

HOUSE BILL 1869

By Jones

AN ACT to amend Tennessee Code Annotated, relative to the creation of a task force to study and develop reparation proposals for African Americans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is created a task force to study and develop reparation proposals for African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States.

SECTION 2.

- (a) The task force consists of nine (9) members to be appointed as follows:
 - (1) Five (5) members appointed by the governor;
 - (2) Two (2) members appointed by the speaker of the senate; and
 - (3) Two (2) members appointed by the speaker of the house of representatives.
- (b) The governor's appointees must include at least:
 - (1) One (1) appointee from the field of academia with expertise in civil rights; and
 - (2) Two (2) appointees from major civil society and reparations organizations that have historically championed the cause of reparatory justice.
- (c) No more than four (4) appointees may be members of the general assembly.
- (d) The appointing authorities shall strive to ensure that members:
 - (1) Are appointed from diverse backgrounds representing the interests of communities of color throughout the state;
 - (2) Have experience working to implement racial justice reform; and

(3) Represent geographically diverse areas of this state.

(e) The terms of office for members continue for the duration of the task force. A vacancy on the task force does not affect the powers of the task force and are filled in the same manner that the original appointment was made.

(f) The governor shall call the first meeting of the task force to occur no later than August 1, 2023.

(g) Five (5) members of the task force constitute a quorum.

(h) The task force shall elect a chair and vice chair from among its members. (i)

The legislative members of the council are reimbursed as members of the general assembly are paid for attending legislative meetings as provided in § 3-1-106.

SECTION 3. The task force shall:

(1) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States from 1619 to 1865;

(2) Examine and document the:

(A) Capture and procurement of Africans;

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

(C) Sale and acquisition of Africans as chattel property in interstate and intrastate commerce;

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

(E) Denial of humanity, sexual abuse, and chattelization of persons;

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

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

(H) Lingering negative effects of the institution of slavery and the matters described in this section on living African Americans who are descendants of persons enslaved in the United States and on society in the United States;

(3) Recommend appropriate ways to educate the citizens of this state on the task force's findings; and

(4) Recommend appropriate remedies in consideration of the task force's findings on the matters described in this section. In making recommendations, the task force shall address the following:

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

(B) How state laws that continue to disproportionately and negatively affect African Americans as a group and perpetuate the lingering material and psychosocial effects of slavery can be repealed;

(C) How the injuries resulting from matters described in this subdivision (4) can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries;

(D) How, in consideration of the task force's findings, any form of compensation to African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States, is calculated;

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

(F) How, in consideration of the task force's findings, any other forms of rehabilitation or restitution to African descendants are warranted and what form and scope those measures should take.

SECTION 4.

(a) In carrying out this act the task force may:

(1) Hold hearings throughout this state;

(2) Request the attendance and testimony of witnesses; and

(3) Request the production of books, records, correspondence, memoranda, papers, and documents.

(b) The task force may acquire information it considers useful directly from the head of any state agency in the discharge of its duties. All appropriate agencies of state government shall provide assistance to the task force upon request of the task force.

(c) The task force shall keep confidential records or other information received from a state agency and deemed to be confidential under title 10, chapter 7, part 5 or otherwise not required to be disclosed or made available under § 10-7-503(a).

(d) Except as provided in SECTION 2(i), members of the task force receive no compensation for their services, but must be reimbursed for travel and other expenses actually incurred in the performance of their official duties. Such reimbursement must be paid in accordance with the provisions of the comprehensive out-of-state travel

regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) The task force is administratively attached to the department of finance and administration.

(f) Any state-level reparation actions that are undertaken as a result of this act are not a replacement for any reparations enacted at the federal level, and must not be interpreted as such.

(g) The task force shall submit a written report of its findings and recommendations to the general assembly no later than July 1, 2025.

(h) This act is repealed on July 1, 2025, or upon the submission of the report under subsection (g), whichever comes first.

SECTION 5. For the purpose of appointing member to the task force, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.