

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 (1) during the period beginning in 1619 and
2 ending in 1865, millions of African Americans
3 throughout the United States were enslaved;

4 (2) slaveholders often—

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

7 (B) prohibited the burial of slaves on valu-
8 able land;

9 (3) as a result of the practices described in
10 paragraph (2), slave burial grounds were often con-
11 fined to remote areas or marginal property;

12 (4) slave burial grounds—

13 (A) were rarely documented; and

14 (B) infrequently appear on historical maps;

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

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

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

23 (8) African-American burial grounds often
24 failed to receive the type of maintenance and record-

1 keeping that predominantly White burial grounds
2 enjoyed;

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

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

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

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

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

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

23 (15) there should be coordinated national,
24 State, local, and Tribal efforts to preserve and re-
25 store African-American burial grounds;

1 (16) African-American burial grounds are an
2 integral component of the heritage of the United
3 States; and

4 (17) establishing a program to preserve pre-
5 viously abandoned, underserved, and other African-
6 American burial grounds would help communities
7 identify and record burial grounds and preserve local
8 history, while better informing development decisions
9 and community planning.

10 **SEC. 3. PURPOSE.**

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

16 **SEC. 4. UNITED STATES AFRICAN-AMERICAN BURIAL** 17 **GROUND PRESERVATION PROGRAM.**

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

21 **“CHAPTER 3086—UNITED STATES AFRI-** 22 **CAN-AMERICAN BURIAL GROUNDS** 23 **PRESERVATION PROGRAM**

“Sec.

“308601. Definitions.

“308602. United States African-American Burial Grounds Preservation Pro-
gram.

“308603. Authority to make grants.

“308604. Cooperative agreements and memoranda of understanding.

“308605. Private property protection.

1 **“§ 308601. Definitions**

2 “In this chapter:

3 “(1) BURLIAL GROUND.—The term ‘burial
4 ground’ means any natural or prepared physical lo-
5 cation, whether originally below, on, or above the
6 surface of the earth, into which human remains are
7 deposited as a part of the death rite or ceremony of
8 a culture.

9 “(2) HISTORIC.—The term ‘historic’, with re-
10 spect to a property, means a property that can rea-
11 sonably be considered to date back at least 50 years.

12 “(3) PROGRAM.—The term ‘Program’ means
13 the United States African-American Burial Grounds
14 Preservation Program established under section
15 308602(a).

16 **“§ 308602. United States African-American Burial**
17 **Grounds Preservation Program**

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

22 “(b) DUTIES OF SECRETARY.—In carrying out the
23 Program, the Secretary, in consultation with the National
24 Trust for Historic Preservation and members of the Afri-

1 can-American heritage community, shall develop a pro-
2 gram for the provision of grants in accordance with section
3 308603(a).

4 “(c) DONATIONS.—The Secretary may accept mone-
5 tary donations to further the purposes of this chapter.

6 “(d) CONSENT OF PRIVATE PROPERTY OWNER RE-
7 QUIRED.—Burial grounds shall only be considered for a
8 grant under the Program—

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

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

14 **“§ 308603. Authority to make grants**

15 “(a) IN GENERAL.—The Secretary may make grants
16 to other Federal agencies, State, local, and Tribal govern-
17 ments, other public entities, educational institutions, his-
18 toric preservation groups, and private nonprofit organiza-
19 tions in accordance with this chapter for—

20 “(1) the identification of historic African-Amer-
21 ican burial grounds that may qualify for the Pro-
22 gram;

23 “(2) the preservation and restoration of Afri-
24 can-American burial grounds;

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

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

5 “(b) FUNDING.—

6 “(1) IN GENERAL.—There is authorized to be
7 appropriated to the Secretary to carry out this sec-
8 tion \$3,000,000 for each of fiscal years 2023
9 through 2027.

10 “(2) AVAILABILITY.—Any amounts made avail-
11 able for a fiscal year under paragraph (1) that are
12 not used during that fiscal year shall be available for
13 use under this section during any subsequent fiscal
14 year.

15 **“§ 308604. Cooperative agreements and memoranda**
16 **of understanding**

17 “The Secretary may enter into cooperative agree-
18 ments and memoranda of understanding with, and provide
19 technical assistance to, the heads of other Federal agen-
20 cies, States, units of local government, Tribal govern-
21 ments, regional governmental bodies, nonprofit organiza-
22 tions, educational institutions, and private entities—

23 “(1) to achieve the purposes of this chapter;
24 and

1 “(2) to ensure effective coordination of the Fed-
 2 eral elements and non-Federal elements provided a
 3 grant or other assistance under the Program with
 4 System units and programs of the Service.

5 **“§ 308605. Private property protection**

6 “Nothing in this chapter—

7 “(1) authorizes the Secretary to require or af-
 8 fect the management or use of private property with-
 9 out the written consent of the owner of the private
 10 property; or

11 “(2) prohibits the Secretary from providing
 12 land management guidance or requirements relating
 13 to private property as a condition of a grant pro-
 14 vided to the owner of the private property under this
 15 chapter.”.

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

“3086. United States African-American Burial Ground Preservation
 Program308601”.