

117TH CONGRESS  
2D SESSION

# H. R. 9437

To amend the Securities Exchange Act of 1934 to require covered issuers to carry out a racial equity audit every 2 years, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2022

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Securities Exchange Act of 1934 to require covered issuers to carry out a racial equity audit every 2 years, 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 “Securities and Ex-  
5 change Atonement Act of 2022”.

6 **SEC. 2. RACIAL EQUITY AUDIT.**

7 (a) IN GENERAL.—The Securities Exchange Act of  
8 1934 (15 U.S.C. 78a et seq.) is amended by inserting after  
9 section 13A the following:

1 **“SEC. 13B. RACIAL EQUITY AUDIT.**

2 “(a) IN GENERAL.—Not later than the end of the  
3 6-month period beginning on the date of enactment of this  
4 section, and every 2 years thereafter, each covered issuer  
5 shall—

6 “(1) conduct an independent audit to assess—

7 “(A) the issuer’s policies and practices on  
8 civil rights, equity, diversity, and inclusion;

9 “(B) how such policies and practices affect  
10 the issuer’s business; and

11 “(C) whether the issuer had direct or indi-  
12 rect ties to or profited from the institution of  
13 slavery;

14 “(2) issue a report to the Commission con-  
15 taining—

16 “(A) all findings and determinations made  
17 in carrying out the assessments required under  
18 paragraph (1); and

19 “(B) to the extent the issuer identifies ties  
20 to or profits from the institution of slavery, a  
21 disclosure of the steps the issuer has taken to  
22 reconcile such ties or profits; and

23 “(3) make the report described under para-  
24 graph (2) available to the public, including on a  
25 website of the issuer.

26 “(b) FAILURE TO ISSUE REPORT.—

1           “(1) FINE.—Any covered issuer that fails to  
2           issue a report required under subsection (a)(2), or  
3           that reports false, misleading, or inaccurate informa-  
4           tion on such a report, shall be fined by the Commis-  
5           sion in an amount of \$20,000 per day until the re-  
6           port is issued, or until the report is corrected to not  
7           be false, misleading, or inaccurate, as applicable.

8           “(2) TRANSFER OF AMOUNTS.—The Commis-  
9           sion shall transfer all fines collected pursuant to  
10          paragraph (1) to the Secretary of the Treasury and  
11          the Secretary shall, without further appropriation,  
12          use such funds to carry out the duties of the Office  
13          of Reparations Programs.

14          “(c) COVERED ISSUER DEFINED.—In this section,  
15          the term ‘covered issuer’ means an issuer that—

16                 “(1) is required to file an annual report under  
17                 section 13(a) or 15(d); and

18                 “(2) has more than 100 employees.”.

19          (b) OFFICE OF REPARATIONS PROGRAMS.—Chapter  
20          3 of title 31, United States Code, is amended—

21                 (1) in subchapter I, by adding at the end the  
22                 following:

1 **“§ 317. Office of Reparations Programs**

2 “(a) ESTABLISHMENT.—There is established, within  
3 the Department of the Treasury, an Office of Reparations  
4 Programs.

5 “(b) DUTIES.—The Office of Reparations Programs  
6 shall provide grants for startup capital and funded savings  
7 programs for Black communities, as well other programs  
8 determined appropriate by the Secretary in furtherance of  
9 racial equity.

10 “(c) FUNDING.—

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
12 There is authorized to be appropriated to the Sec-  
13 retary of the Treasury \$3,000,000,000 to carry out  
14 this section.

15 “(2) ADMINISTRATIVE COSTS.—The Secretary  
16 may use 2 percent of amounts appropriated to carry  
17 out this section for administrative expenses related  
18 to carrying out the duties of the Office of Repara-  
19 tions Programs.”; and

20 (2) in the table of contents for such chapter, by  
21 inserting after the item relating to section 316 the  
22 following:

“317. Office of Reparations Programs.”.

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