

117TH CONGRESS  
2D SESSION

# S. 3667

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2022

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

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## 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;



“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 Grounds Preservation  
          Program .....308601”.

