

### 115TH CONGRESS 1ST SESSION

# H. R. 1055

To acknowledge the fundamental injustice and the subsequent de jure and de facto racial and economic discrimination against those African-Americans impacted by the "War on Drugs" and the subsequent disparate and discriminatory mass incarceration, to determine the role that private corporations played in the prison industrial complex, to determine the impact of these forces on their families, to make recommendations to the Congress on appropriate remedies, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

February 14, 2017

Mr. Rush introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

To acknowledge the fundamental injustice and the subsequent de jure and de facto racial and economic discrimination against those African-Americans impacted by the "War on Drugs" and the subsequent disparate and discriminatory mass incarceration, to determine the role that private corporations played in the prison industrial complex, to determine the impact of these forces on their families, 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	Family Reconstruction Proposals for African-Americans
4	Unjustly Impacted by the 'War on Drugs' Act of 2017".
5	SEC. 2. ESTABLISHMENT AND DUTIES.
6	(a) Establishment.—There is established the Com-
7	mission to Study Family Reconstruction Proposals for Af-
8	rican-Americans Unjustly Impacted by the "War on
9	Drugs" (hereinafter in this Act referred to as the "Com-
10	mission").
11	(b) Duties.—The Commission shall perform the fol-
12	lowing duties:
13	(1) Examine the disparate incarceration and
14	the institution of forced prison labor which has ex-
15	isted within the African-American community in the
16	United States since the ratification of Amendment
17	XIII to the United States Constitution on December
18	6, 1865. The Commission's examination shall in-
19	clude an examination of—
20	(A) the rates of arrest and imprisonment
21	of African-Americans compared to the broader
22	American public for drug crimes;
23	(B) the rates at which African-Americans
24	were imprisoned for comparable crimes to non-
25	African-Americans:

- 1 (C) the rates at which African-Americans 2 were imprisoned due to mandatory minimums 3 and how these minimums differed from com-4 parable charges; and
  - (D) the financial and sociological impact of these conditions on African-American prisoners and their families.
  - (2) Examine the extent to which the Federal and State governments of the United States have supported the mass incarceration of African-Americans, the extent to which such governments have profited, both through cost-savings and direct revenue, and the extent to which said revenue was used to reduce recidivism and encourage post-incarceration reintegration.
  - (3) Examine the extent to which private corporations have supported the mass incarceration of African-Americans, the extent to which such corporations have profited, both through cost-savings and direct revenue, and the extent to which said revenue was used to reduce recidivism and encourage post-incarceration reintegration.
  - (4) Examine Federal and State laws that have discriminated against African-American prisoners and their families.

1	(5) Examine other forms of discrimination in
2	the public and private sectors against freed African-
3	American prisoners and their families.
4	(6) Examine the lingering negative effects of
5	the mass incarceration of African-Americans.
6	(7) Recommend appropriate ways to educate
7	the American public of the Commission's findings.
8	(8) Recommend appropriate remedies in consid-
9	eration of the Commission's findings on the matters
10	described in paragraphs (1), (2), (3), and (4). In
11	making such recommendations, the Commission
12	shall address among other issues, the following ques-
13	tions:
14	(A) Whether the Government of the United
15	States should offer a formal apology on behalf
16	of the people of the United States to the Afri-
17	can-American victims of the "War on Drugs"
18	and their descendants.
19	(B) Whether African-Americans and the
20	broader African-American community still suf-
21	fer from the lingering effects of the matters de-
22	scribed in paragraphs (1), (2), (3), and (4).
23	(C) Whether, in consideration of the Com-

mission's findings, any form of compensation to

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1	the victims of the "War on Drugs" and their							
2	descendants is warranted.							
3	(D) If the Commission finds that such							
4	compensation is warranted, what should be the							
5	amount of compensation, what form of com-							
6	pensation should be awarded, and who should							
7	be eligible for such compensation.							
8	(c) Report to Congress.—The Commission shall							
9	submit a written report of its findings and recommenda-							
10	tions to the Congress not later than the date which is one							
11	year after the date of the first meeting of the Commission							
12	held pursuant to section 4(c). Such report shall also be							
13	made available to the public via the Commission's website.							
14	SEC. 3. MEMBERSHIP.							
15	(a) Number and Appointment.—(1) The Commis-							
16	sion shall be composed of 15 members, who shall be ap-							
17	pointed within 90 days after the date of enactment of this							
18	Act, as follows:							
19	(A) Three members shall be appointed by the							
20	President.							
21	(B) Three members shall be appointed by the							
22	Speaker of the House of Representatives.							
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23	(C) Three members shall be appointed by the							

- 1 (D) Three members shall be appointed by the
- 2 Minority Leader of the House of Representatives.
- 3 (E) Three members shall be appointed by the
- 4 Minority Leader 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, Soci-
- 9 ology, and/or Economics.
- 10 (b) Terms.—The term of office for members shall
- 11 be for the life of the Commission. A vacancy in the Com-
- 12 mission shall not affect the powers of the Commission and
- 13 shall be filled in the same manner in which the original
- 14 appointment was made.
- 15 (c) First Meeting.—The President shall call the
- 16 first meeting of the Commission within 120 days after the
- 17 date of the enactment of this Act or within 30 days after
- 18 the date on which legislation is enacted making appropria-
- 19 tions to carry out this Act, whichever date is later.
- 20 (d) Quorum.—Eight members of the Commission
- 21 shall constitute a quorum, but a lesser number may hold
- 22 hearings.
- (e) Chair and Vice Chair.—The Commission shall
- 24 elect a Chair and Vice Chair from among its members.

- 1 The term of office of each shall be for the life of the Com-
- 2 mission.
- 3 (f) Compensation.—(1) Except as provided in para-
- 4 graph (2), each member of the Commission shall receive
- 5 compensation at the daily equivalent of the annual rate
- 6 of basic pay payable for GS-15 of the General Schedule
- 7 under section 5332 of title 5, United States Code, for each
- 8 day, including travel time, during which he or she is en-
- 9 gaged in the actual performance of duties vested in the
- 10 Commission.
- 11 (2) A member of the Commission who is a full-time
- 12 officer or employee of the United States or a Member of
- 13 Congress shall receive no additional pay, allowances, or
- 14 benefits by reason of his or her service to the Commission.
- 15 (3) All members of the Commission shall be reim-
- 16 bursed for travel, subsistence, and other necessary ex-
- 17 penses incurred by them in the performance of their duties
- 18 to the extent authorized by chapter 57 of title 5, United
- 19 States Code.
- 20 SEC. 4. POWERS OF THE COMMISSION.
- 21 (a) Hearings and Sessions.—The Commission
- 22 may, for the purpose of carrying out the provisions of this
- 23 Act, hold such hearings and sit and act at such times and
- 24 at such places in the United States, and request the at-
- 25 tendance and testimony of such witnesses and the produc-

- 1 tion of such books, records, correspondence, memoranda,
- 2 papers, and documents, as the Commission considers ap-
- 3 propriate. The Commission may request the Attorney Gen-
- 4 eral to invoke the aid of an appropriate United States dis-
- 5 trict court to require, by subpoena or otherwise, such at-
- 6 tendance, testimony, or production.
- 7 (b) Powers of Subcommittees and Members.—
- 8 Any subcommittee or member of the Commission may, if
- 9 authorized by the Commission, take any action which the
- 10 Commission is authorized to take by this section.
- 11 (c) Obtaining Official Data.—The Commission
- 12 may acquire directly from the head of any department,
- 13 agency, or instrumentality of the Federal Government,
- 14 available information which the Commission considers use-
- 15 ful in the discharge of its duties. All departments, agen-
- 16 cies, and instrumentalities of the Federal Government
- 17 shall cooperate with the Commission with respect to such
- 18 information and shall furnish all information requested by
- 19 the Commission to the extent permitted by law.

### 20 SEC. 5. ADMINISTRATIVE PROVISIONS.

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

- 1 (b) Applicability of Certain Civil Service
- 2 Laws.—The staff of the Commission may be appointed
- 3 without regard to the provisions of title 5, United States
- 4 Code, governing appointments in the competitive service,
- 5 and without regard to the provisions of chapter 51 and
- 6 subchapter III of chapter 53 of such title relating to classi-
- 7 fication and General Schedule pay rates, except that the
- 8 compensation of any employee of the Commission may not
- 9 exceed a rate equal to the annual rate of basic pay payable
- 10 for GS-15 of the General Schedule under section 5332
- 11 of title 5, United States Code.
- 12 (c) Experts and Consultants.—The Commission
- 13 may procure the services of experts and consultants in ac-
- 14 cordance with the provisions of section 3109(b) of title 5,
- 15 United States Code, but at rates for individuals not to
- 16 exceed the daily equivalent of the highest rate payable
- 17 under section 5332 of such title.
- 18 (d) Administrative Support Services.—The
- 19 Commission may enter into agreements with the Adminis-
- 20 trator of General Services for procurement of financial
- 21 and administrative services necessary for the discharge of
- 22 the duties of the Commission. Payment for such services
- 23 shall be made by reimbursement from funds of the Com-
- 24 mission in such amounts as may be agreed upon by the
- 25 Chairman of the Commission and the Administrator.

1	(e)	Contracts	.—The	Comm	ission	may-
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- (1) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriations Acts; and
- 6 enter into contracts with departments, 7 agencies, and instrumentalities of the Federal Gov-8 ernment, State agencies, and private firms, institu-9 tions, and agencies, for the conduct of research or 10 surveys, the preparation of reports, and other activi-11 ties necessary for the discharge of the duties of the 12 Commission, to the extent or in such amounts as are 13 provided in appropriations Acts.

### 14 SEC. 6. TERMINATION.

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- The Commission shall terminate 90 days after the date on which the Commission submits its report to the Congress under section 3(c). The Commission's report shall continue to be available via a publicly accessible website.
- 20 SEC. 7. AUTHORIZATION OF APPROPRIATIONS.
- To carry out the provisions of this Act, there are authorized to be appropriated \$10,000,000.

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