

Calendar No. 295

117TH CONGRESS
2^D SESSION

S. 270

[Report No. 117–87]

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

FEBRUARY 8, 2021

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

MARCH 2, 2022

Reported by Mr. MANCHIN, with an amendment

[Insert the part printed in *italic*]

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”.

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

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

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

17 “(3) The terms ‘affiliated area’ and ‘affiliated
 18 areas’ mean one or more of the locations associated
 19 with the four court cases included in Brown v.
 20 Board of Education of Topeka described in section
 21 102(a)(8), (9), and (10).”.

22 (2) In section 102(a)—

23 (A) by redesignating paragraphs (3) and
 24 (4) as paragraphs (5) and (6), respectively;

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

3 “(3) The Brown case was joined by four other
4 cases related to school segregation pending before
5 the Supreme Court (Briggs v. Elliott, filed in South
6 Carolina; Davis v. County School Board of Prince
7 Edward County, Spottswood Thomas Bolling, et al.,
8 Petitioners, v. C. Melvin Sharpe, President of the
9 District of Columbia Board of Education, et al.,
10 filed in Virginia; Gebhart v. Belton, filed in Dela-
11 ware; and Bolling v. Sharpe, filed in the District of
12 Columbia) and consolidated into one case named
13 Brown v. Board of Education of Topeka.

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

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

21 “(7) Summerton High School in South Caro-
22 lina, the all-White school that refused to admit the
23 plaintiffs in Briggs v. Elliott, has been listed on the
24 National Register of Historic Places in recognition
25 of its national significance and is used as adminis-

1 trative offices for Clarendon School District 1. Other
2 sites include former Scott’s Branch High School, an
3 ‘equalization school’ constructed for African-Amer-
4 ican students in 1951 to provide facilities com-
5 parable to those of White students and that is now
6 the Community Resource Center owned by
7 Clarendon School District 1.

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

19 “(9) Howard High School in Wilmington, Dela-
20 ware, an all-Black school to which plaintiffs in
21 Belton v. Gebhart were forced to travel, has been
22 designated a National Historic Landmark in rec-
23 ognition of its national significance. Now the How-
24 ard High School of Technology, it is an active school
25 administered by the New Castle County Vocational-

1 Technical School District. The all-White Claymont
 2 High School, which denied plaintiffs admission, is
 3 now the Claymont Community Center administered
 4 by the Brandywine Community Resource Council,
 5 Inc. The Hockessin School #107C (Hockessin Col-
 6 ored School) is the all-Black school in Hockessin,
 7 Delaware that one of the plaintiffs in *Belton v.*
 8 *Gebhart* was required to attend with no public trans-
 9 portation provided. The former Hockessin School
 10 building is utilized by Friends of Hockessin Colored
 11 School #107, Inc. as a community facility.

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

21 (3) In section 102(b)(3)—

22 (A) by inserting “, protection,” after
 23 “preservation”;

24 (B) by inserting “, Kansas; Summerton,
 25 South Carolina; Farmville, Virginia; Wil-

1 mington and Hockessin, Delaware; and the Dis-
 2 trict of Columbia” after “Topeka”; and

3 (C) by inserting “and the context of Brown
 4 v. Board of Education” after “civil rights move-
 5 ment”.

6 (4) In section 103, by inserting after subsection
 7 (b) the following:

8 “(c) BOUNDARY ADJUSTMENT.—

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

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

22 “(3) NOTICE.—Not later than 30 days after the
 23 date on which the Secretary makes a determination
 24 under paragraph (2), the Secretary shall publish in

1 the Federal Register notice of the expansion of the
2 historic site.

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

7 (5) In section 104—

8 (A) by striking “section 103(b)” and in-
9 serting “subsections (b) and (c) of section
10 103”;

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

13 (C) by adding before the final period the
14 following: “nor by condemnation of any land or
15 interest in land within the boundaries of the
16 historic site”.

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

1 (7) By inserting after section 105, the fol-
 2 lowing:

3 **“SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF**
 4 **EDUCATION AFFILIATED AREAS.**

5 “(a) IN GENERAL.—The locations associated with the
 6 three court cases included in Brown v. Board of Education
 7 of Topeka described in sections 102(a)(8), (9), and (10)
 8 are established as affiliated areas of the National Park
 9 System.

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

12 “(1) this section; and

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

15 “(c) GENERAL MANAGEMENT PLAN.—

16 “(1) IN GENERAL.—Not later than two years
 17 after the date of the enactment of this Act, the Sec-
 18 retary, in consultation with the management entity
 19 of each affiliated area, shall develop a general man-
 20 agement plan for each of the affiliated areas in ac-
 21 cordance with section 100502 of title 54, United
 22 States Code. The general management plan shall—

23 “(A) be prepared in consultation and co-
 24 ordination with the interested State, county,
 25 and local governments, management entities,

1 organizations, and interested members of the
2 public associated with the affiliated area;

3 “(B) identify, as appropriate, the roles and
4 responsibilities of the National Park Service
5 and management entity in administering and
6 interpreting the affiliated area in such a man-
7 ner that it does not interfere with existing oper-
8 ations and continued use of existing facilities;
9 and

10 “(C) require the Secretary to coordinate
11 the preparation and implementation of the
12 management plan and interpretation of the af-
13 filiated area with the Brown v. Board of Edu-
14 cation National Historic Site.

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

16 “(A) hold not less than one public meeting
17 in the general proximity of each affiliated area
18 on the proposed general management plan, in-
19 cluding opportunities for public comment; and

20 “(B) publish the draft general manage-
21 ment plan on the internet and provide an op-
22 portunity for public comment.

23 “(3) TRANSMITTAL.—Not later than 3 years
24 after the date on which funds are made available to
25 carry out this section, the Secretary shall transmit

1 the general management plan for each affiliated area
2 developed under subparagraph (1) to the Committee
3 on Natural Resources of the House of Representa-
4 tives and the Committee on Energy and Natural Re-
5 sources of the Senate.

6 “(d) MANAGEMENT ENTITY.—The organizations de-
7 scribed in paragraphs (8), (9), and (10) of section 102(a)
8 shall be the management entity for its respective affiliated
9 area.

10 “(e) COOPERATIVE AGREEMENTS.—The Secretary
11 may provide technical assistance and grants and enter into
12 cooperative agreements with the management entity for
13 each affiliated area to provide financial assistance for the
14 marketing, marking, interpretation, and preservation of
15 the respective affiliated area.

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

22 “(g) LIMITED ROLE OF THE SECRETARY.—Nothing
23 in this section authorizes the Secretary to acquire property
24 in an affiliated area or to assume overall financial respon-
25 sibility for the operation, maintenance, or management of

1 an affiliated area. Each affiliated area shall continue to
 2 be owned, operated, and managed by its respective public
 3 and private owners.”.

4 (8) By redesignating section 106 as section
 5 107.

6 (9) In section 107 (as so redesignated by this
 7 subsection), by inserting before the period the fol-
 8 lowing: “at the historic site, and there is authorized
 9 to be appropriated such sums as are necessary to
 10 carry out sections 103(c) and 106”.

11 **SEC. 3. REDESIGNATION OF THE BROWN V. BOARD OF EDU-**
 12 **CATION NATIONAL HISTORICAL PARK.**

13 (a) *IN GENERAL.*—*The Brown v. Board of Education*
 14 *National Historic Site established by section 103(a) of Pub-*
 15 *lic Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439)*
 16 *shall be known and designated as the “Brown v. Board of*
 17 *Education National Historical Park”.*

18 (b) *REFERENCES.*—*Any reference in any law, regula-*
 19 *tion, document, record, map, or other paper of the United*
 20 *States to the Brown v. Board of Education National His-*
 21 *toric Site shall be considered to be a reference to the “Brown*
 22 *v. Board of Education National Historical Park”.*

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