

Calendar No. 621

117TH CONGRESS
2^D SESSION

S. 3667

[Report No. 117-244]

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

FEBRUARY 16, 2022

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

DECEMBER 12, 2022

Reported by Mr. MANCHIN, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “African-American Bur-
3 ial Grounds Preservation Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

9 (2) slaveholders often—

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

12 (B) prohibited the burial of slaves on valu-
13 able land;

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

17 (4) slave burial grounds—

18 (A) were rarely documented; and

19 (B) infrequently appear on historical maps;

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

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

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

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

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

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

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

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

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

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

15 SEC. 3. PURPOSE.

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

•S 3667 RS

1 **“CHAPTER 3086—UNITED STATES AFRI-**
 2 **CAN-AMERICAN BURIAL GROUNDS**
 3 **PRESERVATION PROGRAM**

“Sec.

“308601. Definitions.

“308602. United States African-American Burial Grounds Preservation Program.

“308603. Authority to make grants.

“308604. Cooperative agreements and memoranda of understanding.

“308605. Private property protection.

4 **“§ 308601. Definitions**

5 “In this chapter:

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

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

15 “(3) PROGRAM.—The term ‘Program’ means
 16 the United States African-American Burial Grounds
 17 Preservation Program established under section
 18 308602(a).

19 **“§ 308602. United States African-American Burial**
 20 **Grounds Preservation Program**

21 “(a) IN GENERAL.—The Secretary shall establish
 22 within the Service, in accordance with this chapter, a pro-

1 gram to be known as the ‘United States African-American
2 Burial Grounds Preservation Program’.

3 “(b) DUTIES OF SECRETARY.—In carrying out the
4 Program, the Secretary, in consultation with the National
5 Trust for Historic Preservation and members of the Afri-
6 can-American heritage community, shall develop a pro-
7 gram for the provision of grants in accordance with section
8 308603(a).

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

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

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

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

19 **“§ 308603. Authority to make grants**

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

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

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

6 “(3) the interpretation of African-American
 7 burial grounds; and

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

10 “(b) FUNDING.—

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

15 “(2) AVAILABILITY.—Any amounts made avail-
 16 able for a fiscal year under paragraph (1) that are
 17 not used during that fiscal year shall be available for
 18 use under this section during any subsequent fiscal
 19 year.

20 **“§ 308604. Cooperative agreements and memoranda**
 21 **of understanding**

22 “The Secretary may enter into cooperative agree-
 23 ments and memoranda of understanding with, and provide
 24 technical assistance to, the heads of other Federal agen-
 25 cies, States, units of local government, Tribal govern-

1 ments, regional governmental bodies, nonprofit organiza-
 2 tions, educational institutions, and private entities—

3 “(1) to achieve the purposes of this chapter;
 4 and

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

9 **“§ 308605. Private property protection**

10 “Nothing in this chapter—

11 “(1) authorizes the Secretary to require or af-
 12 fect the management or use of private property with-
 13 out the written consent of the owner of the private
 14 property; or

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

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

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

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