

116TH CONGRESS
1ST SESSION

S. 2827

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2019

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

A BILL

To amend title 54, United States Code, to establish within the National Park Service the U.S. African-American Burial Grounds Network, 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 “U.S. African-American
5 Burial Grounds Network 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) creating and maintaining a network of 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, preserve,
14 and record unmarked, previously abandoned, underserved,
15 and other African-American burial grounds.

16 **SEC. 4. U.S. AFRICAN-AMERICAN BURIAL GROUNDS NET-**
17 **WORK 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—U.S. AFRICAN-AMERICAN**
22 **BURIAL GROUNDS NETWORK**

“Sec.

“308601. Definitions.

“308602. U.S. African-American Burial Grounds Network.

“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) NETWORK.—The term ‘Network’ means
13 the U.S. African-American Burial Grounds Network
14 established under section 308602(a).

15 **“§ 308602. U.S. African-American Burial Grounds Net-**
16 **work**

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

21 “(b) INCLUSIONS.—The Network shall include burial
22 grounds determined by the Secretary to relate to the his-
23 toric African-American experience from applications for
24 inclusion submitted by an individual, private or nonprofit
25 organization, State, local, or Tribal government, or other
26 entity.

1 “(c) DUTIES OF SECRETARY.—In carrying out the
2 Network, the Secretary shall have the following duties:

3 “(1) Review existing and new studies and re-
4 ports in considering sites for inclusion in the Net-
5 work.

6 “(2) Provide technical assistance to, and work
7 in partnership with, the public, Federal, State, local,
8 and Tribal governments, other public entities, edu-
9 cational institutions, and private and nonprofit orga-
10 nizations in identifying, documenting, preserving, re-
11 searching, evaluating, and interpreting African-
12 American burial grounds.

13 “(3) Engage in consultation and public engage-
14 ment with descendant, local, and other communities
15 historically associated with identified burial grounds
16 by geography, genetics, or culture.

17 “(4) In accordance with section 307103, pro-
18 vide technical assistance and support to ensure that
19 the locations of unmarked and otherwise unrecorded
20 African-American burial grounds are documented.

21 “(5) Make the information documented under
22 paragraph (4) available in a public database, except
23 in circumstances in which the Secretary determines
24 that the privacy and safety of the burial ground war-
25 rants the information being protected.

1 “(6) Develop a program to train States, units
2 of local government, regional governmental bodies,
3 organizations, educational institutions, and private
4 entities to carry out the purposes of this chapter.

5 “(7) Produce and disseminate appropriate edu-
6 cational and training materials (such as handbooks,
7 maps, interpretive guides, or electronic information)
8 relating to—

9 “(A) African-American burial ground iden-
10 tification methods;

11 “(B) best practices for caring for artifacts;

12 “(C) developing interpretive tours and ex-
13 hibits;

14 “(D) preserving burial ground landscapes;
15 and

16 “(E) heritage tourism initiatives and
17 sources for grants.

18 “(8) Produce and disseminate appropriate edu-
19 cational materials relating to African-American bur-
20 ial grounds through curriculum-based experiences,
21 lesson plans, and primary materials.

22 “(9)(A) Create and adopt an official, uniform
23 symbol or device for the Network; and

24 “(B) issue regulations for the use of the symbol
25 or device adopted under subparagraph (A).

1 “(d) DONATIONS.—The Secretary may accept mone-
2 etary donations to further the purposes of this chapter.

3 “(e) CONSENT OF PRIVATE PROPERTY OWNER RE-
4 QUIRED.—Burial grounds shall only be considered for ad-
5 dition to the Network—

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

8 “(2) at the request of an individual, landowner,
9 private or nonprofit organization, State or local gov-
10 ernment, or other entity.

11 **“§ 308603. Authority to make grants**

12 “The Secretary may make grants to other Federal
13 agencies, State, local, and Tribal governments, other pub-
14 lic entities, educational institutions, and private nonprofit
15 organizations in accordance with this chapter for—

16 “(1) the identification of African-American bur-
17 ial grounds that may qualify for the Network;

18 “(2) the preservation and restoration of Afri-
19 can-American burial grounds that have been in-
20 cluded in the Network;

21 “(3) the interpretation of African-American
22 burial grounds; and

23 “(4) the conduct of related research and docu-
24 mentation for African-American burial grounds that
25 have been included in the Network.

1 **“§ 308604. Cooperative agreements and memoranda**
2 **of understanding**

3 “The Secretary may enter into cooperative agree-
4 ments and memoranda of understanding with, and provide
5 technical assistance to, the heads of other Federal agen-
6 cies, States, units of local government, Tribal govern-
7 ments, regional governmental bodies, organizations, edu-
8 cational institutions, and private entities—

9 “(1) to achieve the purposes of this chapter;
10 and

11 “(2) to ensure effective coordination of the Fed-
12 eral elements and non-Federal elements of the Net-
13 work described in section 308602 with System units
14 and programs of the Service.

15 **“§ 308605. Private property protection**

16 “Nothing in this chapter—

17 “(1) authorizes the Secretary to require or af-
18 fect the management or use of private property with-
19 out the written consent of the owner of the private
20 property; or

21 “(2) prohibits the Secretary from providing
22 land management guidance or requirements relating
23 to private property as a condition of a grant or other
24 assistance provided to the owner of the private prop-
25 erty under this chapter.”.

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

“3086. U.S. African-American Burial Ground Network308601”.

