

118TH CONGRESS  
1ST SESSION

# S. 40

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2023

Mr. BOOKER (for himself, Mr. DURBIN, Mr. MARKEY, Mr. CASEY, Mr. MERKLEY, Ms. HIRONO, Mrs. FEINSTEIN, Mr. SANDERS, Mr. CARDIN, Ms. DUCKWORTH, Mr. KAINE, Ms. BALDWIN, Mr. PADILLA, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Ms. WARREN, Ms. KLOBUCHAR, Mr. BROWN, Ms. SMITH, Mr. COONS, Mr. BLUMENTHAL, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans,

to make recommendations to the Congress on appropriate remedies, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Commission to Study  
5 and Develop Reparation Proposals for African Americans  
6 Act”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8        (a) FINDINGS.—The Congress finds that—

9            (1) approximately 4,000,000 Africans and their  
10        descendants were enslaved in the United States and  
11        colonies that became the United States from 1619 to  
12        1865;

13            (2) the institution of slavery was constitu-  
14        tionally and statutorily sanctioned by the Govern-  
15        ment of the United States from 1789 through 1865;

16            (3) the slavery that flourished in the United  
17        States constituted an immoral and inhumane depri-  
18        vation of Africans’ life, liberty, African citizenship  
19        rights, and cultural heritage, and denied them the  
20        fruits of their own labor;

21            (4) a preponderance of scholarly, legal, commu-  
22        nity evidentiary documentation and popular culture  
23        markers constitute the basis for inquiry into the on-  
24        going effects of the institution of slavery and its leg-

1       acy of persistent systemic structures of discrimina-  
2       tion on living African Americans and society in the  
3       United States;

4           (5) following the abolition of slavery, govern-  
5       ments at the Federal, State, and local levels contin-  
6       ued to perpetuate, condone, and often profit from  
7       practices that continued to brutalize and disadvan-  
8       tage African Americans, including share cropping,  
9       convict leasing, Jim Crow, redlining, unequal edu-  
10      cation, and disproportionate treatment at the hands  
11      of the criminal justice system; and

12           (6) as a result of the historic and continued dis-  
13      crimination, African Americans continue to suffer  
14      debilitating economic, educational, and health hard-  
15      ships including having nearly 1,000,000 Black peo-  
16      ple incarcerated; an unemployment rate more than  
17      twice the current White unemployment rate; and an  
18      average of less than  $\frac{1}{16}$  of the wealth of White fami-  
19      lies, a disparity which has worsened, not improved,  
20      over time.

21           (b) PURPOSE.—The purpose of this Act is to estab-  
22      lish a commission to—

23           (1) study and develop reparation proposals for  
24      African Americans as a result of—

1           (A) the institution of slavery, including  
2 both the Trans-Atlantic and the domestic  
3 “trade” which existed from 1565 in colonial  
4 Florida, and from 1619 within the other colo-  
5 nies that became the United States, through  
6 1865, and which included the Federal and  
7 State governments which constitutionally and  
8 statutorily supported the institution of slavery;

9           (B) the de jure and de facto discrimination  
10 against freed slaves and their descendants from  
11 the end of the Civil War to the present, includ-  
12 ing economic, political, educational, and social  
13 discrimination;

14           (C) the lingering negative effects of the in-  
15 stitution of slavery and the discrimination de-  
16 scribed in subparagraphs (A) and (B) on living  
17 African Americans and on society in the United  
18 States;

19           (D) the manner in which textual and dig-  
20 ital instructional resources and technologies are  
21 being used to deny the inhumanity of slavery  
22 and the crime against humanity of people of Af-  
23 rican descent in the United States;

24           (E) the role of Northern complicity in the  
25 Southern-based institution of slavery; and

1 (F) the direct benefits to societal institu-  
2 tions, public and private, including higher edu-  
3 cation, corporations, and religious and  
4 associational entities;

5 (2) recommend appropriate ways to educate the  
6 American public of the Commission's findings;

7 (3) recommend appropriate remedies in consid-  
8 eration of the Commission's findings on the matters  
9 described in subparagraphs (A) through (F) of para-  
10 graph (1); and

11 (4) submit to the Congress the findings of the  
12 study under paragraph (1), together with the rec-  
13 ommendations under paragraphs (2) and (3).

14 **SEC. 3. ESTABLISHMENT AND DUTIES.**

15 (a) ESTABLISHMENT.—There is established the Com-  
16 mission to Study and Develop Reparation Proposals for  
17 African Americans (hereinafter in this Act referred to as  
18 the “Commission”).

19 (b) DUTIES.—The Commission shall perform the fol-  
20 lowing duties:

21 (1) Identify, compile, and synthesize the rel-  
22 evant corpus of evidentiary documentation of the in-  
23 stitution of slavery which existed from 1565 in colo-  
24 nial Florida, and from 1619 within the other colo-  
25 nies that became the United States, through 1865.

1 The Commission's documentation and examination  
2 under this paragraph shall include the facts related  
3 to—

4 (A) the capture and procurement of Afri-  
5 cians;

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

10 (C) the sale and acquisition of Africans as  
11 chattel property in interstate and intrastate  
12 commerce;

13 (D) the treatment of African slaves in the  
14 colonies and the United States, including the  
15 deprivation of their freedom, exploitation of  
16 their labor, and destruction of their culture,  
17 language, religion, and families;

18 (E) the extensive denial of humanity, sex-  
19 ual abuse, and the chattelization of persons;

20 (F) the role the Federal Government and  
21 State governments played in supporting the in-  
22 stitution of slavery including through constitu-  
23 tional and statutory provisions, including the  
24 extent to which the Federal Government and  
25 State governments prevented, opposed, or re-

1           stricted efforts of formerly enslaved Africans  
2           and their descendants to repatriate to their  
3           homeland;

4           (G) the Federal and State laws that dis-  
5           criminated against formerly enslaved Africans  
6           and their descendants who were determined  
7           United States citizens from 1868 to the  
8           present.

9           (2) Identify the other forms of discrimination in  
10          the public and private sectors against freed African  
11          slaves and their descendants who were determined  
12          United States citizens from 1868 to the present, in-  
13          cluding redlining, educational funding discrepancies,  
14          and predatory financial practices.

15          (3) Identify the lingering negative effects of the  
16          institution of slavery and the matters described in  
17          subparagraphs (A) through (F) of section 2(b)(1)  
18          and paragraphs (1) and (2) on living African Ameri-  
19          cans and on society in the United States.

20          (4) Recommend appropriate ways to educate  
21          the American public of the Commission's findings on  
22          the matters described in subparagraphs (A) through  
23          (F) of section 2(b)(1) and paragraphs (1), (2), and  
24          (3).

1           (5) Recommend appropriate remedies in consid-  
2           eration of the Commission's findings on the matters  
3           described in subparagraphs (A) through (F) of sec-  
4           tion 2(b)(1) and paragraphs (1), (2), and (3). In  
5           making such recommendations, the Commission  
6           shall address, among other issues, the following  
7           questions:

8                   (A) How such recommendations comport  
9                   with international standards of remedy for  
10                  wrongs and injuries caused by the governments  
11                  of foreign countries, that include full repara-  
12                  tions and special measures, as understood by  
13                  various relevant international protocols, laws,  
14                  and findings.

15                  (B) How the Federal Government will  
16                  offer a formal apology on behalf of the people  
17                  of the United States for the perpetration of  
18                  gross human rights violations and crimes  
19                  against humanity on African slaves and their  
20                  descendants.

21                  (C) How Federal laws and policies that  
22                  continue to disproportionately and negatively  
23                  affect African Americans as a group, and those  
24                  that perpetuate the lingering effects, materially  
25                  and psycho-social, can be eliminated.



1           (D) How the injuries resulting from the  
2 matters described in subparagraphs (A)  
3 through (F) of section 2(b)(1) and paragraphs  
4 (1), (2), and (3) can be reversed and provide  
5 appropriate policies, programs, projects and  
6 recommendations for the purpose of reversing  
7 the injuries.

8           (E) How, in consideration of the Commis-  
9 sion's findings, any form of compensation to the  
10 descendants of enslaved Africans is calculated.

11           (F) What form of compensation should be  
12 awarded, through what instrumentalities should  
13 such compensation be awarded, and who should  
14 be eligible for such compensation.

15           (G) Whether, in consideration of the Com-  
16 mission's findings, any other measures of reha-  
17 bilitation or restitution to African descendants  
18 is warranted and what the form and scope of  
19 those measures should take.

20       (c) REPORT TO CONGRESS.—The Commission shall  
21 submit a written report of its findings and recommenda-  
22 tions to the Congress not later than the date that is one  
23 year after the date of the first meeting of the Commission  
24 held pursuant to section 4(e).

1 **SEC. 4. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENTS.—

3 (1) IN GENERAL.—The Commission shall be  
4 composed of 13 members, who shall be appointed  
5 within 90 days after the date of enactment of this  
6 Act, as follows:

7 (A) Three members shall be appointed by  
8 the President.

9 (B) Three members shall be appointed by  
10 the Speaker of the House of Representatives.

11 (C) One member shall be appointed by the  
12 President pro tempore of the Senate.

13 (D) Six members shall be selected from the  
14 major civil society and reparations organiza-  
15 tions that have historically championed the  
16 cause of reparatory justice.

17 (2) QUALIFICATIONS.—All members of the  
18 Commission shall be persons who are especially  
19 qualified to serve on the Commission by virtue of  
20 their education, training, activism, or experience,  
21 particularly such education, training, activism, or ex-  
22 perience in the field of African-American studies and  
23 reparatory justice.

24 (b) TERMS.—The term of office for members shall  
25 be for the life of the Commission. A vacancy in the Com-  
26 mission shall not affect the powers of the Commission and

1 shall be filled in the same manner in which the original  
2 appointment was made.

3 (c) FIRST MEETING.—The President shall call the  
4 first meeting of the Commission within 120 days after the  
5 date of enactment of this Act or within 30 days after the  
6 date on which legislation is enacted making appropriations  
7 to carry out this Act, whichever date is later.

8 (d) QUORUM.—Seven members of the Commission  
9 shall constitute a quorum, but a lesser number may hold  
10 hearings.

11 (e) CHAIR AND VICE CHAIR.—The Commission shall  
12 elect a Chair and Vice Chair from among its members.  
13 The term of office of each shall be for the life of the Com-  
14 mission.

15 (f) COMPENSATION.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), each member of the Commission shall be  
18 compensated at a rate not to exceed the daily equiv-  
19 alent of the annual rate of basic pay in effect for a  
20 position at level IV of the Executive Schedule under  
21 section 5315 of title 5, United States Code, for each  
22 day, including travel time, during which that mem-  
23 ber is engaged in the actual performance of the du-  
24 ties of the Commission.

1           (2) FEDERAL EMPLOYEES.—A member of the  
2 Commission who is a full-time officer or employee of  
3 the United States or a Member of Congress shall re-  
4 ceive no additional pay, allowances, or benefits by  
5 reason of the service of the member to the Commis-  
6 sion.

7           (3) TRAVEL, SUBSISTENCE, AND OTHER EX-  
8 PENSES.—All members of the Commission shall be  
9 reimbursed for travel, subsistence, and other nec-  
10 essary expenses incurred in the performance of their  
11 duties to the extent authorized by chapter 57 of title  
12 5, United States Code.

13 **SEC. 5. POWERS OF THE COMMISSION.**

14       (a) HEARINGS AND SESSIONS.—The Commission  
15 may, for the purpose of carrying out the provisions of this  
16 Act, hold such hearings and sit and act at such times and  
17 at such places in the United States, and request the at-  
18 tendance and testimony of such witnesses and the produc-  
19 tion of such books, records, correspondence, memoranda,  
20 papers, and documents, as the Commission considers ap-  
21 propriate. The Commission may invoke the aid of an ap-  
22 propriate United States district court to require, by sub-  
23 poena or otherwise, such attendance, testimony, or pro-  
24 duction.

1 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—  
2 Any subcommittee or member of the Commission may, if  
3 authorized by the Commission, take any action which the  
4 Commission is authorized to take by this section.

5 (c) OBTAINING OFFICIAL DATA.—The Commission  
6 may acquire directly from the head of any department,  
7 agency, or instrumentality of the executive branch of the  
8 Federal Government, available information which the  
9 Commission considers useful in the discharge of its duties.  
10 All departments, agencies, and instrumentalities of the ex-  
11 ecutive branch of the Federal Government shall cooperate  
12 with the Commission with respect to such information and  
13 shall furnish all information requested by the Commission  
14 to the extent permitted by law.

15 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

16 (a) STAFF.—The Commission may, subject to sub-  
17 section (b), appoint and fix the compensation of such per-  
18 sonnel as the Commission considers appropriate.

19 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
20 LAWS.—The personnel of the Commission may be ap-  
21 pointed without regard to the provisions of title 5, United  
22 States Code, governing appointments in the competitive  
23 service, and without regard to the provisions of chapter  
24 51 and subchapter III of chapter 53 of such title relating  
25 to classification and General Schedule pay rates, except

1 that the rate of compensation of any personnel of the  
2 Commission may not exceed the daily equivalent of the  
3 annual rate of basic pay in effect for a position at level  
4 IV of the Executive Schedule under section 5315 of title  
5 5, United States Code.

6 (c) EXPERTS AND CONSULTANTS.—The Commission  
7 may procure the services of experts and consultants in ac-  
8 cordance with the provisions of section 3109(b) of title 5,  
9 United States Code, but at rates for individuals not to  
10 exceed the daily equivalent of the highest rate payable  
11 under section 5332 of such title.

12 (d) ADMINISTRATIVE SUPPORT SERVICES.—The  
13 Commission may enter into agreements with the Adminis-  
14 trator of General Services for procurement of financial  
15 and administrative services necessary for the discharge of  
16 the duties of the Commission. Payment for such services  
17 shall be made by reimbursement from funds of the Com-  
18 mission in such amounts as may be agreed upon by the  
19 Chair of the Commission and the Administrator.

20 (e) CONTRACTS.—The Commission may—

21 (1) procure supplies, services, and property by  
22 contract in accordance with applicable laws and reg-  
23 ulations and to the extent or in such amounts as are  
24 provided in appropriations Acts; and

1           (2) enter into contracts with departments,  
2 agencies, and instrumentalities of the Federal Gov-  
3 ernment, State agencies, and private firms, institu-  
4 tions, and agencies, for the conduct of research or  
5 surveys, the preparation of reports, and other activi-  
6 ties necessary for the discharge of the duties of the  
7 Commission, to the extent or in such amounts as are  
8 provided in appropriations Acts.

9 **SEC. 7. TERMINATION.**

10       The Commission shall terminate 90 days after the  
11 date on which the Commission submits its report to the  
12 Congress under section 3(c).

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14       To carry out the provisions of this Act, there are au-  
15 thorized to be appropriated \$12,000,000.

○