

117TH CONGRESS  
1ST SESSION

# S. 270

To amend the Act entitled “Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes” to provide for inclusion of additional related sites in the National Park System, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. COONS (for himself, Mr. GRAHAM, Mr. WARNER, Mr. SCOTT of South Carolina, Mr. CARPER, Mr. MORAN, and Mr. KAINE) 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 the Act entitled “Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes” to provide for inclusion of additional related sites in the National Park System, 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 “Brown v. Board of  
5 Education National Historic Site Expansion Act”.

1 **SEC. 2. EXPANSION OF THE BROWN V. BOARD OF EDU-**  
2 **CATION NATIONAL HISTORIC SITE.**

3 In order to honor the civil rights stories of struggle,  
4 perseverance, and activism in the pursuit of education eq-  
5 uity, the Act entitled “Act to provide for the establishment  
6 of the Brown v. Board of Education National Historic Site  
7 in the State of Kansas, and for other purposes” approved  
8 October 26, 1992 (Public Law 102–525; 106 Stat. 3438  
9 et seq.), is amended as follows:

10 (1) In section 101, by adding at the end the fol-  
11 lowing new paragraph:

12 “(3) The terms ‘affiliated area’ and ‘affiliated  
13 areas’ mean one or more of the locations associated  
14 with the four court cases included in Brown v.  
15 Board of Education of Topeka described in section  
16 102(a)(8), (9), and (10).”.

17 (2) In section 102(a)—

18 (A) by redesignating paragraphs (3) and  
19 (4) as paragraphs (5) and (6), respectively;

20 (B) by inserting after paragraph (2), the  
21 following:

22 “(3) The Brown case was joined by four other  
23 cases related to school segregation pending before  
24 the Supreme Court (Briggs v. Elliott, filed in South  
25 Carolina; Davis v. County School Board of Prince  
26 Edward County, Spottswood Thomas Bolling, et al.,

1 Petitioners, v. C. Melvin Sharpe, President of the  
2 District of Columbia Board of Education, et al.,  
3 filed in Virginia; Gebhart v. Belton, filed in Dela-  
4 ware; and Bolling v. Sharpe, filed in the District of  
5 Columbia) and consolidated into one case named  
6 Brown v. Board of Education of Topeka.

7 “(4) A 1999 historic resources study examined  
8 the five cases included in Brown v. Board of Edu-  
9 cation of Topeka and found each to be nationally  
10 significant and to contribute unique stories to the  
11 case for educational equity.”; and

12 (C) by inserting after paragraph (6) (as so  
13 redesignated by this section), the following:

14 “(7) Summerton High School in South Caro-  
15 lina, the all-White school that refused to admit the  
16 plaintiffs in Briggs v. Elliott, has been listed on the  
17 National Register of Historic Places in recognition  
18 of its national significance and is used as adminis-  
19 trative offices for Clarendon School District 1. Other  
20 sites include former Scott’s Branch High School, an  
21 ‘equalization school’ constructed for African-Amer-  
22 ican students in 1951 to provide facilities com-  
23 parable to those of White students and that is now  
24 the Community Resource Center owned by  
25 Clarendon School District 1.

1           “(8) Robert Russa Moton School, the all-Black  
2 school in Farmville, Virginia, which was the location  
3 of a student-led strike leading to *Davis v. County*  
4 *School Board of Prince Edward County, Spottswood*  
5 *Thomas Bolling, et al., Petitioners, v. C. Melvin*  
6 *Sharpe, President of the District of Columbia Board*  
7 *of Education, et al.*, has been designated a National  
8 Historic Landmark in recognition of its national sig-  
9 nificance. The school, now the Robert Russa Moton  
10 Museum, is governed by the Moton Museum, Inc.,  
11 and affiliated with Longwood University.

12           “(9) Howard High School in Wilmington, Dela-  
13 ware, an all-Black school to which plaintiffs in  
14 *Belton v. Gebhart* were forced to travel, has been  
15 designated a National Historic Landmark in rec-  
16 ognition of its national significance. Now the How-  
17 ard High School of Technology, it is an active school  
18 administered by the New Castle County Vocational-  
19 Technical School District. The all-White Claymont  
20 High School, which denied plaintiffs admission, is  
21 now the Claymont Community Center administered  
22 by the Brandywine Community Resource Council,  
23 Inc. The Hockessin School #107C (Hockessin Col-  
24 ored School) is the all-Black school in Hockessin,  
25 Delaware that one of the plaintiffs in *Belton v.*

1 Gebhart was required to attend with no public trans-  
2 portation provided. The former Hockessin School  
3 building is utilized by Friends of Hockessin Colored  
4 School #107, Inc. as a community facility.

5 “(10) John Philip Sousa Junior High School in  
6 the District of Columbia, the all-White school that  
7 refused to admit plaintiffs in *Bolling v. Sharpe*, has  
8 been designated a National Historic Landmark in  
9 recognition of its national significance. John Philip  
10 Sousa Junior High School, now John Philip Sousa  
11 Middle School, is owned by the District of Columbia  
12 Department of General Services and administered by  
13 the District of Columbia Public Schools.”.

14 (3) In section 102(b)(3)—

15 (A) by inserting “, protection,” after  
16 “preservation”;

17 (B) by inserting “, Kansas; Summerton,  
18 South Carolina; Farmville, Virginia; Wil-  
19 mington and Hockessin, Delaware; and the Dis-  
20 trict of Columbia” after “Topeka”; and

21 (C) by inserting “and the context of *Brown*  
22 *v. Board of Education*” after “civil rights move-  
23 ment”.

24 (4) In section 103, by inserting after subsection  
25 (b) the following:

1 “(c) BOUNDARY ADJUSTMENT.—

2 “(1) IN GENERAL.—In addition to land de-  
3 scribed in subsection (b), the historic site shall con-  
4 sist of land and interests in land identified as  
5 Summerton High School and Scott’s Branch High  
6 School located in Clarendon County, South Carolina,  
7 after such land, or interests in land, is acquired by  
8 the Secretary and the determination is made under  
9 paragraph (2).

10 “(2) DETERMINATION BY SECRETARY.—The  
11 historic site shall not be expanded until the date on  
12 which the Secretary determines that a sufficient  
13 quantity of land, or interests in land, has been ac-  
14 quired to constitute a manageable park unit.

15 “(3) NOTICE.—Not later than 30 days after the  
16 date on which the Secretary makes a determination  
17 under paragraph (2), the Secretary shall publish in  
18 the Federal Register notice of the expansion of the  
19 historic site.

20 “(4) MAP.—After the determination in sub-  
21 section (2), the Secretary shall publish a new map  
22 of the historic site to include land or interests in  
23 land acquired under this subsection.”.

24 (5) In section 104—

1 (A) by striking “section 103(b)” and in-  
 2 serting “subsections (b) and (c) of section  
 3 103”;

4 (B) by striking “: *Provided, however, That*  
 5 *the*” and inserting “. The”; and

6 (C) by adding before the final period the  
 7 following: “nor by condemnation of any land or  
 8 interest in land within the boundaries of the  
 9 historic site”.

10 (6) In section 105(c), by inserting before the  
 11 final period the following: “in Topeka, Kansas. After  
 12 the boundary adjustment under section 103(c), the  
 13 Secretary shall prepare and submit to the Com-  
 14 mittee on Natural Resources of the House of Rep-  
 15 resentatives and the Committee on Energy and Nat-  
 16 ural Resources of the Senate a general management  
 17 plan for the historic site locations in Clarendon  
 18 County, South Carolina”.

19 (7) By inserting after section 105, the fol-  
 20 lowing:

21 **“SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF**  
 22 **EDUCATION AFFILIATED AREAS.**

23 “(a) IN GENERAL.—The locations associated with the  
 24 three court cases included in *Brown v. Board of Education*  
 25 of Topeka described in sections 102(a)(8), (9), and (10)

1 are established as affiliated areas of the National Park  
2 System.

3 “(b) ADMINISTRATION.—The affiliated areas shall be  
4 managed in accordance with—

5 “(1) this section; and

6 “(2) any law generally applicable to units of the  
7 National Park System.

8 “(c) GENERAL MANAGEMENT PLAN.—

9 “(1) IN GENERAL.—Not later than two years  
10 after the date of the enactment of this Act, the Sec-  
11 retary, in consultation with the management entity  
12 of each affiliated area, shall develop a general man-  
13 agement plan for each of the affiliated areas in ac-  
14 cordance with section 100502 of title 54, United  
15 States Code. The general management plan shall—

16 “(A) be prepared in consultation and co-  
17 ordination with the interested State, county,  
18 and local governments, management entities,  
19 organizations, and interested members of the  
20 public associated with the affiliated area;

21 “(B) identify, as appropriate, the roles and  
22 responsibilities of the National Park Service  
23 and management entity in administering and  
24 interpreting the affiliated area in such a man-  
25 ner that it does not interfere with existing oper-

1           ations and continued use of existing facilities;  
2           and

3           “(C) require the Secretary to coordinate  
4           the preparation and implementation of the  
5           management plan and interpretation of the af-  
6           filiated area with the Brown v. Board of Edu-  
7           cation National Historic Site.

8           “(2) PUBLIC COMMENT.—The Secretary shall—

9           “(A) hold not less than one public meeting  
10          in the general proximity of each affiliated area  
11          on the proposed general management plan, in-  
12          cluding opportunities for public comment; and

13          “(B) publish the draft general manage-  
14          ment plan on the internet and provide an op-  
15          portunity for public comment.

16          “(3) TRANSMITTAL.—Not later than 3 years  
17          after the date on which funds are made available to  
18          carry out this section, the Secretary shall transmit  
19          the general management plan for each affiliated area  
20          developed under subparagraph (1) to the Committee  
21          on Natural Resources of the House of Representa-  
22          tives and the Committee on Energy and Natural Re-  
23          sources of the Senate.

24          “(d) MANAGEMENT ENTITY.—The organizations de-  
25          scribed in paragraphs (8), (9), and (10) of section 102(a)

1 shall be the management entity for its respective affiliated  
2 area.

3 “(e) COOPERATIVE AGREEMENTS.—The Secretary  
4 may provide technical assistance and grants and enter into  
5 cooperative agreements with the management entity for  
6 each affiliated area to provide financial assistance for the  
7 marketing, marking, interpretation, and preservation of  
8 the respective affiliated area.

9 “(f) LAND USE.—Nothing in this section affects land  
10 use rights of private property owners within or adjacent  
11 to the affiliated areas, including activities or uses on pri-  
12 vate land that can be seen or heard within the affiliated  
13 areas and the authorities for management entities to oper-  
14 ate and administer the affiliated areas.

15 “(g) LIMITED ROLE OF THE SECRETARY.—Nothing  
16 in this section authorizes the Secretary to acquire property  
17 in an affiliated area or to assume overall financial respon-  
18 sibility for the operation, maintenance, or management of  
19 an affiliated area. Each affiliated area shall continue to  
20 be owned, operated, and managed by its respective public  
21 and private owners.”.

22 (8) By redesignating section 106 as section  
23 107.

24 (9) In section 107 (as so redesignated by this  
25 subsection), by inserting before the period the fol-

1        lowing: “at the historic site, and there is authorized  
2        to be appropriated such sums as are necessary to  
3        carry out sections 103(c) and 106”.

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