

111TH 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 6, 2009

Mr. CONYERS (for himself and Mr. SCOTT of Virginia) 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,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Commission to Study
3 Reparation Proposals for African-Americans Act”.

4 SEC. 2. FINDINGS AND PURPOSE.

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

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

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

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

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

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

23 (1) examine the institution of slavery which ex-
24 isted from 1619 through 1865 within the United
25 States and the colonies that became the United
26 States, including the extent to which the Federal

1 and State Governments constitutionally and statu-
2 torily supported the institution of slavery;

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

7 (3) examine the lingering negative effects of the
8 institution of slavery and the discrimination de-
9 scribed in paragraph (2) on living African-Americans
10 and on society in the United States;

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

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

16 (6) submit to the Congress the results of such
17 examination, together with such recommendations.

18 **SEC. 3. ESTABLISHMENT AND DUTIES.**

19 (a) **ESTABLISHMENT.**—There is established the Com-
20 mission to Study Reparation Proposals for African-Ameri-
21 cans (hereinafter in this Act referred to as the “Commis-
22 sion”).

23 (b) **DUTIES.**—The Commission shall perform the fol-
24 lowing duties:

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

6 (A) the capture and procurement of Afri-
7 cans;

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

12 (C) the sale and acquisition of Africans as
13 chattel property in interstate and intrastate
14 commerce; and

15 (D) the treatment of African slaves in the
16 colonies and the United States, including the
17 deprivation of their freedom, exploitation of
18 their labor, and destruction of their culture,
19 language, religion, and families.

20 (2) Examine the extent to which the Federal
21 and State governments of the United States sup-
22 ported the institution of slavery in constitutional and
23 statutory provisions, including the extent to which
24 such governments prevented, opposed, or restricted

1 efforts of freed African slaves to repatriate to their
2 homeland.

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

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

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

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

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

23 (A) Whether the Government of the United
24 States should offer a formal apology on behalf
25 of the people of the United States for the per-

1 petration of gross human rights violations on
2 African slaves and their descendants.

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

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

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

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

19 SEC. 4. MEMBERSHIP.

20 (a) NUMBER AND APPOINTMENT.—(1) The Commis-
21 sion shall be composed of 7 members, who shall be ap-
22 pointed, within 90 days after the date of enactment of this
23 Act, as follows:

24 (A) Three members shall be appointed by the
25 President.

1 (B) Three members shall be appointed by the
2 Speaker of the House of Representatives.

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

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

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

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

19 (d) QUORUM.—Four members of the Commission
20 shall constitute a quorum, but a lesser number may hold
21 hearings.

22 (e) CHAIR AND VICE CHAIR.—The Commission shall
23 elect a Chair and Vice Chair from among its members.
24 The term of office of each shall be for the life of the Com-
25 mission.

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

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

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

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

19 (a) HEARINGS AND SESSIONS.—The Commission
20 may, for the purpose of carrying out the provisions of this
21 Act, hold such hearings and sit and act at such times and
22 at such places in the United States, and request the at-
23 tendance and testimony of such witnesses and the produc-
24 tion of such books, records, correspondence, memoranda,
25 papers, and documents, as the Commission considers ap-

1 appropriate. The Commission may request the Attorney Gen-
2 eral to invoke the aid of an appropriate United States dis-
3 trict court to require, by subpoena or otherwise, such at-
4 tendance, testimony, or production.

5 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—

6 Any subcommittee or member of the Commission may, if
7 authorized by the Commission, take any action which the
8 Commission is authorized to take by this section.

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

19 SEC. 6. ADMINISTRATIVE PROVISIONS.

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

24 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
25 LAWS.—The staff of the Commission may be appointed

1 without regard to the provisions of title 5, United States
2 Code, governing appointments in the competitive service,
3 and without regard to the provisions of chapter 51 and
4 subchapter III of chapter 53 of such title relating to classi-
5 fication and General Schedule pay rates, except that the
6 compensation of any employee of the Commission may not
7 exceed a rate equal to the annual rate of basic pay payable
8 for GS-18 of the General Schedule under section 5332
9 of title 5, United States Code.

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

16 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
17 Commission may enter into agreements with the Adminis-
18 trator of General Services for procurement of financial
19 and administrative services necessary for the discharge of
20 the duties of the Commission. Payment for such services
21 shall be made by reimbursement from funds of the Com-
22 mission in such amounts as may be agreed upon by the
23 Chairman of the Commission and the Administrator.

24 (e) CONTRACTS.—The Commission may—

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

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

13 **SEC. 7. TERMINATION.**

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

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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