117TH CONGRESS
2D SESSION

S. ______

To amend title 54, United States Code, to establish within the National Park Service the United States African-American Burial Grounds Preservation Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 54, United States Code, to establish within the National Park Service the United States African-American Burial Grounds Preservation Program, 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 “African-American Bur-
5 ial Grounds Preservation Act”.

6 SEC. 2. FINDINGS.

7 Congress finds that—
(1) during the period beginning in 1619 and ending in 1865, millions of African Americans throughout the United States were enslaved;

(2) slaveholders often—

(A) controlled where and how deceased slaves were buried; and

(B) prohibited the burial of slaves on valuable land;

(3) as a result of the practices described in paragraph (2), slave burial grounds were often confined to remote areas or marginal property;

(4) slave burial grounds—

(A) were rarely documented; and

(B) infrequently appear on historical maps;

(5) a lack of accurate information is typical of African-American cemeteries originating before the Civil War;

(6) following the end of slavery, many African-American families continued to face restrictions on where the deceased could be buried;

(7) across many areas of the United States, local laws segregated burial sites by race;

(8) African-American burial grounds often failed to receive the type of maintenance and record-
keeping that predominantly White burial grounds
enjoyed;

(9) many African-American burial grounds
from before and after the Civil War are in a state
of disrepair or inaccessibility due to overgrowth of
vegetation, crumbling physical structures, and other
challenges;

(10) there is no official national record or data-
base for African-American burial ground locations;

(11) the location of many African-American
burial sites is unknown;

(12) as a result of the issues described in para-
graphs (10) and (11), the family members and de-
scendants of the individuals interred are unable to
visit the burial sites to honor and remember their
ancestors;

(13) abandoned African-American burial
grounds are often discovered when construction
projects inadvertently disturb human remains, which
slows or halts completion of the projects;

(14) the presence and location of historic Afri-
can-American burial grounds should be recorded;

(15) there should be coordinated national,
State, local, and Tribal efforts to preserve and re-
store African-American burial grounds;
(16) African-American burial grounds are an integral component of the heritage of the United States; and

(17) establishing a program to preserve previously abandoned, underserved, and other African-American burial grounds would help communities identify and record burial grounds and preserve local history, while better informing development decisions and community planning.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize the National Park Service to coordinate and facilitate Federal activities and non-Federal activities to identify, interpret, research, preserve, and record unmarked, previously abandoned, underserved, and other African-American burial grounds.

SEC. 4. UNITED STATES AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM.

(a) IN GENERAL.—Subdivision 1 of division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3085 the following:

“CHAPTER 3086—UNITED STATES AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM

“Sec. 308601. Definitions.
“308603. Authority to make grants.
§ 308601. Definitions

“In this chapter:

“(1) BURIAL GROUND.—The term ‘burial ground’ means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which human remains are deposited as a part of the death rite or ceremony of a culture.

“(2) HISTORIC.—The term ‘historic’, with respect to a property, means a property that can reasonably be considered to date back at least 50 years.

“(3) PROGRAM.—The term ‘Program’ means the United States African-American Burial Grounds Preservation Program established under section 308602(a).


“(a) IN GENERAL.—The Secretary shall establish within the Service, in accordance with this chapter, a program to be known as the ‘United States African-American Burial Grounds Preservation Program’.

“(b) DUTIES OF SECRETARY.—In carrying out the Program, the Secretary, in consultation with the National Trust for Historic Preservation and members of the Afri-
can-American heritage community, shall develop a program for the provision of grants in accordance with section 308603(a).

“(c) DONATIONS.—The Secretary may accept monetary donations to further the purposes of this chapter.

“(d) CONSENT OF PRIVATE PROPERTY OWNER REQUIRED.—Burial grounds shall only be considered for a grant under the Program—

“(1) with the consent of the property owner; and

“(2) at the request of an individual, landowner, private or nonprofit organization, State, Tribal, or local government, or other entity.

“§ 308603. Authority to make grants

“(a) IN GENERAL.—The Secretary may make grants to other Federal agencies, State, local, and Tribal governments, other public entities, educational institutions, historic preservation groups, and private nonprofit organizations in accordance with this chapter for—

“(1) the identification of historic African-American burial grounds that may qualify for the Program;

“(2) the preservation and restoration of African-American burial grounds;
“(3) the interpretation of African-American burial grounds; and

“(4) related research and documentation for historic African-American burial grounds.

“(b) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2023 through 2027.

“(2) AVAILABILITY.—Any amounts made available for a fiscal year under paragraph (1) that are not used during that fiscal year shall be available for use under this section during any subsequent fiscal year.

“§ 308604. Cooperative agreements and memoranda of understanding

“The Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, Tribal governments, regional governmental bodies, nonprofit organizations, educational institutions, and private entities—

“(1) to achieve the purposes of this chapter; and
“(2) to ensure effective coordination of the Federal elements and non-Federal elements provided a grant or other assistance under the Program with System units and programs of the Service.

§ 308605. Private property protection

“Nothing in this chapter—

“(1) authorizes the Secretary to require or affect the management or use of private property without the written consent of the owner of the private property; or

“(2) prohibits the Secretary from providing land management guidance or requirements relating to private property as a condition of a grant provided to the owner of the private property under this chapter.”.

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is amended by inserting after the item relating to chapter 3085 the following: