

119TH CONGRESS

2D SESSION

H. R. _____

FOUNDATIONAL BLACK AMERICAN REPARATIONS AND RESTORATIVE JUSTICE ACT

To acknowledge and provide reparative remedies for the historical and continuing injuries suffered by Foundational Black Americans as descendants of persons subjected to slavery within the United States and its predecessor colonies and territories, and for subsequent government-sanctioned or government-tolerated racial discrimination, segregation, disenfranchisement, racial terrorism, lynching, dispossession, and other forms of systemic injury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr./Ms. _____ introduced the following bill; which was referred to the Committee on _____, and in addition to such other committees as may have jurisdiction over provisions contained in this Act.

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “**Foundational Black American Reparations and Restorative Justice Act.**”

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to formally acknowledge the historical injuries arising from slavery and subsequent legally sanctioned and institutionally enforced racial discrimination against Black Americans in the United States;
- (2) to establish a federal reparations program for eligible Foundational Black Americans;
- (3) to provide direct monetary restitution to eligible individuals;
- (4) to establish mechanisms for addressing documented economic, educational, housing, property, health, business, and community harms associated with the historical discrimination covered by this Act;
- (5) to preserve historical records relating to slavery, Jim Crow laws, racial terrorism, lynching, discriminatory governmental policies, and the experiences of Foundational Black Americans;
- (6) to provide a transparent federal process for documenting lineage and eligibility;
- (7) to provide intergenerational restorative measures designed to address harms accumulated across multiple generations; and
- (8) to establish permanent federal institutions responsible for administering and documenting the reparative measures authorized by this Act.

SEC. 3. CONGRESSIONAL FINDINGS.

Congress finds the following:

- (1) Slavery existed within territories that became the United States and subsequently within the United States, and millions of enslaved persons and their descendants were denied liberty and the fruits of their labor.
- (2) Following the Declaration of Independence on July 4, 1776, slavery continued to exist under the laws and governmental institutions of the developing United States.
- (3) The Constitution and laws of the United States historically contained provisions affecting slavery and enslaved persons, including laws concerning fugitive slaves and the international slave trade.
- (4) Slavery was not constitutionally abolished throughout the United States until ratification of the Thirteenth Amendment in 1865.

- (5) Following emancipation, formerly enslaved Black Americans and their descendants faced violence, political disenfranchisement, segregation, discriminatory laws, discriminatory labor arrangements, and restrictions on economic and educational opportunity.
- (6) State and local governments enacted and enforced laws and policies commonly known as Jim Crow laws that required or facilitated racial segregation and unequal treatment.
- (7) Black Americans were subjected to racial terror, including lynching, mob violence, racial massacres, destruction of property, forced displacement, intimidation, and other acts motivated by white supremacy.
- (8) Racial violence was used in various periods to intimidate Black Americans, restrict political participation, destroy Black-owned property and communities, and reinforce racial hierarchy.
- (9) Governmental authorities at various levels at times participated in, authorized, facilitated, failed to prevent, or failed adequately to prosecute acts of racial discrimination and racial violence.
- (10) Black Americans were subjected to discriminatory restrictions affecting voting, education, employment, housing, property ownership, lending, public accommodations, transportation, and other areas of American life.
- (11) Such policies and practices impeded the ability of affected families to acquire, preserve, and transmit wealth and property between generations.
- (12) Congress recognizes that historical harms can produce intergenerational economic consequences and that the nature and magnitude of those consequences require careful documentation and assessment.
- (13) The Federal Government has previously established compensation or restitution programs in response to particular governmental injustices.
- (14) Congress possesses authority under the Constitution to enact appropriate legislation addressing violations of constitutional and federal rights, to spend for the general welfare, and to regulate matters within federal jurisdiction.
- (15) Reparations under this Act are intended as remedies for specifically identified historical governmental actions and omissions and their documented consequences.

SEC. 4. PERIOD OF HISTORICAL INJURY.

For purposes of this Act, the period examined by the Federal Government shall begin on **July 4, 1776**, and continue through the date of enactment of this Act.

Nothing in this section shall prohibit the Commission established under this Act from considering events occurring before July 4, 1776, where such events are necessary to establish ancestry, enslavement, property status, family lineage, or the historical origins of an injury continuing after July 4, 1776.

SEC. 5. DEFINITION OF FOUNDATIONAL BLACK AMERICAN.

For purposes of this Act, the term “**Foundational Black American**” or “**FBA**” means a United States citizen who establishes, in accordance with standards established under this Act, descent from at least one person who—

(1) was subjected to slavery within the United States or within a colony, territory, jurisdiction, or political entity that subsequently became part of the United States; or

(2) was a free Black American residing within the United States before December 6, 1865, and whose descendants became part of the historic Black American population subjected to the discriminatory institutions addressed by this Act.

The term shall be used for purposes of this Act as a statutory eligibility classification based principally upon qualifying United States ancestry and historical injury.

SEC. 6. ELIGIBILITY FOR INDIVIDUAL REPARATIONS.

An individual shall be eligible for individual reparations under this Act if the individual—

(1) is a citizen of the United States;

(2) satisfies the definition contained in section 5;

(3) submits sufficient evidence of qualifying ancestry under standards established by the Office of Foundational Black American Reparations;

(4) has not knowingly submitted materially fraudulent genealogical information; and

(5) satisfies such reasonable administrative requirements as are necessary to establish identity and lineage.

No person shall be required to demonstrate that the person personally experienced slavery or Jim Crow segregation.

Eligibility shall be based upon qualifying ancestral relationship to the population against whom the historical harms identified in this Act were directed.

SEC. 7. ACCEPTABLE EVIDENCE OF LINEAGE.

Evidence establishing qualifying ancestry may include—

- (1) United States Census records;
- (2) Freedmen's Bureau records;
- (3) birth and death certificates;
- (4) marriage records;
- (5) military records;
- (6) plantation, estate, probate, and property records;
- (7) church and cemetery records;
- (8) emancipation records;
- (9) slave schedules;
- (10) federal, State, territorial, county, or municipal archives;
- (11) family records corroborated by historical documentation;
- (12) genealogical evidence;
- (13) DNA evidence when voluntarily submitted and accompanied by corroborating genealogical evidence; and
- (14) other credible historical evidence approved by the administering agency.

DNA testing shall not be mandatory.

SEC. 8. ESTABLISHMENT OF THE FOUNDATIONAL BLACK AMERICAN REPARATIONS PROGRAM.

There is established within the Department of the Treasury a program to be known as the **Foundational Black American Reparations Program**.

The Program shall administer monetary reparations and coordinate with other Federal agencies responsible for implementing the provisions of this Act.

SEC. 9. DIRECT INDIVIDUAL REPARATIONS.

(a) **ENTITLEMENT.**— Every eligible living individual certified under section 6 shall be entitled to a direct reparations payment.

(b) **BASE REPARATIONS AWARD.**— Congress shall establish a base individual reparations award after receiving the economic assessment required under section 10.

(c) **CALCULATION.**— The final amount shall take into consideration—

- (1) uncompensated labor associated with American slavery;
- (2) historical denial of property and inheritance rights;
- (3) discriminatory governmental policies affecting property and wealth accumulation;
- (4) discriminatory housing and lending policies;
- (5) exclusion from or unequal access to public programs;
- (6) discriminatory educational policies;
- (7) discriminatory employment practices attributable to governmental action;
- (8) documented destruction or seizure of Black-owned property;
- (9) economic consequences of legally enforced segregation;
- (10) the intergenerational effects of the covered governmental actions; and
- (11) such other quantifiable economic injuries as Congress determines appropriate.

(d) **FORM OF PAYMENT.**— Eligible recipients may elect to receive an award—

- (1) as a lump-sum payment;
- (2) through structured annual payments;
- (3) through a combination of direct payment and federally backed wealth-building accounts; or
- (4) through another payment arrangement authorized by regulation.

SEC. 10. ECONOMIC ASSESSMENT OF REPARATIVE LIABILITY.

Within 24 months after enactment, the Commission established under section 20 shall submit to Congress a comprehensive economic assessment estimating the monetary value of the injuries addressed by this Act.

The assessment shall distinguish between documented historical losses, reasonable economic estimates, and projections concerning intergenerational effects.

The assessment shall recommend a methodology for determining the final amount of individual monetary reparations.

SEC. 11. TAX TREATMENT OF REPARATIONS.

Any payment or benefit received under this Act—

(1) shall not constitute taxable income for purposes of the Internal Revenue Code;

(2) shall not be subject to federal income taxation;

(3) shall not reduce eligibility for Social Security, Medicare, Medicaid, veterans benefits, Supplemental Security Income, housing assistance, educational assistance, or another means-tested federal benefit; and

(4) shall not be subject to administrative offset for ordinary federal debts, except in cases involving fraud against the reparations program.

SEC. 12. FOUNDATIONAL BLACK AMERICAN RESTORATION TRUST FUND.

There is established in the Treasury of the United States the **Foundational Black American Restoration Trust Fund**.

Amounts appropriated to the Fund shall remain available until expended and shall be used exclusively to carry out this Act.

SEC. 13. HOUSING AND HOMEOWNERSHIP RESTORATION.

The Secretary of Housing and Urban Development shall establish an FBA Housing and Homeownership Restoration Program.

The program may provide—

(1) first-time homebuyer grants;

(2) down-payment and closing-cost assistance;

(3) federally guaranteed low-interest mortgages;

- (4) rehabilitation assistance for inherited family property;
- (5) assistance resolving heirs' property issues;
- (6) community land and housing initiatives; and
- (7) grants for the restoration of historically significant Black communities.

SEC. 14. LAND AND PROPERTY RESTORATION.

The Attorney General, Secretary of the Interior, and Secretary of Agriculture shall establish procedures for reviewing documented cases involving property taken from qualifying families through racially discriminatory governmental action.

Where restoration of the original property is legally and practically possible, restoration may be recommended.

Where restoration is impossible, monetary compensation or comparable relief may be authorized.

SEC. 15. EDUCATIONAL REPARATIONS.

The Secretary of Education shall establish the **Foundational Black American Educational Restoration Program**.

Eligible individuals may receive—

- (1) tuition grants for accredited postsecondary education;
- (2) vocational and technical education assistance;
- (3) student loan repayment assistance as authorized by Congress;
- (4) graduate and professional education grants;
- (5) apprenticeship assistance; and
- (6) educational savings accounts for eligible descendants.

Such educational benefits shall supplement and shall not substitute for direct monetary reparations.

SEC. 16. BUSINESS AND ENTREPRENEURSHIP RESTORATION.

The Administrator of the Small Business Administration shall establish an FBA Business Development Program providing eligible individuals and qualifying businesses access to—

- (1) startup grants;
- (2) low-interest business financing;
- (3) technical assistance;
- (4) federal contracting assistance consistent with applicable constitutional and statutory requirements;
- (5) entrepreneurship education; and
- (6) assistance acquiring commercial property and productive assets.

SEC. 17. COMMUNITY RESTORATION.

Congress may appropriate funds for restoration of historically Black communities that suffered documented destruction, displacement, discriminatory public policy, racial terrorism, or systematic disinvestment attributable to governmental action.

Community reparations shall not replace or reduce individual reparations.

SEC. 18. LYNCHING AND RACIAL TERRORISM DOCUMENTATION PROJECT.

The Attorney General, Archivist of the United States, and Secretary of the Smithsonian Institution shall establish a national project to document—

- (1) lynchings;
- (2) racial massacres;
- (3) white-supremacist terrorism;
- (4) destruction of Black communities and businesses;
- (5) racial expulsions and forced displacement;
- (6) attacks upon Black political participation;
- (7) unsolved historical civil-rights crimes; and
- (8) governmental involvement in, or failure adequately to respond to, such acts.

The project shall preserve records and make nonrestricted historical records reasonably accessible to the public.

SEC. 19. NATIONAL MEMORIAL AND HISTORICAL EDUCATION PROGRAM.

The Secretary of the Interior and Smithsonian Institution shall develop a national memorial and educational initiative concerning American slavery, Reconstruction, Jim Crow segregation, lynching, racial terrorism, the civil-rights movement, and the historical development of Foundational Black American communities.

SEC. 20. COMMISSION ON FOUNDATIONAL BLACK AMERICAN REPARATIONS.

There is established an independent commission to be known as the **United States Commission on Foundational Black American Reparations and Restorative Justice**.

The Commission shall consist of 15 members appointed by the President, congressional leadership, and appropriate federal officials.

Members shall include persons with expertise in—

- (1) American history;
- (2) African American history;
- (3) constitutional law;
- (4) civil-rights law;
- (5) economics;
- (6) public finance;
- (7) genealogy;
- (8) sociology;
- (9) housing policy;
- (10) education policy; and
- (11) archival research.

The Commission shall include representation from descendants of persons enslaved within the United States.

SEC. 21. DUTIES OF THE COMMISSION.

The Commission shall—

- (1) document the historical injuries addressed by this Act;
- (2) calculate economic losses to the extent reasonably possible;
- (3) recommend the appropriate monetary reparations amount;
- (4) develop eligibility and lineage standards;
- (5) identify relevant federal records;
- (6) conduct public hearings;
- (7) receive testimony from historians, economists, legal scholars, genealogists, community organizations, and affected individuals;
- (8) examine intergenerational wealth effects;
- (9) recommend additional legislative remedies; and
- (10) submit its final report to Congress and the President.

SEC. 22. OFFICE OF FOUNDATIONAL BLACK AMERICAN REPARATIONS.

There is established within the Department of the Treasury an **Office of Foundational Black American Reparations**.

The Office shall—

- (1) receive applications;
- (2) determine eligibility;
- (3) assist applicants in obtaining genealogical documentation;
- (4) maintain a secure lineage-verification system;
- (5) administer payments;

- (6) provide an administrative appeals process;
- (7) protect confidential information; and
- (8) publish annual reports regarding implementation of this Act.

SEC. 23. FREE GENEALOGICAL ASSISTANCE.

No otherwise eligible person shall be denied a meaningful opportunity to establish eligibility merely because the person lacks financial resources to conduct genealogical research.

The National Archives and Records Administration shall cooperate with the Office established under section 22 to provide reasonable access to relevant federal historical records.

Congress may appropriate funds for professional genealogical assistance to applicants.

SEC. 24. PROTECTION AGAINST FRAUD.

Any person who knowingly submits materially false information for the purpose of obtaining benefits under this Act shall be subject to applicable federal civil and criminal penalties.

Good-faith genealogical errors shall not constitute fraud.

SEC. 25. PROHIBITION AGAINST DISCRIMINATION.

No federal official administering this Act may discriminate against an applicant on the basis of political affiliation, religion, sex, disability, geographic residence, or other status unrelated to statutory eligibility.

SEC. 26. RELATIONSHIP TO OTHER CIVIL-RIGHTS REMEDIES.

Nothing in this Act shall—

- (1) diminish protections provided by the Thirteenth, Fourteenth, or Fifteenth Amendments to the Constitution;
 - (2) diminish protections provided under federal civil-rights laws;
 - (3) limit prosecution of federal hate crimes;
 - (4) extinguish an otherwise valid individual legal claim unless expressly provided by Congress;
- or

(5) prevent Congress from providing additional remedies for particular historical injustices.

SEC. 27. FORMAL ACKNOWLEDGMENT.

The United States acknowledges the profound historical injuries inflicted through slavery and subsequent governmental discrimination against Black Americans and recognizes the responsibility of the Federal Government to document those injuries and provide the remedies authorized by this Act.

SEC. 28. NATIONAL APOLOGY.

On behalf of the people of the United States, Congress acknowledges and apologizes for the Federal Government's historical role in maintaining, recognizing, enforcing, or failing adequately to remedy institutions and practices that deprived generations of Black Americans of liberty, equal protection, property, political participation, and economic opportunity.

Nothing in this section shall independently create a private cause of action against the United States.

SEC. 29. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

- (1) capitalize the Foundational Black American Restoration Trust Fund;
- (2) provide individual reparations authorized under this Act;
- (3) administer lineage verification;
- (4) operate the Commission and Office established by this Act;
- (5) provide educational, housing, business, property, and community restoration programs; and
- (6) carry out all other authorized purposes of this Act.

Congress shall determine the final capitalization of the Trust Fund after consideration of the economic assessment required under section 10.

SEC. 30. ADMINISTRATIVE APPEALS.

An applicant denied eligibility shall receive—

- (1) written notice stating the basis for the determination;

- (2) a reasonable opportunity to submit additional documentation;
- (3) reconsideration by an official who did not make the initial determination; and
- (4) such judicial review as Congress may provide by law.

SEC. 31. PRIVACY AND PROTECTION OF GENEALOGICAL INFORMATION.

Genealogical records, DNA information, birth records, and other personally identifiable information submitted under this Act shall be protected under applicable federal privacy laws.

DNA information voluntarily provided for eligibility purposes may not be transferred to a law-enforcement agency except pursuant to a judicial warrant or as otherwise required by the Constitution.

SEC. 32. RULE OF CONSTRUCTION REGARDING OTHER GROUPS.

Nothing in this Act shall be construed to deny, diminish, or determine the validity of claims for remedies made by any other population.

Eligibility under this Act is based upon the particular historical circumstances and qualifying ancestry specified in sections 3 through 7.

SEC. 33. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held unconstitutional or otherwise invalid, the remainder of this Act and the application of its remaining provisions shall not be affected.

SEC. 34. REGULATIONS.

Not later than 18 months after enactment, the Secretary of the Treasury and heads of other relevant agencies shall promulgate regulations necessary to carry out this Act.

SEC. 35. EFFECTIVE DATE.

Except where otherwise specified, this Act shall take effect immediately upon enactment.

LEGISLATIVE OBJECTIVE

The central objective of this Act is to establish a federal reparations framework under which qualifying Foundational Black Americans are identified principally through documented American lineage and receive direct monetary restitution together with complementary remedies addressing property, housing, education, entrepreneurship, historical preservation, and community restoration.

The Act recognizes July 4, 1776, as the beginning of the principal federal historical period examined for reparative purposes while permitting earlier colonial records to be used to establish ancestry and the origins of harms that continued after the founding of the United States.

The legislation treats direct monetary reparations as a central component of the remedy rather than substituting general social programs for individual compensation. The ultimate monetary amount would be established by Congress using the economic assessment mandated by this Act.