

116TH CONGRESS
2D SESSION

S. 4622

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

Mr. COONS (for himself, Mr. GRAHAM, Mr. WARNER, Mr. SCOTT of South Carolina, Mr. KAINE, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 NATIONAL**
 2 **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” 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”.

○