

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

5 (D) the financial and sociological impact of
6 these conditions on African-American prisoners
7 and their families.

8 (2) Examine the extent to which the Federal
9 and State governments of the United States have
10 supported the mass incarceration of African-Ameri-
11 cans, the extent to which such governments have
12 profited, both through cost-savings and direct rev-
13 enue, and the extent to which said revenue was used
14 to reduce recidivism and encourage post-incarcer-
15 ation reintegration.

16 (3) Examine the extent to which private cor-
17 porations have supported the mass incarceration of
18 African-Americans, the extent to which such cor-
19 porations have profited, both through cost-savings
20 and direct revenue, and the extent to which said rev-
21 enue was used to reduce recidivism and encourage
22 post-incarceration reintegration.

23 (4) Examine Federal and State laws that have
24 discriminated against African-American prisoners
25 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-
24 mission’s findings, any form of compensation to

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 (e) 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(e). 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.

23 (C) Three members shall be appointed by the
24 President pro tempore of the Senate.

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.

23 (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 Commission may—

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

6 (2) 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.**

15 The Commission shall terminate 90 days after the
16 date on which the Commission submits its report to the
17 Congress under section 3(c). The Commission's report
18 shall continue to be available via a publicly accessible
19 website.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 To carry out the provisions of this Act, there are au-
22 thorized to be appropriated \$10,000,000.

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