
15      the United States, and which included the Federal  
16      and State governments which constitutionally and  
17      statutorily supported the institution of slavery;

18           (2) the de jure and de facto discrimination  
19      against freed slaves and their descendants from the  
20      end of the Civil War to the present, including eco-  
21      nomic, political, educational, and social discrimina-  
22      tion;

23           (3) the lingering negative effects of the institu-  
24      tion of slavery and the discrimination described in

1 paragraphs (1) and (2) on living African Americans  
2 and on society in the United States;

3 (4) the manner in which textual and digital in-  
4 structural resources and technologies are being used  
5 to deny the inhumanity of slavery and the crime  
6 against humanity of people of African descent in the  
7 United States;

8 (5) the role of Northern complicity in the  
9 Southern based institution of slavery;

10 (6) the direct benefits to societal institutions,  
11 public and private, including higher education, cor-  
12 porations, religious and associational;

13 (7) and thus, recommend appropriate ways to  
14 educate the American public of the Commission's  
15 findings;

16 (8) and thus, recommend appropriate remedies  
17 in consideration of the Commission's findings on the  
18 matters described in paragraphs (1), (2), (3), (4),  
19 (5), and (6); and

20 (9) submit to the Congress the results of such  
21 examination, together with such recommendations.

22 **SEC. 3. ESTABLISHMENT AND DUTIES.**

23 (a) ESTABLISHMENT.—There is established the Com-  
24 mission to Study and Develop Reparation Proposals for

1 African Americans (hereinafter in this Act referred to as  
2 the “Commission”).

3 (b) DUTIES.—The Commission shall perform the fol-  
4 lowing duties:

5 (1) Identify, compile and synthesize the relevant  
6 corpus of evidentiary documentation of the institu-  
7 tion of slavery which existed within the United  
8 States and the colonies that became the United  
9 States from 1619 through 1865. The Commission’s  
10 documentation and examination shall include but not  
11 be limited to the facts related to—

12 (A) the capture and procurement of Afri-  
13 cans;

14 (B) the transport of Africans to the United  
15 States and the colonies that became the United  
16 States for the purpose of enslavement, including  
17 their treatment during transport;

18 (C) the sale and acquisition of Africans as  
19 chattel property in interstate and intrastate  
20 commerce;

21 (D) the treatment of African slaves in the  
22 colonies and the United States, including the  
23 deprivation of their freedom, exploitation of  
24 their labor, and destruction of their culture,  
25 language, religion, and families; and

1           (E) the extensive denial of humanity, sexual  
2           abuse and the chattelization of persons.

3           (2) The role which the Federal and State gov-  
4           ernments of the United States supported the institu-  
5           tion of slavery in constitutional and statutory provi-  
6           sions, including the extent to which such govern-  
7           ments prevented, opposed, or restricted efforts of  
8           formerly enslaved Africans and their descendants to  
9           repatriate to their homeland.

10          (3) The Federal and State laws that discrimi-  
11          nated against formerly enslaved Africans and their  
12          descendants who were deemed United States citizens  
13          from 1868 to the present.

14          (4) The other forms of discrimination in the  
15          public and private sectors against freed African  
16          slaves and their descendants who were deemed  
17          United States citizens from 1868 to the present, in-  
18          cluding redlining, educational funding discrepancies,  
19          and predatory financial practices.

20          (5) The lingering negative effects of the institu-  
21          tion of slavery and the matters described in para-  
22          graphs (1), (2), (3), (4), (5), and (6) on living Afri-  
23          can Americans and on society in the United States.

24          (6) Recommend appropriate ways to educate  
25          the American public of the Commission's findings.

1           (7) Recommend appropriate remedies in consid-  
2           eration of the Commission's findings on the matters  
3           described in paragraphs (1), (2), (3), (4), (5), and  
4           (6). In making such recommendations, the Commis-  
5           sion shall address among other issues, the following  
6           questions:

7                   (A) How such recommendations comport  
8                   with international standards of remedy for  
9                   wrongs and injuries caused by the State, that  
10                  include full reparations and special measures,  
11                  as understood by various relevant international  
12                  protocols, laws, and findings.

13                  (B) How the Government of the United  
14                  States will offer a formal apology on behalf of  
15                  the people of the United States for the per-  
16                  petration of gross human rights violations and  
17                  crimes against humanity on African slaves and  
18                  their descendants.

19                  (C) How Federal laws and policies that  
20                  continue to disproportionately and negatively  
21                  affect African Americans as a group, and those  
22                  that perpetuate the lingering effects, materially  
23                  and psycho-social, can be eliminated.

24                  (D) How the injuries resulting from mat-  
25                  ters described in paragraphs (1), (2), (3), (4),

1 (5), and (6) can be reversed and provide appro-  
2 priate policies, programs, projects and rec-  
3 ommendations for the purpose of reversing the  
4 injuries.

5 (E) How, in consideration of the Commis-  
6 sion's findings, any form of compensation to the  
7 descendants of enslaved African is calculated.

8 (F) What form of compensation should be  
9 awarded, through what instrumentalities and  
10 who should be eligible for such compensation.

11 (G) How, in consideration of the Commis-  
12 sion's findings, any other forms of rehabilita-  
13 tion or restitution to African descendants is  
14 warranted and what the form and scope of  
15 those measures should take.

16 (c) REPORT TO CONGRESS.—The Commission shall  
17 submit a written report of its findings and recommenda-  
18 tions to the Congress not later than the date which is one  
19 year after the date of the first meeting of the Commission  
20 held pursuant to section 4(c).

21 **SEC. 4. MEMBERSHIP.**

22 (a) NUMBER AND APPOINTMENT.—(1) The Commis-  
23 sion shall be composed of 13 members, who shall be ap-  
24 pointed, within 90 days after the date of enactment of this  
25 Act, as follows:

1           (A) Three members shall be appointed by the  
2     President.

3           (B) Three members shall be appointed by the  
4     Speaker of the House of Representatives.

5           (C) One member shall be appointed by the  
6     President pro tempore of the Senate.

7           (D) Six members shall be selected from the  
8     major civil society and reparations organizations  
9     that have historically championed the cause of  
10    reparatory justice.

11          (2) All members of the Commission shall be persons  
12    who are especially qualified to serve on the Commission  
13    by virtue of their education, training, activism or experi-  
14    ence, particularly in the field of African American studies  
15    and reparatory justice.

16          (b) TERMS.—The term of office for members shall  
17    be for the life of the Commission. A vacancy in the Com-  
18    mission shall not affect the powers of the Commission and  
19    shall be filled in the same manner in which the original  
20    appointment was made.

21          (c) FIRST MEETING.—The President shall call the  
22    first meeting of the Commission within 120 days after the  
23    date of the enactment of this Act or within 30 days after  
24    the date on which legislation is enacted making appropria-  
25    tions to carry out this Act, whichever date is later.

1 (d) QUORUM.—Seven members of the Commission  
2 shall constitute a quorum, but a lesser number may hold  
3 hearings.

4 (e) CHAIR AND VICE CHAIR.—The Commission shall  
5 elect a Chair and Vice Chair from among its members.  
6 The term of office of each shall be for the life of the Com-  
7 mission.

8 (f) COMPENSATION.—(1) Except as provided in para-  
9 graph (2), each member of the Commission shall receive  
10 compensation at the daily equivalent of the annual rate  
11 of basic pay payable for GS–18 of the General Schedule  
12 under section 5332 of title 5, United States Code, for each  
13 day, including travel time, during which he or she is en-  
14 gaged in the actual performance of duties vested in the  
15 Commission.

16 (2) A member of the Commission who is a full-time  
17 officer or employee of the United States or a Member of  
18 Congress shall receive no additional pay, allowances, or  
19 benefits by reason of his or her service to the Commission.

20 (3) All members of the Commission shall be reim-  
21 bursed for travel, subsistence, and other necessary ex-  
22 penses incurred by them in the performance of their duties  
23 to the extent authorized by chapter 57 of title 5, United  
24 States Code.

1 **SEC. 5. POWERS OF THE COMMISSION.**

2 (a) HEARINGS AND SESSIONS.—The Commission  
3 may, for the purpose of carrying out the provisions of this  
4 Act, hold such hearings and sit and act at such times and  
5 at such places in the United States, and request the at-  
6 tendance and testimony of such witnesses and the produc-  
7 tion of such books, records, correspondence, memoranda,  
8 papers, and documents, as the Commission considers ap-  
9 propriate. The Commission may invoke the aid of an ap-  
10 propriate United States district court to require, by sub-  
11 poena or otherwise, such attendance, testimony, or pro-  
12 duction.

13 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—  
14 Any subcommittee or member of the Commission may, if  
15 authorized by the Commission, take any action which the  
16 Commission is authorized to take by this section.

17 (c) OBTAINING OFFICIAL DATA.—The Commission  
18 may acquire directly from the head of any department,  
19 agency, or instrumentality of the executive branch of the  
20 Government, available information which the Commission  
21 considers useful in the discharge of its duties. All depart-  
22 ments, agencies, and instrumentalities of the executive  
23 branch of the Government shall cooperate with the Com-  
24 mission with respect to such information and shall furnish  
25 all information requested by the Commission to the extent  
26 permitted by law.

1 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

2 (a) STAFF.—The Commission may, without regard to  
3 section 5311(b) of title 5, United States Code, appoint and  
4 fix the compensation of such personnel as the Commission  
5 considers appropriate.

6 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
7 LAWS.—The staff of the Commission may be appointed  
8 without regard to the provisions of title 5, United States  
9 Code, governing appointments in the competitive service,  
10 and without regard to the provisions of chapter 51 and  
11 subchapter III of chapter 53 of such title relating to classi-  
12 fication and General Schedule pay rates, except that the  
13 compensation of any employee of the Commission may not  
14 exceed a rate equal to the annual rate of basic pay payable  
15 for GS–18 of the General Schedule under section 5332  
16 of title 5, United States Code.

17 (c) EXPERTS AND CONSULTANTS.—The Commission  
18 may procure the services of experts and consultants in ac-  
19 cordance with the provisions of section 3109(b) of title 5,  
20 United States Code, but at rates for individuals not to  
21 exceed the daily equivalent of the highest rate payable  
22 under section 5332 of such title.

23 (d) ADMINISTRATIVE SUPPORT SERVICES.—The  
24 Commission may enter into agreements with the Adminis-  
25 trator of General Services for procurement of financial  
26 and administrative services necessary for the discharge of

1 the duties of the Commission. Payment for such services  
2 shall be made by reimbursement from funds of the Com-  
3 mission in such amounts as may be agreed upon by the  
4 Chairman of the Commission and the Administrator.

5 (e) **CONTRACTS.**—The Commission may—

6 (1) procure supplies, services, and property by  
7 contract in accordance with applicable laws and reg-  
8 ulations and to the extent or in such amounts as are  
9 provided in appropriations Acts; and

10 (2) enter into contracts with departments,  
11 agencies, and instrumentalities of the Federal Gov-  
12 ernment, State agencies, and private firms, institu-  
13 tions, and agencies, for the conduct of research or  
14 surveys, the preparation of reports, and other activi-  
15 ties necessary for the discharge of the duties of the  
16 Commission, to the extent or in such amounts as are  
17 provided in appropriations Acts.

18 **SEC. 7. TERMINATION.**

19 The Commission shall terminate 90 days after the  
20 date on which the Commission submits its report to the  
21 Congress under section 3(c).

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 To carry out the provisions of this Act, there are au-  
24 thorized to be appropriated \$12,000,000.

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