118TH 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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Ms. JACKSON LEE (for herself, Ms. KELLY of Illinois, Ms. PRESSLEY, Mr. MFUME, Ms. SCHAKOWSKY, Ms. PLASKETT, Mr. DAVIS of Illinois, Mr. KILMER, Ms. WILSON of Florida, Mr. GARAMENDI, Ms. ADAMS, Mr. TORRES of New York, Mr. CARSON, Ms. NORTON, Ms. JACOBS, Ms. LEE of California, Mr. CARTER of Louisiana, Mr. JOHNSON of Georgia, Mr. COSTA, Ms. SEWELL, Ms. CHU, Mrs. DINGELL, Mr. McGOVERN, Mr. POHAN, Mr. PHILLIPS, Mrs. BRATTON, Mr. BLUMENTHAL, Mr. LIEU, Mr. BOWMAN, Ms. MOORE of Wisconsin, Mr. CUELLAR, Mrs. WATSON COLEMAN, Mr. DOUGGERT, Mr. RUPPERSBERGER, Mr. BOYLE of Pennsylvania, Mr. KEATING, Mr. ESPAILLAT, Ms. BUSH, Ms. BONAMICI, Mr. THANEDAR, Mr. NEGUSE, Ms. WILLIAMS of Georgia, Mr. CASE, Ms. TLAIR, Ms. CROCKETT, Mr. QUIGLEY, Ms. TITUS, Ms. TOKUDA, Mr. BISHOP of Georgia, Mr. CASTRO of Texas, Mr. JACKSON of Illinois, Ms. KAMLAGER-DOVE, and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on the Judiciary

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 estab-
lish 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.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

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

(2) the institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865;

(3) the slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans’ life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor;

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(4) a preponderance of scholarly, legal, community evidentiary documentation and popular culture markers constitute the basis for inquiry into the ongoing effects of the institution of slavery and its legacy of persistent systemic structures of discrimination on living African Americans and society in the United States;

(5) the brutal overthrow of Reconstruction, which represented a significant but constrained moment of advances for Black rights as epitomized by the 13th, 14th, and 15th Amendments to the Constitution, the Civil Rights Acts of 1866 and 1875 and the Freedman’s Bureau, failed African Americans by failing to ensure their safety and security;

(6) following the abolition of slavery and end of Reconstruction the United States Government, through laws enacted at the Federal, State, and local level, continued to perpetuate, condone and profit from practices that continued to brutalize and disadvantage African Americans, including sharecropping, convict leasing, Jim Crow, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system, resulting in stolen labor and ultimately forestalling landmark
contributions in science, arts, commerce and public service;

(7) the civil rights movement, and other efforts to redress grievances arising from systemic inequities, were sabotaged, both intentionally and unintentionally, thus rendering the accomplishments of those efforts transitory and unsustainable, and further embedding racial inequality in society;

(8) examples of discriminatory Federal Government actions directed against African Americans include—

(A) the creation of the Federal Housing Administration, which adopted specific policies designed to incentivize residential segregation;

(B) the enactment of legislation creating the Social Security program, for which most African Americans were purposely rendered ineligible during its first two decades;

(C) the Servicemen’s Readjustment Act of 1944 (commonly known as the GI Bill of Rights; 58 Stat. 284, chapter 268), which left administration of its programs to the States, thus enabling discrimination against African-American veterans; and
(D) the Fair Labor Standards Act of 1938, which allowed labor unions to discriminate based on race; and

(9) as a result of the historic and continued discrimination, African Americans continue to suffer debilitating economic, educational, and health hardships including but not limited to having nearly 1,000,000 Black people incarcerated; an unemployment rate more than twice the current White unemployment rate; and an average of less than \( \frac{1}{16} \) of the wealth of White families, a disparity which has worsened, not improved over time.

(b) PURPOSE.—The purpose of this Act is to establish a commission to study and develop Reparation proposals for African Americans as a result of—

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

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

(3) the lingering negative effects of the institution of slavery and the discrimination described in paragraphs (1) and (2) on living African Americans and on society in the United States;

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

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

(6) the direct benefits to societal institutions, public and private, including higher education, corporations, religious, and associational;

(7) and thus, recommend appropriate ways to educate the American public of the Commission’s findings to advance racial healing, understanding, and transformation;

(8) and thus, recommend appropriate remedies in consideration of the Commission’s findings on the matters described in paragraphs (1) through (7); and
(9) submit to the Congress the results of such examination, together with such recommendations.

SEC. 3. ESTABLISHMENT AND DUTIES.

(a) Establishment.—There is established in the legislative branch the Commission to Study and Develop Reparation Proposals for African Americans (hereinafter in this Act referred to as the “Commission”).

(b) Duties.—The Commission shall perform the following duties:

(1) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865. The Commission’s documentation and examination shall include facts related to—

(A) the capture and procurement of Africans;

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

(C) the sale and acquisition of Africans and their descendants as chattel property in interstate and intrastate commerce;
(D) the treatment of African slaves and their descendants in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families; and

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

(2) Study and analyze the role which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of formerly enslaved Africans and their descendants to repatriate to their homeland.

(3) Study and analyze the effects of laws enacted by the Federal Government and State governments with discriminatory intent or discriminatory effect on the formerly enslaved Africans and their descendants following the overdue recognition of such persons as United States citizens beginning in 1868.

(4) Study and analyze the other forms of discrimination in the public and private sectors against freed African slaves and their descendants who were
belatedly accorded their rightful status as United States citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices.

(5) Study and analyze the lingering negative effects of the institution of slavery and the matters described in paragraphs (1) through (7) of section 2(b) on living African Americans and on society in the United States.

(6) Recommend appropriate ways to educate the American public of the Commission’s findings to advance racial healing, understanding, and transformation.

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

(A) How such recommendations comport with international standards of remedy for wrongs and injuries caused by the State, that include full reparations and special measures, as understood by various relevant international protocols, laws, and findings.
(B) How the Government of the United States will offer a formal apology on behalf of the people of the United States for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants.

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

(D) How the injuries resulting from matters described in paragraphs (1), (2), (3), (4), (5), and (6) can be reversed and provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

(E) How, in consideration of the Commission’s findings, any form of compensation to the descendants of enslaved Africans is calculated.

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

(G) How, in consideration of the Commission’s finding, what forms of satisfaction, in ad-
dition to apology, should be implemented in an
effort toward return of dignity and racial heal-
ing, and reconciliation.

(II) How, in consideration of the Commis-
sion’s findings, any other forms of rehabilita-
tion or restitution to African descendants is
warranted and what the form and scope of
those measures should take.

(e) Report to Congress.—The Commission shall
submit a written report of its findings and recommenda-
tions to the Congress not later than the date which is 18
months after the date of the first meeting of the full Com-
mission held pursuant to section 4(f).

SEC. 4. MEMBERSHIP.

(a) Number and Appointment.—

(1) Membership.—The Commission shall be
composed of 15 members, who shall be appointed as
follows:

(A) Politically appointed members.—

Not later than 60 days after the date of enact-
ment of this Act:

(i) Three members shall be appointed

by the President.

(ii) Three members shall be appointed

by the Speaker of the House of Represent-
atives, in consultation with the committee of jurisdiction of the House.

(iii) Three members shall be appointed by the President pro tempore of the Senate, in consultation with the committee of jurisdiction of the Senate.

(B) SUBJECT MATTER EXPERTS.—Not later than 60 days after the appointment of the Director under section 6(a), six members, who shall be individuals appointed by the Director, and approved by a majority of the members appointed under subparagraph (A). Such individuals shall be from the major civil society and reparations organizations that have historically championed the cause of reparatory justice.

(2) QUALIFICATIONS.—All members of the Commission shall be persons who are especially qualified to serve on the Commission by virtue of their education, training, activism or experience, particularly in the field of African-American studies and reparatory justice.

(3) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.
(b) Terms.—The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(c) Quorum.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) Vacancies.—Any vacancy on the Commission shall—

(1) not affect the powers of the Commission;

and

(2) be filled in the same manner in which the original appointment was made.

(e) Chair and Vice-Chair.—There shall be a Chair and a Vice Chair of the Commission selected jointly by the majority leader of the Senate and the Speaker of the House of Representatives, in consultation with the committees of jurisdiction. The term of office of each shall be for the life of the Commission.

(f) Initial Meeting of Full Commission.—The Chair shall call an initial meeting of the full Commission not later than 45 days after the appointment of all members under subsection (a)(1)(B).
SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this Act—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under this section may be served by any person designated by the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be
punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(C) ISSUANCE.—A subpoena may be issued under this section only—

(i) by the agreement of the Chair and the Vice Chair; or

(ii) by the affirmative vote of a majority of the Commission, a majority being present.

(c) CONTRACTING.—To the extent or in amounts provided in Appropriations acts, and subject to the applicable laws and regulations, the Commission may enter into contracts with government entities, private entities, or persons for goods or services, including for conducting research or surveys, the preparation of reports, and other activities necessary for the discharge of the duties of the Commission.
(d) Information from Federal Agencies and Other Entities.—The Commission may secure directly from any department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this Act, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, bureau, board, commission, office, independent establishment, or instrumentality shall furnish such information directly to the Commission upon request.

(e) Administrative Support Services.—Upon the request of the Commission—

(1) the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act; and

(2) other Federal departments and agencies may provide to the Commission any administrative support services as may be determined by the head of such department or agency to be advisable and authorized by law.
(f) **Donations of Goods and Services.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) **Postal Services.**—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(h) **Powers of Subcommittees, Members, and Agents.**—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

**Sec. 6. Administrative Provisions.**

(a) **Director.**—The Commission shall have a Director who shall be, not later than 60 days after the appointment of all members appointed under section 4(a)(1)(A), jointly selected by the Chair and Vice Chair, subject to approval by a majority vote of such members.

(b) **Staff.**—The Chair and the Vice Chair may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(c) **Applicability of Certain Civil Service Laws.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the com-
petitive service, and may be paid with out regard to the
provisions of chapter 51 and subchapter III of chapter 53
of such title relating to classification and General Schedule
pay rates, except that no rate of pay fixed under this para-
graph may exceed the equivalent of that payable for a po-
sition at level V of the Executive Schedule under section
5316 of title 5, United States Code. Any individual ap-
pointed under this section shall be treated as an employee
for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A,
89B, and 90 of that title.

(d) DETAILLEES.—Any Federal Government employee
may be detailed to the Commission without reimbursement
from the Commission, and such detailee shall retain the
rights, status, and privileges of his or her regular employ-
ment without interruption.

(e) CONSULTANT SERVICES.—The Commission is au-
thorized to procure the services of experts and consultants
in accordance with section 3109 of title 5, United States
Code, but at rates not to exceed the daily rate paid a per-
son occupying a position at level IV of the Executive
Schedule under section 5315 of title 5, United States
Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the
Commission may be compensated at a rate not to
exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 7. TERMINATION.

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $20,000,000.