

116TH CONGRESS
1ST SESSION

S. 1083

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

APRIL 9, 2019

Mr. BOOKER 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 “H.R. 40 Commission
5 to Study and Develop Reparation Proposals for African-
6 Americans 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-
25 acy of persistent systemic structures of discrimina-

tion on living African-Americans and society in the United States;

(5) following the abolition of slavery, the United States Government, at the Federal, State, and local levels, continued to perpetuate, condone, and often profit from practices that continued to brutalize and disadvantage African-Americans, including share cropping, convict leasing, Jim Crow, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system; and

(6) as a result of the historic and continued discrimination, African-Americans continue to suffer debilitating economic, educational, and health hardships including having nearly 1,000,000 Black people incarcerated, an unemployment rate more than twice the current White unemployment rate, and an average of less than $\frac{1}{16}$ of the wealth of White families, a disparity which has worsened, not improved, over time.

(b) PURPOSE.—The purpose of this Act is to—

(1) establish a commission to study and develop Reparation proposals for African-Americans as a result of—

(A) the institution of slavery, including both the Trans-Atlantic and the domestic

1 “trade” which existed from 1565 in colonial
2 Florida and from 1619 through 1865 within
3 the other colonies that became the United
4 States, and which included the Federal and
5 State governments that constitutionally and
6 statutorily supported the institution of slavery;

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

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

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

22 (E) the role of Northern complicity in the
23 Southern based institution of slavery; and

24 (F) the direct benefits of the institutions
25 and systems described in subparagraphs (A)

1 through (C) to societal institutions, public and
2 private (including higher education and cor-
3 porations), religious and associational;

4 (2) recommend appropriate ways to educate the
5 people of the United States of the Commission's
6 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 results of such
12 examination and the recommendations of the Com-
13 mission.

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 that existed within the United
24 States and the colonies that became the United
25 States from 1619 through 1865. The Commission's

1 documentation and examination shall include the
2 facts related to—

3 (A) the capture and procurement of Afri-
4 cans;

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

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

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

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

19 (2) Examine the role of the Federal and State
20 governments of the United States in supporting the
21 institution of slavery in constitutional and statutory
22 provisions, including the extent to which such gov-
23 ernments prevented, opposed, or restricted efforts of
24 formerly enslaved Africans and their descendants to
25 repatriate to their homeland.

1 (3) Examine the Federal and State laws that
2 discriminated against formerly enslaved Africans
3 and their descendants who were deemed United
4 States citizens from 1868 to the present.

5 (4) Examine the other forms of discrimination
6 in the public and private sectors against freed Afri-
7 can slaves and their descendants who were deemed
8 United States citizens from 1868 to the present, in-
9 cluding redlining, educational funding discrepancies,
10 and predatory financial practices.

11 (5) Examine the lingering negative effects of
12 the institution of slavery and the matters described
13 in paragraphs (1) through (4) and in subparagraphs
14 (A) through (F) of section 2(b)(1) on living African-
15 Americans and on society in the United States.

16 (6) Recommend appropriate ways to educate
17 the American public of the Commission's findings.

18 (7) Recommend appropriate remedies in consid-
19 eration of the Commission's findings on the matters
20 described in paragraphs (1) through (5) and in sub-
21 paragraphs (A) through (F) of section 2(b)(1). In
22 making such recommendations, the Commission
23 shall address, among other issues, the following:

24 (A) How such recommendations comport
25 with international standards of remedy for

1 wrongs and injuries caused by the State, which
2 include full reparations and special measures,
3 as understood by various relevant international
4 protocols, laws, and findings.

5 (B) How the Government of the United
6 States will offer a formal apology on behalf of
7 the people of the United States for the per-
8 petration of gross human rights violations and
9 crimes against humanity on African slaves and
10 their descendants.

11 (C) How Federal laws and policies that
12 continue to disproportionately and negatively
13 affect African-Americans as a group, and those
14 that perpetuate the lingering effects, materially
15 and psycho-social, can be eliminated.

16 (D) How the injuries resulting from the
17 matters described in paragraphs (1) through
18 (5) and in subparagraphs (A) through (F) of
19 section 2(b)(1) can be reversed and appropriate
20 policies, programs, projects and recommenda-
21 tions for the purpose of reversing the injuries.

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

1 (F) What form of compensation should be
2 awarded, through what instrumentalities, and
3 who should be eligible for such compensation.

4 (G) How, in consideration of the Commis-
5 sion's findings, any other forms of rehabilita-
6 tion or restitution to African descendants is
7 warranted and what the form and scope of
8 those measures should take.

9 (c) REPORT TO CONGRESS.—The Commission shall
10 submit a written report of its findings and recommenda-
11 tions to the Congress not later than the date that is one
12 year after the date of the first meeting of the Commission
13 held pursuant to section 4(c).

14 **SEC. 4. MEMBERSHIP.**

15 (a) IN GENERAL.—

16 (1) NUMBER AND APPOINTMENT.—The Com-
17 mission shall be composed of 13 members, who shall
18 be appointed, within 90 days after the date of enact-
19 ment of this Act, as follows:

20 (A) Three members shall be appointed by
21 the President.

22 (B) Three members shall be appointed by
23 the Speaker of the House of Representatives.

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

1 (D) Six members shall be selected from the
2 major civil society and reparations organiza-
3 tions that have historically championed the
4 cause of reparatory justice.

5 (2) QUALIFICATIONS.—All members of the
6 Commission shall be persons who are especially
7 qualified to serve on the Commission by virtue of
8 their education, training, activism, or experience,
9 particularly in the field of African-American studies
10 and reparatory justice.

11 (b) TERMS.—The term of office for members shall
12 be for the life of the Commission. A vacancy in the Com-
13 mission shall not affect the powers of the Commission and
14 shall be filled in the same manner in which the original
15 appointment was made.

16 (c) FIRST MEETING.—The President shall call the
17 first meeting of the Commission within 120 days after the
18 date of the enactment of this Act or within 30 days after
19 the date on which legislation is enacted making appropria-
20 tions to carry out this Act, whichever date is later.

21 (d) QUORUM.—Seven members of the Commission
22 shall constitute a quorum, but a lesser number may hold
23 hearings.

24 (e) CHAIR AND VICE CHAIR.—The Commission shall
25 elect a Chair and Vice Chair from among its members.

1 The term of office of each shall be for the life of the Com-
2 mission.

3 (f) COMPENSATION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), each member of the Commission shall be
6 compensated at a rate equal to the daily equivalent
7 of the annual rate of basic pay established for a po-
8 sition at level V of the Executive Schedule under
9 section 5316 of title 5, United States Code, for each
10 day (including travel time) during which such mem-
11 ber is engaged in the performance of duties vested
12 in the Commission.

13 (2) FEDERAL EMPLOYEES.—A member of the
14 Commission who is a full-time officer or employee of
15 the United States or a Member of Congress shall re-
16 ceive no additional pay, allowances, or benefits by
17 reason of the member's service to the Commission.

18 (3) TRAVEL EXPENSES.—All members of the
19 Commission shall be reimbursed for travel, subsist-
20 ence, and other necessary expenses incurred by the
21 members in the performance of their duties to the
22 extent authorized by chapter 57 of title 5, United
23 States Code.

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

2 (a) HEARINGS AND SESSIONS.—The Commission
3 may, for the purpose of carrying out the provisions of this
4 Act, hold such hearings and sit and act at such times and
5 at such places in the United States, and request the at-
6 tendance and testimony of such witnesses and the produc-
7 tion of such books, records, correspondence, memoranda,
8 papers, and documents, as the Commission considers ap-
9 propriate. The Commission may invoke the aid of an ap-
10 propriate United States district court to require, by sub-
11 poena or otherwise, such attendance, testimony, or pro-
12 duction.

13 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—
14 Any subcommittee or member of the Commission may, if
15 authorized by the Commission, take any action which the
16 Commission is authorized to take under this section.

17 (c) OBTAINING OFFICIAL DATA.—The Commission
18 may acquire directly from the head of any department,
19 agency, or instrumentality of the executive branch of the
20 Federal Government, available information which the
21 Commission considers useful in the discharge of its duties.
22 All departments, agencies, and instrumentalities of the ex-
23 ecutive branch of the Government shall cooperate with the
24 Commission with respect to such information and shall
25 furnish all information requested by the Commission to
26 the extent permitted by law.

1 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

2 (a) STAFF.—The Commission may, without regard to
3 the civil service laws and regulations, appoint and fix the
4 compensation of such personnel as the Commission con-
5 siderers appropriate.

6 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
7 LAWS.—The personnel of the Commission may be ap-
8 pointed without regard to the provisions of title 5, United
9 States Code, governing appointments in the competitive
10 service, and without regard to the provisions of chapter
11 51 and subchapter III of chapter 53 of such title, relating
12 to classification and General Schedule pay rates, except
13 that the rate of basic pay of any employee of the Commis-
14 sion may not exceed the rate of basic pay established for
15 a position at level V of the Executive Schedule under sec-
16 tion 5316 of such title.

17 (c) EXPERTS AND CONSULTANTS.—The Commission
18 may procure the services of experts and consultants in ac-
19 cordance with the provisions of section 3109(b) of title 5,
20 United States Code, but at rates for individuals not to
21 exceed the daily equivalent of the annual rate of basic pay
22 established for a position at level V of the Executive
23 Schedule under section 5316 of such title.

24 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
25 Commission may enter into agreements with the Adminis-
26 trator of General Services for procurement of financial

1 and administrative services necessary for the discharge of
2 the duties of the Commission. Payment for such services
3 shall be made by reimbursement from funds of the Com-
4 mission in such amounts as may be agreed upon by the
5 Chairman of the Commission and the Administrator.

6 (e) CONTRACTS.—The Commission may—

7 (1) procure supplies, services, and property by
8 contract in accordance with applicable laws and reg-
9 ulations and to the extent or in such amounts as are
10 provided in appropriations Acts; and

11 (2) enter into contracts with departments,
12 agencies, and instrumentalities of the Federal Gov-
13 ernment, State agencies, and private firms, institu-
14 tions, and agencies, for the conduct of research or
15 surveys, the preparation of reports, and other activi-
16 ties necessary for the discharge of the duties of the
17 Commission, to the extent or in such amounts as are
18 provided in appropriations Acts.

19 **SEC. 7. TERMINATION.**

20 The Commission shall terminate 90 days after the
21 date on which the Commission submits its report to the
22 Congress under section 3(c).

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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