

hard to improve educational outcomes for children across the country; and

Whereas the week of February 22 through February 26, 2021, is an appropriate period to designate as “Public Schools Week”: Now, therefore, be it

*Resolved*, That the Senate designates the week of February 22 through February 26, 2021, as “Public Schools Week”.

# SENATE CONCURRENT RESOLUTION 6—URGING THE ESTABLISHMENT OF A UNITED STATES COMMISSION ON TRUTH, RACIAL HEALING, AND TRANSFORMATION

Mr. BOOKER (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. BROWN, Ms. WARREN, Mr. COONS, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, Ms. DUCKWORTH, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. PADILLA) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 6

Whereas the first ship carrying enslaved Africans to what is now known as the United States of America arrived in 1619;

Whereas that event 400 years ago was significant not only because it ushered in the institution of chattel slavery of African Americans, but also because it facilitated the systematic oppression of all people of color that has been a devastating and insufficiently understood and acknowledged aspect of our Nation's history over those past 400 years, and that has left a legacy of that oppression that haunts our Nation to this day;

Whereas the institution of chattel slavery in the United States subjugated African Americans for nearly 250 years, fractured our Nation, and made a mockery of its founding principle that “all men are created equal”;

Whereas the signing of the Constitution of the United States failed to end slavery and oppressions against African Americans and other people of color, thus embedding in society the belief in the myth of a hierarchy of human value based on superficial physical characteristics such as skin color and facial features, and resulting in purposeful and persistent racial inequities in education, health care, employment, Social Security and veteran benefits, land ownership, financial assistance, food security, wages, voting rights, and the justice system;

Whereas that oppression denied opportunity and mobility to African Americans and other people of color within the United States, resulting in stolen labor worth billions of dollars while ultimately forestalling landmark contributions that African Americans and other people of color would make in science, arts, commerce, and public service;

Whereas Reconstruction represented a significant but constrained moment of advances for Black rights as epitomized by the Freedman's Bureau, which negotiated labor contracts for ex-enslaved people but failed to secure their own land for them;

Whereas the brutal overthrow of Reconstruction failed all individuals in the United States by failing to ensure the safety and security of African Americans and by emboldening States and municipalities in both the North and South to enact numerous laws and policies to stymie the socioeconomic mobility and political voice of freed Blacks, thus maintaining their subservience to Whites;

Whereas Reconstruction, the civil rights movement, and other efforts to redress the grievances of marginalized people were sabo-

taged, both intentionally and unintentionally, by those in power, thus rendering the accomplishments of those efforts transitory and unsustainable, and further embedding the racial hierarchy in society;

Whereas examples of government actions directed against populations of color (referred to in this resolution as “discriminatory government actions”) include—

(1) the creation of the Federal Housing Administration, which adopted specific policies designed to incentivize residential segregation;

(2) the enactment of legislation creating the Social Security program, for which most African Americans were purposely rendered ineligible during its first 2 decades;

(3) the Servicemen's Readjustment Act of 1944 (commonly known as the “G.I. Bill of Rights”; 58 Stat. 284, chapter 268), which left administration of its programs to the States, thus enabling blatant discrimination against African American veterans;

(4) the Fair Labor Standards Act of 1938, which allowed labor unions to discriminate based on race;

(5) subprime lending aimed purposefully at families of color;

(6) disenfranchisement of Native Americans, who, until 1924, were denied citizenship on land Native Americans had occupied for millennia;

(7) Federal Indian Boarding School policy during the 19th and 20th centuries, the purpose of which was to “civilize” Native children through methods intended to eradicate Native cultures, traditions, and languages;

(8) land policies toward Indian Tribes, such as the allotment policy, which caused the loss of over 90,000,000 acres of Tribal lands, even though two-thirds of that acreage was guaranteed to Indian Tribes by treaties and other Federal laws, and similar unjustified land grabs from Indian Tribes that occurred regionally throughout the late 1800s and into the termination era in the 1950s and 1960s;

(9) the involuntary removal of Mexicans and United States citizens of Mexican descent through large-scale discriminatory deportation programs in the 1930s and 1950s;

(10) the United States annexation of Puerto Rico, which made Puerto Ricans citizens of the United States without affording them voting rights;

(11) racial discrimination against Latino Americans, which has forced Latino Americans to fight continuously for equal access to employment, housing, health care, financial services, and education;

(12) the Act entitled “An Act to execute certain treaty stipulations relating to Chinese”, approved May 6, 1892 (commonly known as the “Chinese Exclusion Act”; 22 Stat. 58, chapter 126), which effectively halted immigration from China and barred Chinese immigrants from becoming citizens of the United States, and which was the first instance of xenophobic legislation signed into law specifically targeting a specific group of people based on ethnicity;

(13) the treatment of Japanese Americans, despite no evidence of disloyalty, as suspect and traitorous in the very country they helped to build, leading most notably to the mass incarceration of Japanese Americans beginning in 1942;

(14) the conspiracy to overthrow the Kingdom of Hawaii and annex the land of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii; and

(15) the United States history of colonialism in the Pacific, which has resulted in economic, health, and educational disparities among other inequities, for people in United States territories, as well as independent nations with which the United States has treaty obligations;

Whereas those discriminatory government actions, among other government policies that have had racially disparate impacts, have disproportionately barred African Americans and other people of color from building wealth, thus limiting potential capital and exacerbating the racial wealth gap;

Whereas research has shown that the persistent racial wealth gap has had a significant negative impact on other racial disparities, such as the achievement gap, disparities in school dropout rates, income gaps, disparities in home ownership rates, health outcome disparities, and disparities in incarceration rates;

Whereas United States civic leaders and foundations have spearheaded critical efforts to advance racial healing, understanding, and transformation within the United States, recognizing that it is in our collective national interest to urgently address the unhealed, entrenched divisions that will severely undermine our democracy if they are allowed to continue to exist;

Whereas many of the most far-reaching victories for racial healing in the United States have been greatly enhanced by the involvement, support, and dedication of individuals from any and all racial groups;

Whereas at the same time, much of the progress toward racial healing and racial equity in the United States has been limited or reversed by our failure to address the root cause of racism, the belief in the myth of a hierarchy of human value based on superficial physical characteristics such as skin color and facial features;

Whereas the United States institution of slavery, as well as other examples enumerated in this resolution, represent intentional and blatant violations of the most basic right of every individual in the United States to a free and decent life;

Whereas the consequences of oppression against people of color have cascaded for centuries, across generations, beyond the era of active enslavement, imperiling for descendants of slaves and other targets of oppression what should have otherwise been the right of every individual in the United States to life, liberty, and the pursuit of happiness;

Whereas more than 40 countries have reckoned with historical injustice and its aftermath through forming Truth and Reconciliation Commissions to move toward restorative justice and to return dignity to their citizens;

Whereas for 3 decades there has been a growing movement inside and outside Congress to have the Federal Government develop material remedies for the institution of slavery, including through a Commission to Study and Develop Reparation Proposals for African Americans described in H.R. 40, 117th Congress, as introduced on January 4, 2021, and S. 40, 117th Congress, as introduced on January 25, 2021;

Whereas the formation of a United States Commission on Truth, Racial Healing, and Transformation does not supplant the formation of a Commission to Study and Develop Reparation Proposals for African Americans, but rather complements that effort; and

Whereas contemporary social science, medical science, and the rapidly expanding use of artificial intelligence and social media reveal the costs and potential threats to our democracy if we continue to allow unhealed, entrenched divisions to be ignored and exploited: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) affirms, on the 400th anniversary of the arrival of the first slave ship to the United States, that the Nation owes a long-overdue debt of remembrance to not only those who

lived through the egregious injustices enumerated in this resolution, but also to their descendants; and

(2) urges the establishment of a United States Commission on Truth, Racial Healing, and Transformation to properly acknowledge, memorialize, and be a catalyst for progress toward—

(A) jettisoning the belief in a hierarchy of human value;

(B) embracing our common humanity; and

(C) permanently eliminating persistent racial inequities.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. PETERS. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing on nominations.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:45 a.m., to conduct a hearing.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing on a nomination.

#### MEASURES READ THE FIRST TIME—S. 461 AND S.J. RES. 9

Ms. CORTEZ MASTO. Mr. President, I understand that there are two measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the measures by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 461) to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

A joint resolution (S.J. Res. 9) proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

Ms. CORTEZ MASTO. Mr. President, I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. The objection is heard.

The measures will be read for the second time on the next legislative day.

#### BIENNIAL REPORT OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the biennial report from the Office of Congressional Workplace Rights be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BIENNIAL REPORT OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

U.S. CONGRESS,  
OFFICE OF CONGRESSIONAL  
WORKPLACE RIGHTS,  
Washington, DC, February 25, 2021

Hon. PATRICK J. LEAHY,  
President Pro Tempore, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) requires the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to biennially submit a report containing recommendations regarding Federal workplace rights, safety and health, and public access laws and regulations that should be made applicable to Congress and its agencies. The purpose of this report is to ensure that the rights afforded by the CAA to legislative branch employees and visitors to Capitol Hill and district and state offices remain equivalent to those in the private sector and the executive branch of the Federal Government. As such, these recommendations support the intent of Congress to keep pace with advances in workplace rights and public access laws.

Accompanying this letter is a copy of the Board's Section 102(b) Report for the 117th Congress. This report was submitted electronically to President Pro Tempore Grassley and Speaker Pelosi on December 31, 2020, which was the filing date required by statute. We welcome discussion on these issues and urge that Congress act on these important recommendations.

As required by the CAA, we request that this publication be printed in the Congressional Record and referred to the committees of the U.S. Senate with jurisdiction.

Sincerely,

SUSAN TSUI GRUNDMANN,  
Executive Director,  
Office of Congressional Workplace Rights.  
Attachment.

#### RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

**Office of Congressional Workplace Rights—Board of Directors' Biennial Report required by 102(b) of the Congressional Accountability Act issued at the conclusion of the 116th Congress for consideration by the 117th Congress**

#### Statement from the Board of Directors

With its enactment of the Congressional Accountability Act (CAA) in 1995, Congress first applied to the legislative branch the same laws regarding workplace rights and the employment relationship as governed the executive branch and private sector, including those addressing discrimination, workplace safety and health, wages and hours, accessibility, and collective bargaining and labor-management relations. Passage of the CAA in the opening days of the 104th Congress with nearly unanimous approval reflected a Congressional promise to the American public that it would hold itself accountable to the same federal workplace and accessibility standards as apply to private sector employers and executive branch agencies.

This commitment is not meant to be static. Rather, the CAA provides for an ongoing, vigilant review of federal law to ensure that Congress continues to apply to itself—where appropriate—the labor, employment, health, and safety laws that it enacts. To further this goal, section 102(b) of the CAA tasks the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to review federal legislation and regulations to ensure that workplace protections in the legislative branch are on par with those applicable to private sector and executive branch agencies. Accordingly, every Congress, the Board reports on:

whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] . . . are applicable or inapplicable to the legislative branch, and (2B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

This section of the CAA also requires that the presiding officers of the House of Representatives and the Senate cause our Report to be printed in the Congressional Record and refer the report to Committees of the House and Senate with jurisdiction.

In past Reports, the Board has taken a broad approach in presenting its recommendations to amend the CAA. In this Report, we highlight key recommendations that the Board has made in past Section 102(b) Reports that have not yet been implemented, as well as additional recommendations to amend the CAA to increase transparency, discourage protracted administrative proceedings at the taxpayers' expense, and enjoin unlawful conduct.

While recognizing the enormous importance of many of the other issues faced today by the 117th Congress, the Board is hopeful that issuance of this Section 102(b) Report will result in legislative action necessary to implement these recommendations so that the CAA remains current with the employment needs of the legislative branch. Without action on the Board's recommendations, the worthy goals of the CAA gradually may be eroded.