

109TH CONGRESS
1ST SESSION

H. R. 40

To acknowledge 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 examine the institution of slavery, subsequently 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 4, 2005

Mr. CONYERS (for himself, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. MEEK of Florida, Mr. NADLER, Mr. OLVER, Mr. PAYNE, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. WATT, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. TOWNS, and Ms. WATSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To acknowledge 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 examine the institution of slavery, subsequently 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 Reparation Proposals for African-Americans Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

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

15 (3) the slavery that flourished in the United
16 States constituted an immoral and inhumane depri-
17 vation of Africans’ life, liberty, African citizenship
18 rights, and cultural heritage, and denied them the
19 fruits of their own labor; and

20 (4) sufficient inquiry has not been made into
21 the effects of the institution of slavery on living Afri-
22 can-Americans and society in the United States.

23 (b) PURPOSE.—The purpose of this Act is to estab-
24 lish a commission to—

1 (1) examine the institution of slavery which ex-
2 isted from 1619 through 1865 within the United
3 States and the colonies that became the United
4 States, including the extent to which the Federal
5 and State Governments constitutionally and statu-
6 torily supported the institution of slavery;

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

11 (3) examine the lingering negative effects of the
12 institution of slavery and the discrimination de-
13 scribed in paragraph (2) on living African-Americans
14 and on society in the United States;

15 (4) recommend appropriate ways to educate the
16 American public of the Commission's findings;

17 (5) recommend appropriate remedies in consid-
18 eration of the Commission's findings on the matters
19 described in paragraphs (1) and (2); and

20 (6) 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 Reparation Proposals for African-Ameri-

1 cans (hereinafter in this Act referred to as the “Commis-
2 sion”).

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

5 (1) Examine the institution of slavery which ex-
6 isted within the United States and the colonies that
7 became the United States from 1619 through 1865.
8 The Commission’s examination shall include an ex-
9 amination of—

10 (A) the capture and procurement of Afri-
11 cans;

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

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

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

24 (2) Examine the extent to which the Federal
25 and State governments of the United States sup-

1 ported the institution of slavery in constitutional and
2 statutory provisions, including the extent to which
3 such governments prevented, opposed, or restricted
4 efforts of freed African slaves to repatriate to their
5 homeland.

6 (3) Examine Federal and State laws that dis-
7 criminated against freed African slaves and their de-
8 scendants during the period between the end of the
9 Civil War and the present.

10 (4) Examine other forms of discrimination in
11 the public and private sectors against freed African
12 slaves and their descendants during the period be-
13 tween the end of the Civil War and the present.

14 (5) Examine the lingering negative effects of
15 the institution of slavery and the matters described
16 in paragraphs (1), (2), (3), and (4) on living Afri-
17 can-Americans and on society in the United States.

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

20 (7) Recommend appropriate remedies in consid-
21 eration of the Commission's findings on the matters
22 described in paragraphs (1), (2), (3), and (4). In
23 making such recommendations, the Commission
24 shall address among other issues, the following ques-
25 tions:

1 (A) Whether the Government of the United
2 States should offer a formal apology on behalf
3 of the people of the United States for the per-
4 petration of gross human rights violations on
5 African slaves and their descendants.

6 (B) Whether African-Americans still suffer
7 from the lingering effects of the matters de-
8 scribed in paragraphs (1), (2), (3), and (4).

9 (C) Whether, in consideration of the Com-
10 mission's findings, any form of compensation to
11 the descendants of African slaves is warranted.

12 (D) If the Commission finds that such
13 compensation is warranted, what should be the
14 amount of compensation, what form of com-
15 pensation should be awarded, and who should
16 be eligible for such compensation.

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

22 **SEC. 4. MEMBERSHIP.**

23 (a) NUMBER AND APPOINTMENT.—(1) The Commis-
24 sion shall be composed of 7 members, who shall be ap-

1 pointed, within 90 days after the date of enactment of this
2 Act, as follows:

3 (A) Three members shall be appointed by the
4 President.

5 (B) Three members shall be appointed by the
6 Speaker of the House of Representatives.

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

9 (2) All members of the Commission shall be persons
10 who are especially qualified to serve on the Commission
11 by virtue of their education, training, or experience, par-
12 ticularly in the field of African-American studies.

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

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

23 (d) QUORUM.—Four members of the Commission
24 shall constitute a quorum, but a lesser number may hold
25 hearings.

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

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

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

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

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

23 (a) HEARINGS AND SESSIONS.—The Commission
24 may, for the purpose of carrying out the provisions of this
25 Act, hold such hearings and sit and act at such times and

1 at such places in the United States, and request the at-
2 tendance and testimony of such witnesses and the produc-
3 tion of such books, records, correspondence, memoranda,
4 papers, and documents, as the Commission considers ap-
5 propriate. The Commission may request the Attorney Gen-
6 eral to invoke the aid of an appropriate United States dis-
7 trict court to require, by subpoena or otherwise, such at-
8 tendance, testimony, or production.

9 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—
10 Any subcommittee or member of the Commission may, if
11 authorized by the Commission, take any action which the
12 Commission is authorized to take by this section.

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

23 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

24 (a) STAFF.—The Commission may, without regard to
25 section 5311(b) of title 5, United States Code, appoint and

1 fix the compensation of such personnel as the Commission
2 considers appropriate.

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

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

20 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
21 Commission may enter into agreements with the Adminis-
22 trator of General Services for procurement of financial
23 and administrative services necessary for the discharge of
24 the duties of the Commission. Payment for such services
25 shall be made by reimbursement from funds of the Com-

1 mission in such amounts as may be agreed upon by the
2 Chairman of the Commission and the Administrator.

3 (e) CONTRACTS.—The Commission may—

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

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

16 **SEC. 7. TERMINATION.**

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

20 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

21 To carry out the provisions of this Act, there are au-
22 thorized to be appropriated \$8,000,000.

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