

117TH CONGRESS  
1ST SESSION

# H. R. 1196

To establish a Commission for Review and Correction of Historical Injustices,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2021

Mr. DESAULNIER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a Commission for Review and Correction of  
Historical Injustices, 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 “Confronting and Cor-  
5       recting Historical Injustices Act”.

6       **SEC. 2. COMMISSION FOR REVIEW AND CORRECTION OF**  
7       **HISTORICAL INJUSTICES.**

8       (a) **ESTABLISHMENT.**—There is established a com-  
9       mission to be known as the Commission for Review and

1 Correction of Historical Injustices (in this Act referred to  
2 as the “Commission”).

3 (b) DUTIES OF COMMISSION.—The Commission  
4 shall—

5 (1) identify and review each instance of histor-  
6 ical injustice;

7 (2) identify and review any instance in which a  
8 Federal agency has unjustly discriminated against  
9 an individual or group protected by the Civil Rights  
10 Act of 1964 (42 U.S.C. 2000a et seq.), by the Reha-  
11 bilitation Act (29 U.S.C. 705), and members of the  
12 uniformed services as defined by section 101 of title  
13 10, United States Code, that led to a discriminatory  
14 charge, conviction, or dismissal of that individual or  
15 group;

16 (3) identify and review any instance where an  
17 individual or group has been discriminated against  
18 and has not received compensation for the discrimi-  
19 natory act of the Federal agency;

20 (4) not later than 90 days after the date of en-  
21 actment of this Act, establish a mechanism for the  
22 public to submit and be heard on each instance of  
23 discrimination by a Federal agency for consideration  
24 by the Commission; and

(5) not later than 180 days after a public submission described in paragraph (4) is submitted, the Commission shall review the submission or decline to consider the instance of discrimination.

(c) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the Speaker of the House of Representatives.

(B) Two members shall be appointed by the minority leader of the House of Representatives.

(C) Four members shall be appointed by the majority leader of the Senate.

(D) Two members shall be appointed by the minority leader of the Senate.

(2) APPOINTMENT.—Members of the Commission shall be appointed to the Commission not later than 60 days after the date of enactment of this Act.

(3) MEMBER QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission appointed shall be civil rights leaders, historians, lawyers, or judges with expertise or academic experience in—

- 1 (i) civil rights;
- 2 (ii) social justice;
- 3 (iii) civil law;
- 4 (iv) criminal law;
- 5 (v) constitutional law; or
- 6 (vi) history.

7 (B) RECOMMENDATIONS.—The Speaker of  
8 the House of Representatives, minority leader  
9 of the House of Representatives, majority lead-  
10 er of the Senate, and minority leader of the  
11 Senate may solicit and receive recommendations  
12 from civil rights groups and submit such rec-  
13 ommendations to the Commission for review.

14 (4) TERMS.—

15 (A) IN GENERAL.—Each member ap-  
16 pointed after the initial appointments described  
17 in subparagraph (B) shall be appointed for  
18 three years.

19 (B) VACANCIES.—A vacancy in the Com-  
20 mission shall be filled in the manner in which  
21 the original appointment was made.

22 (5) BASIC PAY.—The rate of pay for members  
23 of the Commission shall be set by the Chairperson  
24 of the Commission.

1           (6) QUORUM.—9 members of the Commission  
2       shall constitute a quorum and are required to con-  
3       duct the duties of the Commission.

4           (7) CHAIRPERSON.—One member shall be elect-  
5       ed to serve as the chair of the Commission.

6           (8) MEETINGS.—Not later than 90 days after  
7       the date of enactment of this Act and quarterly  
8       thereafter, the Commission shall hold a meeting. Ad-  
9       ditional meetings may be called by a majority of the  
10      members.

11      (d) DIRECTOR; STAFF OF COMMISSION.—

12           (1) DIRECTOR.—The Commission shall have a  
13      Director who shall be appointed by a majority vote  
14      of the Commission.

15           (2) STAFF.—Subject to rules prescribed by the  
16      Commission, the Commission shall appoint and fix  
17      the pay of at least 11 additional personnel as the  
18      Director considers appropriate.

19           (3) CIVIL SERVICE PROTECTION.—The Director  
20      and staff shall qualify for civil service protection.

21      (e) CONSULTATION.—The Commission may collabo-  
22      rate with historians, sociologists, researchers, graduate  
23      students, doctoral students, law students, community  
24      members, formerly incarcerated or exonerated individuals,  
25      or other individuals directly impacted by discrimination by

1 any Federal agency to identify any appropriate instance  
2 to be reviewed by the Commission.

3 (f) RESEARCH.—The Commission may investigate  
4 any instance brought to the attention of the Commission  
5 as described in subsection (e) and may issue a subpoena  
6 to any agency that a majority of the Commission deter-  
7 mines is necessary.

8 (g) REPORT TO CONGRESS.—Not later than 90 days  
9 after the date of enactment of this Act, and at least quar-  
10 terly thereafter, the Commission shall submit to Congress  
11 and the appropriate congressional committees, a report in-  
12 cluding the following:

13 (1) Information on any alternative to the par-  
14 don process, including exoneration or other forgive-  
15 ness.

16 (2) Each instance reviewed during the quarter.

17 (3) Recommendations on legislative or executive  
18 action with respect to each instance reviewed by the  
19 Commission.

20 (h) EXCEPTION FOR TERMINATION OF COMMIS-  
21 SION.—Section 14(a)(2) of the Federal Advisory Com-  
22 mittee Act (5 U.S.C. App.) does not apply to the Commis-  
23 sion.

1       (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
2 FINED.—In this section, the term “appropriate congres-  
3 sional committees” means the following:

4           (1) The Committee on the Judiciary of the  
5 House of Representatives.

6           (2) The Committee on the Judiciary of the Sen-  
7 ate.

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