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4 
Councilmember Trayon White, Sr.


Councilmember Kenyan R. McDuffie

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9 A BILL

10 _____
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12 _____

13 To amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to
14 require the Commissioner of the Department of Insurance, Securities, and Banking to
15 establish by a time certain a slavery era database of records relating to slaveholding; to
16 establish the Reparations Foundation Fund to provide funds for reparations that may be
17 distributed to certain District residents, and to establish the Reparations Task Force to
18 study and develop reparation proposals for African Americans whose ancestors suffered
19 as a result of the institution of slavery.

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21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
22 act may be cited as the “Reparations Foundation Fund and Task Force Establishment Act of
23 2021”.

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25 Sec. 2. The Department of Insurance and Securities Regulation Establishment Act of
26 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is
27 amended by adding a new section 5a to read as follows:

28 “Sec. 5a. Slavery era database.

29 “(a) The Commissioner shall request and obtain information from insurers licensed and
30 doing business in the District of Columbia (“insurer”) regarding any records of slaveholder
31 insurance policies issued by the insurer or any predecessor insurer during the slavery era and
32 require all insurers to research and report to the Commissioner on insurance policies that
33 provided coverage for injury to, or death of, enslaved people.

34 “(b) Within 180 days of the effective date of Reparations Foundation Fund and Task
35 Force Establishment Act of 2021, as introduced on _____ (Bill 24-____) (“Reparations
36 Act”), the Commissioner shall have established, and continue to maintain, a slavery era database
37 that includes all records made available to the Department pursuant to subsection (a) of this
38 section.

39 “(c) Upon request of the Reparations Task Force, established by section 4 of the
40 Reparations Act, the Commissioner shall make the slavery era database available to the
41 Reparations Task Force to aid it in its study of reparations proposals.

42 (d) For the purposes of this section, the term:

43 (1) “Reparations” means the compensation, restitution, or economic redress
44 provided to eligible recipients directly wronged and traumatized by the ills of slavery, Jim Crow,
45 and structural and institutional racism.

46 (2) “Slavery era” means the period from 1619 through 1865.”.

47 Sec. 3. (a) There is established as a special fund, the Reparations Foundation Fund (“RF
48 Fund”), which shall be administered by the Chief Financial Officer of the District of Columbia in
49 accordance with subsections (c) and (d) of this section.

50 (b) Revenue from the following sources shall be deposited into the RF Fund:

51 (1) 0.5% of sales tax revenue collected annually under Chapter 20 of Title 47 of
52 the District of Columbia Official Code;

53 (2) 0.5% of revenue collected by the Department of Motor Vehicles in fees and
54 penalties;

55 (3) Appropriated funds;

56 (4) Gifts;

57 (5) Grants; and

58 (6) Donations.

59 (c) Except as provided in subsection (d) of this section:

60 (1) The money in the RF Fund shall be used for the payment of reparations under
61 a program established pursuant to the findings and recommendations of the Reparations Task
62 Force, established by section 4 (“reparations program”).

63 (2) The money deposited into the RF Fund but not expended in a fiscal year shall
64 not revert to the unassigned fund balance of the General Fund of the District of Columbia at the
65 end of a fiscal year, or at any other time

66 (3) Subject to authorization in an approved budget and financial plan, any funds
67 appropriated in the RF Fund shall be continually available without regard to fiscal year
68 limitation.

69 (d) If by September 30, 2025, no reparations program has been established or
70 reparations otherwise distributed by the District, the RF Fund shall expire and of the monies in
71 the RF Fund:

72 (1) Fifty percent shall be deposited into the General Fund of the District of
73 Columbia; and

74 (2) Fifty percent shall be deposited into the Small Business Capital Access Fund,
75 established by section 2375 of Small and Certified Business Enterprise Development and
76 Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-
77 218.75) (“CBE Act”) to provide financial assistance under section 2375(b)(3) of the CBE Act.

78 Sec. 4. Reparations Task Force.

79 (a) There is established a Reparations Task Force (“Task Force”) to:

80 (1) Study and develop reparation proposals for African Americans as a result of:

81 (A) The institution of slavery, including both the transatlantic and
82 domestic “trade” that existed from 1565 in colonial Florida and from 1619 to 1865, inclusive,
83 within the other colonies that became the United States, and that included the federal and state
84 governments, that constitutionally and statutorily supported the institution of slavery;

85 (B) The de jure and de facto discrimination against freed slaves and their
86 descendants from the end of the Civil War to the present, including economic, political,
87 educational, and social discrimination;

88 (C) The lingering negative effects of the institution of slavery and of the
89 discrimination on living African Americans today, and on society in the District and the United
90 States;

91 (D) The manner in which instructional resources and technologies are used
92 to deny the inhumanity of slavery and the crime against humanity committed against people of
93 African descent in the District and the United States;

94 (E) The role of Northern complicity in the Southern-based institution of
95 slavery;

96 (F) The direct benefits to societal institutions, public and private, including
97 higher education, corporate, religious, and associational; and

98 (G) The lingering effects of the institution of slavery and the matters
99 described in the preceding paragraphs on living African Americans in the District of Columbia;

100 (b) The Task Force shall:

101 (1) Identify, compile, and synthesize the relevant corpus of evidentiary
102 documentation of the institution of slavery that existed within the United States and the colonies

103 that became the United States from 1619 to 1865, inclusive. The Task Force’s documentation
104 and examination shall include the facts related:

105 (A) The capture and procurement of Africans;

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

109 (C) The sale and acquisition of Africans as chattel property in interstate
110 and intrastate commerce;

111 (D) The treatment of African slaves in the colonies and the United States,
112 including the deprivation of their freedom, exploitation of their labor, and destruction of their
113 culture, language, religion, and families;

114 (E) The extensive denial of humanity, sexual abuse, and chattelization of
115 persons;

116 (F) The federal and state laws that discriminated against formerly enslaved
117 Africans and their descendants who were deemed United States citizens from 1868 to the
118 present;

119 (G) The other forms of discrimination in the public and private sectors
120 against freed African slaves and their descendants who were deemed United States citizens from
121 1868 to the present, including redlining, educational funding discrepancies, and predatory
122 financial practices; and

123 (H) The lingering negative effects of the institution of slavery and the
124 matters described in this subsection on living African Americans who are descendants of persons
125 enslaved in the United States and on society at large.

126 (2) Recommend appropriate ways to educate the public of the Task Force's
127 findings.

128 (3) Recommend appropriate remedies based on the Task Force's findings
129 including:

130 (A) How the recommendations comport with international standards of
131 remedy for wrongs and injuries caused by the District, which include full reparations and special
132 measures, as understood by various relevant international protocols, laws, and findings;

133 (B) How the District will offer a formal apology on behalf of the people of
134 District for the perpetration of gross human rights violations and crimes against humanity on
135 African slaves and their descendants;

136 (C) How District laws and policies that continue to disproportionately and
137 negatively affect African Americans as a group and perpetuate the lingering material and
138 psychosocial effects of slavery can be eliminated;

139 (D) How the resultant injuries can be reversed, including how to provide
140 appropriate policies, programs, projects, and recommendations to effect that reversal;

141 (E) How the form of compensation to African Americans, with a special
142 consideration for African Americans who are descendants of persons enslaved in the United
143 States, should be calculated;

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

146 (G) What other forms of rehabilitation or restitution to African
147 descendants are warranted and what form and scope those measures should take.

148 (c) The Task Force shall submit a written report of its findings and recommendations to
149 the Mayor and Council no later than one year after the date of the first meeting of the Task Force
150 held pursuant to section subsection (d)(6).

151 (d)(1) The Task Force shall consist of 9 members, appointed as follows:

152 (A) Five members, one of which shall be the Chair, shall be appointed by
153 the Mayor; and

154 (B) Two members, one of which shall be the Co-Chair, shall be appointed
155 by the Council;

156 (2) The Mayor's appointees shall include:

157 (A) One appointee from the field of academia that has expertise in civil
158 rights; and

159 (B) Two appointees from major civil society and reparations organizations
160 that have historically championed the cause of reparatory justice;

161 (3) No more than 4 appointees shall be Members of the Council.

162 (4) Members shall be drawn from diverse backgrounds to represent the interests
163 of communities of color throughout the District, have experience working to implement racial
164 justice reform, and, to the extent possible, represent geographically diverse areas of the District.

165 (5) The term of office for members shall be for the life of the Task Force. A
166 vacancy in the Task Force shall not affect the powers of the Task Force and shall be filled in the
167 same manner that the original appointment was made.

168 (6) The first meeting of the Task Force shall occur no later than June 1, 2021.

169 (7) Five members of the Task Force shall constitute a quorum.

170 (8) The Task Force shall elect a chair and vice chair from among its members.

171 (9) Subject to an appropriation for the purpose, members of the Task Force shall
172 be entitled to per diem compensation and reimbursement of expenses for up to 10 meetings.

173 (e)(1) The Task Force shall have the authority to:

174 (A) Hold hearings and sit and act at any time and location in the District;

175 (B) Request the attendance and testimony of witnesses;

176 (C) Request the production of books, records, correspondence,

177 memoranda, papers, and documents; and

178 (D) Seek an order from a Superior Court compelling testimony or

179 compliance with a subpoena.

180 (2) Any subcommittee or member of the Task Force may, if authorized by the

181 chair of Task Force, take any action that the Task Force is authorized to take pursuant to this

182 section.

183 (3) The Task Force may acquire directly from the head of any executive agency

184 available information that the Task Force considers useful in the discharge of its duties.

185 (4) All executive agencies shall cooperate with the Task Force with respect to

186 such information and shall furnish all information requested by the Task Force to the extent

187 permitted by law.

188 (5) The Task Force shall keep information received from an executive agency that

189 is confidential, as required by law.

190 (f) Subject to the appropriation of funds, the Task Force may:

191 (1) Appoint and fix the compensation of such personnel as the Task Force

192 considers appropriate;

193 (2) Employ administrative, technical, and legal assistance;

194 (3) Procure supplies, services, and property by contract in accordance with
195 applicable laws and rules; and

196 (4) Enter into contracts for the purposes of conducting research or surveys,
197 preparing reports, and performing other activities necessary for the discharge of the duties of the
198 Task Force with executive agencies, instrumentalities of the District, federal departments,
199 agencies, other instrumentalities, and private entities.

200 (g) Any reparation provided to pursuant to this act shall be in addition to and not in lieu
201 of any reparations provided at the federal level.

202 (h) The Task Force shall sunset after July 1, 2023 or after the report required by
203 subsection (c) of this section has been submitted.

204 Sec. 5. Fiscal impact statement.

205 The Council adopts the fiscal impact statement in the committee report as the fiscal
206 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
207 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

208 Sec. 6. Effective date.

209 This act shall take effect following approval by the Mayor (or in the event of veto by the
210 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
211 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
212 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
213 Columbia Register.