

SLAVERY DISCLOSURE AND REDRESS ORDINANCE

TOOLKIT

A movement dedicated to building and mobilizing local coalitions to educate and develop reparatory and redress proposals and foster grassroots unity and action for transformative change across America.



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INTRODUCTION

The movement to seek redress for the crime of slavery has gained unprecedented momentum as of late. In the wake of efforts to mount litigation for reparations, a movement that focuses on legislative advocacy at both the federal and local levels has coalesced and grown. There are efforts to create local reparations commissions underway around the country, and bills providing for a federal reparations commission have been introduced in both the U.S. House and Senate.

Slavery Disclosure and Redress Ordinances can undergird these efforts for reparatory justice. This Toolkit focuses on how to craft legislation at the state or municipal level that would challenge companies to grapple with any ties to slavery that they may have in their past and invites them to become good corporate citizens by taking steps toward redressing that past.

WHAT IS THE SLAVERY DISCLOSURE AND REDRESS ORDINANCE?

A Slavery Disclosure and Redress Ordinance (SDRO) may be enacted at the state, county, or municipal level, depending on the legislative body that passes it. Municipal SDROs may co-exist with county- or state-level SDROs.

SDROs require companies that contract with the relevant city, county, or state to investigate and disclose any historical links to slavery and the slave trade. Many U.S. companies have existed or have predecessors that existed prior to the Emancipation Proclamation and may have used or benefitted from the labor of enslaved persons or held property in the form of enslaved persons (as with financial institutions or insurance companies), who were used as assets.

If a city, county, or state has a SDRO, any persons or company wishing to secure a contract with the city, county, or state would be required to perform an investigation of its records (and the records of any corporate predecessor or any corporate entity it had acquired) to determine whether it used or benefitted from the labor of enslaved persons or participated in holding or transacting in enslaved persons. If the relevant company investigates its records and finds no relevant links to slavery, it must formally attest (through an affidavit) that it has performed the investigation with the required level of diligence and has found nothing. Following this step, it may pursue a contract with the city, county, or state. If a company is later found to have failed to diligently examine its records or to have filed a false affidavit, its contract will be terminated, and it may be barred from subsequent contracts. It may also face legal action.

If a company performs the relevant investigation and does find links to slavery, it must disclose the relevant records in their entirety to the city, county, or state, who must further summarize them or disclose them to the public. In order to continue to be eligible to pursue a contract with the city, county, or state, representatives from the relevant company must agree to answer questions from members of the public during a public hearing. Finally, the company must set forth a plan for redressing the past through programmatic support or monetary contributions. These concrete measures of redress should be coordinated with the reparations commission of the city, county, or state—if one exists.

In addition to setting forth requirements for companies that seek a government contract, a SRDO also requires that the government body collect, publish, and report on compliance. Affidavits filed by companies who have government contracts must be made publicly available, and disclosures or summaries of disclosures for companies who have links to slavery must also be made publicly available. The Model SDRO puts a premium on ensuring that the public has easy, straightforward access to information and records that are generated through this process. The relevant government body must also make annual reports about compliance with the SDRO, which must also be made publicly available.

EXISTING LEGISLATION AND THE MODEL ORDINANCE

There are a number of similar ordinances already in place including in the states of Massachusetts, California, Illinois, Maryland, and Connecticut. There are also municipal ordinances on the books in Chicago, Berkeley, San Francisco, Richmond, Milwaukee, Detroit, Philadelphia, Los Angeles, Oakland, Wayne County, and Cleveland. Most of these ordinances were passed in the early 2000s, and most lacked strong enforcement provisions, or were insufficiently clear about what compliance entailed. The language of the Model Slavery Disclosure and Redress Ordinance is designed to fill these existing gaps and avoid the weaknesses of previous ordinances in the new proposed model legislation.

PURPOSE OF THE TOOLKIT

This Toolkit is designed to serve as a comprehensive guide to assist states and municipalities in drafting and enforcing ordinances related to slavery disclosure and reparative redress. This Toolkit aims to provide clear, practical advice to policymakers, helping them navigate complex legal and ethical considerations involved in crafting such ordinances. It outlines the key elements necessary for a robust, effective, and defensible ordinance, thus promoting greater transparency and accountability in addressing historical injustices.

This Toolkit emphasizes the importance of creating ordinances that are not only effective in their intent – addressing historical injustices through reparations – but also robust in their execution. It provides guidelines on the drafting process, with a focus on enforcement provisions.

The “Dos and Don’ts” section of this Toolkit serves as an important guide for policymakers. It provides practical advice on what to include and what to avoid when drafting and implementing a slavery disclosure and redress ordinance, ensuring these elements align with the overall objectives of the ordinance. This Toolkit also provides guidance on the enforcement of the disclosure requirement, as well as the redress components, promoting consistency and fairness while minimizing the potential for legal challenges.

The Toolkit is not intended to be a definitive, exhaustive resource, but rather a starting point and guide for states and municipalities. It acknowledges the diverse needs and contexts of different jurisdictions, recommending that each state or municipality adapt the guidance to fit their specific circumstances and objectives. With clear communication and community involvement in the process, this Toolkit can be a valuable resource in creating effective ordinances to address historical injustices.

When used properly, this Toolkit provides states and municipalities with a clear framework and practical advice to create and enforce slavery disclosure and redress ordinances. By doing so, it aims to promote fairness, justice, and social equity at the local and state levels across the country.

KEY COMPONENTS OF THE SLAVERY DISCLOSURE AND REDRESS ORDINANCE



DISCLOSURE OF PARTICIPATION IN THE SLAVE TRADE

The model ordinance requires every Contractor to submit an affidavit affirming they have examined all accessible records for evidence of participation in the slaveholding or slave trade. This ensures transparency and accountability, and further informs the public about the historical connections and practices of the companies operating within their jurisdiction.

The ordinance sets deadlines for different types of Contractors, such as insurance companies, banks, and other financial institutions, to provide the required disclosure. New Contractors are required to provide disclosure prior to contract execution. The Administrator, a unit or agency of state or local government designated by the state or local government to administer the model ordinance, reviews all records disclosed in each Contractor's affidavit and prepares a public report. The report is discussed in a public hearing that is accessible to the public and recorded for public record.

Disclosure of participation in the slave trade promotes transparency and accountability, sheds light on the past, and ensures the public is informed of any involvement in historical injustices by entities operating within their jurisdiction. The model ordinance also stipulates consequences for non-compliance, including potential contract termination and bars to future contracting with the state or municipality.

CONTRIBUTIONS

The model ordinance mandates the establishment of a redress fund. A redress fund is used for initiatives aimed at addressing the impacts of historical injustices stemming from the slave trade and the aspects of its legacy that endure today. Municipal or state officials will make determinations about how the redress fund will be used, but its use should be directed toward addressing the legacy of slavery and should be shaped by the research and conclusions of the report on the impacts of the legacy of slavery in a given jurisdiction (See "Drafting Considerations" below).

Contractors who have disclosed participation in slaveholding or the slave trade are required to submit a statement of financial redress that details any amounts committed to the redress fund or any programs they have developed or funded, or will develop or fund, to date. According to the language of the model ordinance, Contractors who fail to contribute to the redress fund within the specified timeframe following commencement of the applicable public contract may face automatic termination of their contract with the state or municipality and may face debarment from further business with the state or municipality if the failure to contribute is not cured within the specified timeframe.

The state or municipal Treasurer oversees the collection of funds and monitors whether Contractors have submitted their statement of redress. They also prepare and provide an annual report on the contributions, expenditures, and each project funded to the appropriate head of the state or municipality and public.

The contributions ensure that entities take responsibility not just through acknowledgement, but through active participation in reparative initiatives. This proactive approach can help to foster healing, reconciliation, and social justice in communities that have impacted by the legacies of slavery.

REDRESS FUND AND REDRESS PROJECTS

The redress fund will be used to address specific manifestations of the legacy of slavery as they occur in your state or municipality. The use of the redress fund should be specifically tied to the articulated purpose of the ordinance. Any separate legislation establishing and promulgating the rules for the use of the redress fund should clearly articulate its purpose. The Slavery Disclosure and Redress legislation should be clear and explicit about how the redress fund is linked to the ordinance's broader purpose of promoting transparency and establishing concrete measures aimed at alleviating the adverse effects of slavery, including effects related to its legacy.

The state's or municipality's designated authority, along with the Administrator of the ordinance, should prepare guidelines for the use of the funds and submit the guidelines for approval from the appropriate agency. The Administrator makes funding decisions according to these guidelines. The Administrator is required to provide an annual report to the designated authority, which identifies the recipients of the funds and the amount of funds contributed to each recipient.



DRAFTING CONSIDERATIONS



Outlined below are recommended best practices and potential pitfalls when crafting a slavery disclosure and redress ordinance for your state or municipality. These recommendations are by no means comprehensive, and even with their careful implementation, it's important to note that no ordinance is completely immune to legal scrutiny or challenge.

KEY CONSIDERATIONS

1. Avoid drafting race into the language of the ordinance. There should be no mention of specific racial groups. The ordinance should refer to the beneficiaries of programming or the redress fund in their capacity as descendants of enslaved people or as people who have been impacted by the legacy of slavery.
2. Compile a comprehensive study or report regarding the status of descendants of enslaved people in your local jurisdiction and the effects of slavery on the descendant population. Such a study is important even if slavery was not legal in your jurisdiction. In that case, the study should focus on the legacy of slavery and how it impacted the descendants of enslaved people and their families and communities through Jim Crow policies and other forms of discriminatory treatment. In articulating what the legacy of slavery looks like in a particular jurisdiction, the study should be as specific and focused as possible. It should make use of data and summarize or incorporate high-quality scientific or scholarly studies when possible and avoid making generalized or sweeping statements. Important to this effort is the creation of a mechanism for relevant research (i.e., a local commission) and documenting the effects of the badges of slavery on the descendant of slaves or their families and communities in the applicable jurisdiction.
3. Ensure the ordinance complies with all relevant state and local laws in your jurisdiction.
4. Clearly articulate the purpose of the ordinance as addressing the continued impact of slavery on the local population of descendants of slaves and promoting reasonable redress. The provisions of the ordinance should be directly linked to the purpose.

DISCLOSURE OF PARTICIPATION IN THE SLAVE TRADE

DO:

Clearly articulate the purpose of the ordinance in the introduction. This can include acknowledging the historical injustices of slavery and the need for transparency and reparations as it pertains to your state or municipality specifically.

Ensure that the disclosure requirements directly correlate with the purpose of the ordinance. The information required should be relevant and necessary to achieve the objectives of the ordinance.

Require all Contractors to make a thorough search of their records and publicly disclose any involvement in the slave trade or slaveholding.

Consider creating a mechanism for public input or commentary on the information disclosed by Contractors. This can bolster community engagement and increase the impact of the ordinance.

Establish a process for reviewing and verifying the disclosures made by Contractors. This can help to ensure the accuracy and integrity of the information provided. Requiring that Contractors submit an affidavit as part of the disclosure process—even if no ties to slavery or the slave trade are found—effectuates a legal oath and raises the cost of dishonesty or negligence.

Ensure the ordinance includes clear definitions of key terms such as “Contractor,” “Enslaved Person,” “Slaveholder,” and “Slave Trade.” This ensures clarity regarding the ordinance’s requirements and helps to minimize ambiguity and confusion.

Establish clear deadlines for Contractors to provide their disclosures. This clarifies the requirements of the ordinance to all stakeholders and minimizes the chances that it will be challenged on the basis of vagueness.

Provide for public access to the information disclosed by Contractors. This promotes transparency and furthers the stated goal of the ordinance.

Establish clear guidelines for what constitutes proper disclosure under the ordinance. Give special attention to the kind of documents that must be disclosed in the event that a Contractor does discover ties to slavery or the slave trade.

Create a clear enforcement process for non-compliance with the disclosure requirements. This process should include steps for identifying non-compliance, notifying a non-compliant Contractor, allowing the Contractor to rectify or cure the situation, and taking further steps in the event of persistent non-compliance.

Ensure there are reasonable and proportionate penalties for non-compliance, and that these penalties are consistently enforced.

Consider creating a mechanism to receive and investigate complaints or reports of non-compliance.

DON'T:

Stray from the purpose of the ordinance when drafting the disclosure section. Avoid requiring disclosures that are overly invasive or irrelevant to the purpose of the ordinance. This can lead to unnecessary burdens for Contractors and may be seen as an overreach of authority. Any disclosure requirements should be directly linked to the overall goal of the ordinance.

Use the disclosure process as a means to punish or shame Contractors. The goal should be to promote transparency and a pathway to redress, not to place blame. Legislators and advocates should also avoid introducing the notion of blame or suggesting that the ordinance is intended to punish Contractors for their historical activities during testimony or statements of support. Introducing such statements into the legislative record does not reflect the purpose of the ordinance and may ultimately undermine it.

Neglect to provide a process for Contractors to correct or amend their disclosures. Contractors should have the opportunity to update their information if errors are discovered or if their circumstances change.

Make the ordinance overly burdensome or impossible for Contractors to comply with. The requirements should be reasonable and achievable.

Make the ordinance so vague or ambiguous that Contractors are unsure of what is required of them.

Limit public access to the information disclosed by Contractors. This would undermine the purpose of the ordinance and could violate the principles of openness and transparency.

Enforce the disclosure requirements in an arbitrary or discriminatory manner. All contractors should be treated equally with regard to compliance, opportunities to cure, and enforcement for non-compliance.

Neglect to provide a process for contractors to appeal or challenge enforcement actions taken against them.

Ignore or dismiss valid concerns or complaints about the disclosure requirements or their enforcement.

CONTRIBUTIONS

DO:

Ensure that contribution is a condition to contract with the local government, not an absolute bar.

Clearly define what constitutes a “contribution” and to whom or what these contributions should be directed, even if no specific amount is specified.

Provide clear guidelines on how the contributions will be collected, ensuring that these processes are transparent and fair.

Establish a clear connection between the contributions, the redress fund, and the overall purpose of the ordinance, which is to address historical injustices and promote reparatory measures.

Establish clear procedures for enforcing the contributions requirement, including how non-compliance will be identified and addressed.

Provide for a fair hearing or appeal process for Contractors who dispute the enforcement actions taken against them.

Ensure that any penalties for non-compliance are proportionate and consistent.

Consider establishing a dedicated enforcement body or appointing an existing one to oversee the contributions requirement.

Consider including a durational or monetary limit on contributions, especially because many Contractors are likely to pursue contracts with the municipality or state more than once and over the course of many years.

DON'T:

Make the contribution requirements so burdensome that they effectively bar certain Contractors from doing business with the state or municipality or force them out of business.

Use or describe (especially in public forums and to the media) the contributions as a punitive measure. The purpose of the ordinance is to promote reparations, not to punish past conduct.

Limit the use of the collected contributions to initiatives or programs that benefit people solely on the basis of race or ethnicity. The benefits should be available to all those who suffered from the historical injustices the ordinance seeks to address, regardless of race or ethnicity. Relatedly, the ordinance should avoid explicit mentions of racial or ethnic groups, and should instead refer to the descendants of enslaved

persons or their families or communities who may suffer under the legacy of slavery. Neglect to provide a mechanism for Contractors to amend the amount of their contributions or seek a waiver in certain circumstances. This can help ensure that the ordinance is fair and equitable.

Enforce the contributions commitment in a discriminatory or arbitrary manner. Enforcement should be consistent and based on clear criteria.

Neglect to provide Contractors with clear information about the enforcement procedures and their rights.

Fail to provide adequate resources and support to the enforcement body to ensure it can effectively oversee the contributions requirement.

Ignore complaints or concerns raised by Contractors about the enforcement of the contributions commitment.

Use the contribution to absolutely bar Contractors from contracting with the respective local government.

REDRESS FUND AND REDRESS PROJECTS

DO:

Clearly define what constitutes the redress fund and the eligible redress projects, even if it must be done through separate legislation or through the subsequent promulgation of rules.

Ensure that the purpose of the redress fund and eligible projects are narrowly tailored to remedy the continued legacies slavery identified through high-quality research conducted or identified by a relevant commission. Eligible projects that are not related to remedying harms linked to the legacy of slavery may be more susceptible to legal challenge. If it is unclear how a given project is related to the legacy of slavery, it may similarly be more susceptible to legal challenge. Provide clear, compelling evidence that the redress fund and the projects it supports are necessary to achieve the purpose of the ordinance and any related legislation.

Create a clear and transparent process for how funds will be allocated to eligible projects.

Involve community stakeholders in the decision-making process for selecting eligible projects. This can promote community buy-in and ensure that the funds are being used in a way that truly benefits those affected.

Establish clear criteria for what makes a project eligible for redress funds. This can ensure they are used in a way that aligns with the purpose of the ordinance.

Consider periodic audits of the redress fund and its projects to ensure proper usage and effectiveness. Enforce penalties for misuse of the redress fund consistently and fairly, ensuring that all parties are held to the same standards. Such penalties can be laid out in separate legislation or may be included in the rules promulgated for the management of the fund.

Provide a clear, accessible mechanism for community members and stakeholders to raise concerns or report potential misuse of the redress fund.

Consistently monitor the management of the redress fund to ensure transparency and accountability.

DON'T:

Limit the use of the redress fund to projects solely on the basis of the racial or ethnic groups they benefit. The projects should benefit those who suffered from the historical injustices the ordinance seeks to address, regardless of race or ethnicity. Relatedly, the ordinance should avoid explicit mentions of racial or ethnic groups, and should instead refer to the descendants of enslaved persons or their families or communities who may suffer under the legacy of slavery.

Make the process for selecting eligible projects opaque or arbitrary. It should be transparent and based on clear, objective criteria.

Neglect to include enforcement provisions for misuse of the redress fund. There should be clear penalties for misappropriation of funds or non-compliance with the ordinance. Such penalties can be laid out in separate legislation or may be included in the rules promulgated for the management of the fund.

Neglect to provide clear guidelines on the use of the redress fund, which could lead to confusion and potential misuse. Such guidelines can be laid out in separate legislation or may be included in the rules promulgated for the management of the fund.

Allow potential conflicts of interest to influence the allocation or management of the redress fund. Ignore or dismiss credible reports of misuse or mismanagement of the redress fund.

Fail to communicate effectively with the community about the status of the redress fund and its projects. Transparency is crucial for building trust and ensuring the success of the program.

Ignore community input or feedback on the use of the redress fund. It's important to ensure that the funds are being used in a way that the community finds beneficial and appropriate, and that aligns with the overall purpose of the ordinance.

Describe the purpose of redress fund using generalized statements of remedying past harms or discrimination. The redress fund must be explicit about its purpose, which is to remediate specific, identified instances of past discrimination or harm. Articulating these harms with specificity, with attention to the particularities of local history, and through the use of data will make the redress fund less susceptible to legal challenge.

MODEL SLAVERY DISCLOSURE AND REDRESS ORDINANCE



[ARTICLE/SECTION]____. ENSLAVEMENT-ERA DISCLOSURE AND REDRESS ORDINANCE

1. TITLE.

This title shall be known and may be officially cited as the “[Insert State or Municipality] Enslavement Era Disclosure and Redress Ordinance” and shall be codified as follows:

2. DEFINITIONS.

(a) “Administrator” means the individual appointed by the DAA to oversee, implement, and enforce the provisions of this ordinance. The Administrator shall have the authority to take all actions necessary to apply and enforce this ordinance, subject to the direction and oversight of the DAA.

(b) “Awarding Authority” means a subordinate or component entity or person of the [state/municipality], that has the authority to enter into a Contract or agreement for the provision of goods or services on behalf of the [state/municipality].

(c) “Company” means any person, firm, corporation, partnership, other business entity, or any combination of these.

(d) “Contract” means any agreement, franchise, lease, or concession, including an agreement for any occasional professional or technical personal services, the performance of any work or service, the provision of any materials or supplies or rendering of any service to [state/municipality] or the public, which is let, awarded, or entered into with or on behalf of the [state/municipality] or any Awarding Authority of the [state/municipality].

(e) “Contractor” means any Company that has submitted, or is in the process of submitting, a bid, whether competitive or not, to contract with [state/municipality], or any Awarding Authority of [state/municipality].

(f) “Descendant” means any living individual who can trace their lineage or ancestry directly or indirectly to an Enslaved Person or Persons. This includes, but is not limited to, children, grandchildren, great-grandchildren, and subsequent generations, whether through biological or adoptive relationships, as well as individuals with verifiable genealogical evidence or documentation that establishes a connection to an Enslaved Person. The term “descendant” is intended to encompass a broad range of familial connections, recognizing the historical and societal impacts of the institution of slavery on the affected individuals and their families.

(g) “Designated Administrative Agency (DAA)” shall be the [state/municipal administrative department] until a dedicated agency is developed by [taskforce or commission on reparations or an equivalent office]. At that time, the newly created agency shall become the Designated Administrative Agency.

(h) “Eligible Redress Projects” means any reparatory project or program identified by the DAA in tandem with the [state/municipality].

(i) “Enslavement Era” means the historical period during which the institution of slavery was legally recognized, practiced, and enforced in the United States, spanning from the early 17th century until the adoption of the Thirteenth Amendment to the United States Constitution in 1865.

(j) “Enslaved Person” means any person living in the United States or the territories that preceded its establishment which became part of the United States: (1) who was subject to the will of another, (2) who was deemed by law to be the property of another, (3) whose person and services were wholly under the control of another in a state of enforced compulsory service, and (4) who could not legally leave enforced compulsory service to another on such person’s own volition at any time during the person’s lifetime and during the Enslavement Era.

(k) “Investment” means to make use of an Enslaved Person for future benefits or advantages.

(l) “Participation in slaveholding” means having been a Slaveholder during the Enslavement Era.

(m) “Participation in the slave trade” means having: 1) issued slavery insurance policies, including but not limited to policies issued to Slaveholders for damage to or death of Enslaved Persons, and policies issued to insure business transactions and operations related to the traffic in Enslaved Persons; 2) purchased, sold, or held Enslaved Persons for the purposes of transferring them; 3) provided loans to others to facilitate the purchase, sale, transport, or enslavement of Enslaved Persons; (4) used Enslaved Persons as collateral for insurance policies, loans or other transactions; (5) facilitated the traffic in Enslaved Persons by transporting such persons by boat or rail; or (6) provided any other services to aid and abet the traffic in Enslaved Persons.

(n) “Predecessor Entity” means an entity whose ownership, title, and interest, including all rights, benefits, duties, and liabilities were acquired in an uninterrupted chain of succession by the entity.

(o) “Participant” means a person or entity participating in slaveholding or the slave trade.

(p) “Profits” means any economic advantage or financial benefit derived from the use of Enslaved Persons.

(q) “Slavery Era Insurance” means slavery insurance policies, including but not limited to policies issued to Participants for damage to or death of persons subjected to slavery, and policies issued to insure business transactions and operations related to the traffic in persons subjected to slavery; evidence of purchase and sale of people subjected to slavery; provision of loans to purchase people subjected to slavery; use of people subjected to slavery as collateral for insurance policies, loans or other transaction.

(r) “Slaveholder” means individual holders of Enslaved Persons or owners of a Company that held Enslaved Persons for the purpose of labor, purchase, sale, or financing.

(s) “Slave Trade” means all acts involved in the capture, acquisition, or disposal of a person with the intent to reduce him to slavery; all acts involved in the acquisition of an Enslaved Person with a view to selling or exchanging him; and all acts of disposal by sale or exchange of an Enslaved Person, including acts involved in the facilitation of these exchanges through the provision of financial vehicles or insurance.

3. PURPOSE AND FINDINGS.

Numerous American businesses across various industries, including insurance, banking, tobacco, cotton, sugar, railroads, and shipping, reaped substantial Profits by exploiting the uncompensated labor of Enslaved Persons. Consequently, these businesses and the individuals managing them directly profited from the labor of Enslaved Persons and/or directly benefited from insurance policies that insured Enslaved Persons. This intertwining of economic interests highlights the extent to which the exploitation of Enslaved Persons permeated the foundation of various American industries.

However, very few American industries and the underlying businesses and individuals have adequately acknowledged their connection to the enslavement era.

The citizens of [state/municipality], which include descendants of Enslaved Persons, are entitled to complete transparency regarding any involvement or profits acquired through Slavery by companies seeking to conduct business within [state/municipality]. This disclosure is essential to ensure that the community is informed about the historical connections and practices of the companies operating within its jurisdiction, fostering a culture of accountability and responsible business practices.

This Title is a call to the companies who participated in slaveholding and the Slave Trade to acknowledge and address the enduring impacts of the Enslavement Era on our society, and to promote responsible corporate citizenship. It is essential for corporations to recognize their historical connections to the Enslavement Era and take responsibility for any past actions that have contributed to the perpetuation of inequities. By actively engaging in redress efforts, corporations demonstrate their commitment to fostering a more just and equitable society. Remedying the harms resulting from the Enslavement Era is not only a moral imperative but also a crucial step towards ensuring a cohesive and inclusive community. This Title serves to facilitate corporate transparency and accountability, and to encourage the implementation of concrete measures aimed at alleviating the long-lasting adverse effects of the Slave Trade on Descendants of Enslaved Persons.

The purpose of this Title is to:

(a) Promote the investigation of any participation in slaveholding and/or the Slave Trade by Companies or Contractors engaging in business with [state/municipality].

(b) Establish a system whereby full and accurate disclosure of Company or Contractor records related to the participation in slaveholding and/or the Slave Trade are made publicly available, and which provides the opportunity for public notice and comment before [state/municipality] contracts with Companies or Contractors who participated in slaveholding or the Slave Trade. This disclosure shall include, to the extent applicable, records indicating: (1) insurance policies related to Slaveholding; (2) evidence of purchase, sale and/or lease of Enslaved Persons; (3) the use of Enslaved Persons as collateral for insurance policies, loans, or other transactions; (4) evidence of the provision, or receipt, of loans to purchase Enslaved Persons; (5) insuring transactions for Enslaved Persons; and (6) any other Company or Contractor records evidencing participation in slaveholding or participation in the slave trade.

(c) Encourage corporate transparency and accountability through the establishment of a process pursuant to which the DAA shall develop and/or fund Eligible Redress Projects to assist in redress efforts.

(d) Establish a governance structure to monitor and enforce the provisions of this Title.

[State/municipality] makes the following findings:

(a) Insurance policies from the Enslavement Era, which have been discovered in the archives of several insurance companies, document insurance coverage to Slaveholders for damage to or death of Enslaved Persons. In some cases, existing insurance firms or their predecessor firms issued these policies.

(b) Records may exist that show that: (1) textile, tobacco, railroad, shipping, rice, and sugar companies; (2) companies providing insurance services, and; (3) companies providing financial services; either directly or through their parent entities, subsidiaries or predecessors in interest or otherwise, bought or sold Enslaved Persons, used Enslaved Persons as collateral for insurance policies or other transactions, provided loans to purchase Enslaved Persons, insured such transactions, and/or provided related or other services to aid and abet such transactions.

(c) These insurance policies, loan documents, and other documents and records provide evidence of ill-gotten Profits from slavery. Slaveholders and those involved in the slave trade, in turn, profited from the uncompensated labor of Enslaved Persons, even if such Profits have long since been redistributed to shareholders. Industries that profited in this manner may include, but not be limited to capitalized insurers, financial service providers, textile companies, tobacco companies, railroad companies, shipping companies, the rice industry, the sugar industry, and entities in other industries whose successors in interest remain in existence today.

(d) [State/municipality] finds and declares that the fact that slavery was legal in certain parts of the United States at the time that it occurred does not make the practice any less repugnant, abhorrent or deplorable, nor does it in any way diminish the gravity of these wrongs or the importance of rectifying and remediating these tragedies.

(e) Many [state/municipality] residents are descendants of Enslaved Persons and their ancestors were defined as property, dehumanized, separated from their families, coerced into performing labor without appropriate compensation or benefits, and were assaulted and abused. Enslaved Persons were treated as chattels in every sense of the word, including being used as collateral for insurance policies, loans, and other transactions, and in some instances, their ancestors' owners were compensated for damages by insurers.

(f) Appropriate compensation to Enslaved Persons for their labor otherwise would have been bequeathed to their descendants. As a result, Companies and individuals who profited from the labor of Enslaved Persons were unjustly enriched.

(g) Residents of [state/municipality] are entitled to the full disclosure of any and all information regarding the above-described transactions, and respect and recognition of the dignity of the Enslaved Persons and their descendants requires it.

(h) [state/municipality] formally acknowledges the loss of assets that rightfully should be the property of Descendants in the United States and extends its apologies to Descendants who continue to suffer the legacy of slavery.

(i) [state/municipality] finds that full disclosure of the facts and acknowledgement of the depth and scope of the participation in slaveholding and the slave trade and public hearings with respect thereto furthers the public interest by recognizing the dignity of Enslaved Persons and Descendants and promotes healing in the [state/municipality] community for Enslaved Persons, Descendants, and those who participated in slaveholding and/or the Slave Trade.

(j) [state/municipality] finds that public disclosure public hearings based on such disclosures will promote knowledge of the nature and scope of the slaveholding and slave trading activities in [state/municipality] and thereby will promote healing.

(k) The [state/municipality] finds that the establishment of a fund, to which Companies and Contractors subject to this Title shall make monetary contributions, will promote healing and assist the [state/municipality] in rectifying and remedying some of the shameful legacies of slaveholding and the Slave Trade, thereby protecting and promoting the dignity and welfare of [state/municipality] residents and the [state/municipality] community.

4. COMPLIANCE.

Submission of Affidavit. Each Contractor subject to a competitive bid with the [state/municipality] shall complete an affidavit certifying that to its knowledge, the Contractor has reviewed any and all records in its possession or control or which following due inquiry, are publicly available, including records of parent entities, subsidiaries, and any predecessors in interest of the Contractor for evidence of such party's participation in the slaveholding or participation in the slave trade. If the Contractor, its parent entities, subsidiaries, or Predecessors Entities have participated in slaveholding or participated in the slave trade, the affidavit shall, to the extent known to Contractor, further disclose the names and ages of each Enslaved Person and Slaveholder described in the records and/or information, as well as the evidence of transactions whereby Contractor, its parent entities, subsidiaries, or Predecessors Entities benefited or profited from participation in slaveholding or participation in the slave trade.

All Contractors subject to a competitive bid with the [state/municipality] after the effective date of this Title shall submit a completed affidavit to the [state/municipality] no later than thirty (30) days prior to submission of a bid to contract with the [state/municipality]. If additional time is needed for investigation or review, the Contractor shall submit a request for extension to the [state/municipality] no later than thirty (30) days prior to submission of a bid. The request for extension shall provide an overview of the scope and nature of the investigation or review and an explanation of why additional time is needed to complete the disclosure. The Contractor shall provide updates regarding completion of the affidavit to the [state/municipality] every thirty (30) days as necessary. Notwithstanding the foregoing, the Contractor shall submit a completed affidavit no later than ninety (90) days after the Contractor's submission of a bid.

Review of Records. All records disclosed in each Contractor's affidavit shall be reviewed by the Administrator to determine whether the Contractor, its parent entities, subsidiaries, and any predecessors in interest participated in slaveholding or the Slave Trade.

Publication. The Administrator, after consultation with the [state/municipal] Attorney, shall publish a public report based on the disclosures in each Contractor's affidavit that is found to have participated in slaveholding or the Slave Trade within ninety (90) days after submission of the affidavit. The report shall summarize the nature of the Contractor's participation in slaveholding and the Slave Trade, including all relevant information and records disclosed in each Contractor's affidavit.

Public Hearing. The Administrator, after consultation with the [state/municipal] Attorney, shall hold a public hearing to discuss the report within forty-five (45) days of its delivery to the [insert relevant executive and legislative titles]. The Administrator shall make the report publicly available no later than (10) business days before the scheduled date of the public hearing. A representative for the Contractor holding or pursuing a Contract with the [state/municipality] shall attend the public hearing and answer

any and all questions from [state/municipal] officials and members of the public. The public hearing shall be held in an accessible public facility, accommodate virtual participation, and be recorded and published publicly.

Notice of Public Hearing. The Administrator shall provide notice of the public hearing to the public no later than seven (7) business date before the schedule date of the public hearing and provide notice of the public hearing to a representative of the Contractor, for which the report to be discussed at the public hearing pertains to, no later than ten (10) business days before the scheduled state of the public hearing. Annual Reports. Following the public hearing, the Administrator shall provide annual reports regarding further findings or disclosures on the part of any Company or Contractor found to have participated in slaveholding and the Slave Trade, if any.

Records. Hard copies of the initial and each annual report shall be maintained at the [state/municipal library or record holding facility] and available upon request for public inspection.

Public Access. An “Enslavement Disclosure and Redress” link shall be placed on the [state/municipality] internet home page, whereby this Title, and all information pertaining to this Title can be publicly accessed, including names of all Contractors who participated in slaveholding and the Slave Trade, affidavits, reports, public hearings, contracts, redress actions, etc.

5. REDRESS FUND AND ELIGIBLE REDRESS PROJECTS.

Establishment of Redress Fund. [State/Municipality] shall establish a fund under the oversight of the Administrator. The fund shall be used for purposes including, but not limited to, providing educational support and support for economic development in the economically depressed areas of [state/municipality], especially those subjected to redlining or where a significant proportion of private property was seized or otherwise directly impacted in relation to projects conducted under the auspices of U.S. Department of Housing and Urban Development (HUD) grants for urban renewal programs.

Use and Disclosure of Funds. The DAA, in consultation with the Administrator shall prepare guidelines for the use of the funds and present such guidelines to the [state/municipal agency] for approval no later than the end of [insert date]. Thereafter, the Administrator shall make funding decisions in accordance with the guidelines and provide an annual report to the DAA identifying the recipients of funds and the amount of funds contributed to each recipient.

Submission of Statement of Redress. Each Contractor who has disclosed participation in slaveholding or the Slave Trade shall provide the [state/municipality] with a statement of financial redress at the time of submitting its bid. The statement of redress shall include a description of any amounts committed to the redress fund to date or programs developed or funded, or to be developed or funded, by the Contractor. Collection of Funds. The Contractor shall provide its financial contributions to [name of fund/program], as established by the [state/municipal Treasurer] within thirty (30) days after the effective date of its Contract.

Monitoring and Recordkeeping. The [state/municipal Treasurer] shall monitor all Contractors subject to this Title in submitting the statement of redress. The [state/municipal Treasurer] shall include a report on contributions to and expenditures from the [name of fund/account], and each project funded by this Title, including [insert criteria (e.g. the name of each project, the cost of each project, etc.)], in the annual report to the [Governor, Mayor, or equivalent head of state/municipality], Administrator, and public as required under this Title.

6. ADMINISTRATION.

The DAA shall:

- (a) Promulgate rules and regulations to implement this Title within sixty (60) days after the effective date of this Title;
- (b) Develop a form of Disclosure Statement and affidavit within sixty (60) days after the effective date of this Title;
- (c) Adopt regulations that specify the form and content of the report required in instances where a Company or Contractor has participated in slaveholding or the Slave Trade;
- (d) Administer the requirements of this Title and monitor compliance through the Administrator, including investigation of alleged violations;
- (e) Publish and make open for public review annual reports detailing the compliance and noncompliance of relevant Companies or Contractors; and
- (f) Hold at least one (1) public hearing each year to discuss implementation efforts, annual reports, other materials generated by compliance with this Title, and other relevant matters.

7. ENFORCEMENT.

Failure to comply with the requirements of this Title shall result in the following sanctions:

- (a) Any Contractor who fails to submit the required affidavit within the specified timeframe shall be debarred from participation in the then current bid with [state/municipality].
- (b) Any Contractor who willfully or negligently submits a false affidavit or other statement, or neglects to submit the required disclosure, shall be debarred from participation in the then current bid with [state/municipality].
- (c) The [state/municipality] reserves the right to debar the Contractor from participation in the then current bid by providing notice of termination to any Contractor after discovering the deficiency in the Contractor's disclosure. Notwithstanding the foregoing, a Contractor may cure any false or materially false statement, or misstatement by submitting an amended disclosure within thirty (30) days of receipt of the notice of debarment of the Contractor. Failure to cure any false or materially false statements within the specified timeframe shall result in the Contractor's debarment from participating in the current bid with [state/municipality] and termination of the Contractor's Contract with [state/municipality] no later than sixty (60) days after such failure to cure.
- (d) Any Contractor who fails to contribute to the redress fund within the specified timeframe shall be subject to automatic termination of its Contract with [state/municipality], provided that the Contractor receives notice from the [state/municipality] of termination after discovering the Contractor's failure to contribute to the redress fund. Notwithstanding the foregoing, a Contractor may cure such failure to contribute by making the committed contribution to the redress fund within thirty (30) days of receipt of the notice of termination of the Contract.

(e) The following parties may bring an action under this Title against a Company or Contractor subject to this Title to enforce its provisions:

- i. The [state/municipal] Attorney.
- ii. Any [state/municipal] resident.

Relief under this Title shall include, but not be limited to, an injunction to mandate the necessary disclosure required under this Title or to correct any misstatement, as well as reasonable attorney's fees and costs. All or a portion of any damages awarded shall be payable to the redress fund.

8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or other portion of this Title is, for any reason, adjudged by any court of competent jurisdiction to be invalid or unconstitutional, in whole or in part, such portion shall be deemed severable, and such judgment shall not affect, impair, or invalidate the remaining portions of this Title, which remaining portions shall continue in full force and effect.