

SENATE THIRD READING
SB 518 (Weber Pierson)
As Amended September 5, 2025
Majority vote

SUMMARY

Establishes the Bureau for Descendants of American Slavery *within the Civil Rights Department* to help carry out the recommendations of the Reparations Task Force.

Major Provisions

- 1) Establishes the Bureau for Descendants of American Slavery (Bureau) within the Civil Rights Department (*CDR*), *under the direction of a deputy director of the CDR to be appointed by the Governor and confirmed by the Senates. Requires the Bureau to establish a mission statement consistent with the recommendations of the Reparations Task Force and to verify an individual's status as a descendant, as defined.*
- 2) Requires the Bureau to *create a Genealogy Division and to verify an individual's status as a descendant, as defined. Specifies that proof of an individual descendant's status shall be a qualifying criterion for any benefits authorized by the state for descendants.*
- 3) *Requires the Genealogy Division to:*
 - a) *Establish a process for individuals to request certification as a descendant of American slaves, as specified.*
 - b) *Review and determine requests for certification as a descendant and establish a process for individuals to appeal a determination.*
- 4) Defines "descendant," for purposes of the above, to mean individuals who can establish direct lineage to a person who, prior to 1900, was subjected to American chattel slavery and meets at least one of the following criteria:
 - a) Was emancipated through legal or extralegal means, as specified.
 - b) Obtained freedom through gradual abolition statutes or constitutional amendments.
 - c) Was classified as a fugitive from bondage under federal or state law.
 - d) Was deemed contraband by military authorities.
 - e) Rendered military or civic service while subject to legal restrictions based on ancestry historically associated with slavery.
- 5) *Requires the Bureau to create an Education and Outreach Division to develop and implement a public education campaign regarding the cycle of gentrification, displacement, and exclusion; the connection between redlining and gentrification; and the history of discriminatory urban planning in California.*
- 6) *Requires the Bureau to create a Legal Affairs Division to provide legal advice, counsel, and services to the Bureau and its officials; ensure that the Bureau's programs are administered in*

accordance with applicable legislative authority; *and* serve as an external liaison on legal matters with other state agencies and other entities.

- 7) Requires any nonpublic personal and genetic information held under the bureau's authority to be collected, held, and disclosed only as relevant and necessary to accomplish the purposes set forth in this bill.
- 8) Authorizes the Bureau to receive funds from any federal, state, or local grant, and from any nongovernmental entity as specified.

COMMENTS

Background: AB 3121 (Weber), Chapter 319, Statutes of 2020 created the Task Force to Study and Develop Reparations Proposals for African Americans (Task Force). The legislation required the Task Force to gather and synthesize the documentary evidence of slavery and its ongoing legacy in California, develop ways to educate Californians about its findings, and recommend appropriate remedies in a report to the Legislature. That report appeared in June of 2022. The first of the report's several policy recommendations called for the creation of an agency to oversee implementation of any Task Force recommendations that become law.

This bill seeks to realize this threshold Task Force recommendation by establishing a Bureau for Descendants of Slavery within the Civil Rights Department. As detailed below, the Bureau will consist of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Division. The bill requires the Bureau, as part of its duties, "to verify an individual's status as a descendant." The bill requires the Bureau to include four divisions: a Genealogy Division, an Education and Outreach Division, and a Legal Division. Each division is discussed in turn below.

Genealogy Division. The Bureau's Genealogy Division will establish a process to certify "descendants," as defined, and create a method for descendants to submit claims for any benefits that may be authorized by the state. Specifies that any nonpublic personal and genetic information held under the bureau's authority to be collected, held, and disclosed only as relevant and necessary to accomplish the purposes set forth in this bill.

Education and Outreach Division. The Bureau's Education and Outreach Division will develop and implement a public education campaign on relevant topics, including the cycle of gentrification, displacement, exclusion, and discriminatory urban planning in California.

Legal Affairs Division. The Legal Affairs Division will provide legal advice, counsel, and services to the Bureau and its officials. Among other things, the Division will ensure that the Bureau's programs are administered in accordance with applicable legislative authority and serve as a liaison on legal matters with other state agencies.

According to the Author

Senate Bill 518 establishes the Bureau for Descendants of American Slavery to address and remedy the lasting harms inflicted on Black Californians. For generations, California upheld discriminatory policies and practices that denied Black residents access to land, wealth, education, and economic opportunity. From exclusionary housing practices to barriers in employment and healthcare, these policies created deep racial disparities that persist today. Building on the findings and recommendations of the California Reparations Task Force, SB

518 creates a state agency to verify lineage and facilitate access to reparative programs. By ensuring that descendants of enslaved people receive recognition and targeted benefits in housing, education, and economic opportunity, this bill takes a critical step toward dismantling institutional barriers and advancing justice for Black Californians.

Arguments in Support

The Alliance for Reparations, Reconciliation, and Truth (ARRT) supports this bill because it is consistent with the recommendations of the Reparations Task Force and will "provide practical and meaningful steps to repair the damage caused by centuries of discrimination and systemic injustice." ARRT writes further:

SB 518 would establish the Bureau for Descendants of American Slavery within the Department of Justice, under the control of the director, who would be appointed by the Attorney General and confirmed by the Senate. This bill is one of many crucial steps toward addressing the long-lasting and ongoing harms inflicted upon descendants of U.S. Chattel Slavery and non-descendants. As a part of its duties, the Bureau would create four specialized divisions to begin the process of redress and repair.

While SB 518 alone is not enough to repair the harm caused by California's role in U.S. chattel slavery and its vestiges, as detailed in the final Reparations Task Force Report, its passage would be a significant step towards "satisfaction" and "guarantee of non-repetition" as defined under international human rights law. Harm cannot be repaired unless and until one acknowledges that it exists. This bill is an essential component of the broader effort to address the economic, social, and legal inequalities that continue to affect descendants and nondescendants.

Arguments in Opposition

The Pacific Legal Foundation writes in opposition:

As currently drafted, SB 518's eligibility criteria for receiving benefits from the Bureau would be subject to strict scrutiny and would probably not survive a legal challenge. Limiting eligibility for state benefits on the basis of race is a clear violation of the U.S. Constitution and would not satisfy the rigorous review that courts would apply.

The Supreme Court was clear in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 208 (2023), that the Constitution rarely tolerates race-based state action. And when it does, it is only within the confines of narrow restrictions. . . SB 518 is no exception.

All racial classifications must satisfy strict scrutiny. . . Although SB 518 uses ancestry to further narrow the eligible class of recipients (Black individuals are not eligible if they are not descended from enslaved persons or a free black individual living in the U.S. in the 1800's), strict scrutiny is no less applicable.

"Ancestry can be a proxy for race," and is used here "as a racial definition and for a racial purpose." (Rice, 528 U.S. at 515.) "Simply because a class defined by ancestry does not include all members of the race does not suffice to make the classification race neutral." *Id.*

The Coalition for a Just and Equitable California (CJEC) opposes this bill, albeit for quite different reasons than those given by the Pacific Legal Foundation. Instead, CJEC contends that

the bill is inconsistent with recommendations of the Task Force and will only result in delays. CJEC writes:

While the bill claims to advance the cause of Reparations, its provisions are out of step with the recommendations of the California Reparations Task Force and raise significant concerns regarding privacy, scope, and implementation delays. California's first-in-the-nation Reparations Task Force recommended the creation of an independent state Agency to, in part, conduct a genealogy verification process to confirm Reparations eligibility for residents who believe they are descendants of people emancipated from Chattel slavery. . . SB 518, instead, creates a state Bureau that is dependent on (and embedded in) the California Department of Justice. By potentially housing sensitive genealogical data and personal records within the California Department of Justice—a law enforcement entity—this bill risks unnecessary exposure of private information.

Furthermore, SB 518 could also contribute to serious implementation delays. As written, although the proposed Bureau would be required to create an Office of Genealogy, that office may not be able to conduct any eligibility certification until the completion of research mandated by SB 437 (Weber-Pierson) . . . SB 518 cannot take effect in practice at least until the completion of the research in SB 437. . . Taken together, SB 518 and SB 437 effectively stall Reparative action, leaving impacted communities in limbo, and postponing justice once again for the very community this bill claims to serve.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, costs (General Fund) to CRD, likely in the tens of millions of dollars annually, to establish the Bureau, operate the Bureau, and promulgate regulations. These costs will cover new positions in the Bureau, supporting administration positions in CRD, IT infrastructure, and staff training and certification. These costs may be offset to some extent by other federal, state, local, and private funds, which the bill authorizes the Bureau to receive.

VOTES

SENATE FLOOR: 28-10-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Hurtado, Reyes

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Dixon, Macedo, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Tom Clark / JUD. / (916) 319-2334

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