



AFRICAN AMERICAN BURIAL GROUNDS

Protections and Resources

FEDERAL

African American Burial Grounds Preservation Act

In addition to federal legislation linked below, the African American Burial Grounds Preservation Act was introduced to Congress in 2022 and signed into law as part of the FY2023 budget. The legislation amends title 54 of the United States Code to establish the African American Burial Grounds Preservation Program within the National Park Service (NPS). The goal of the program is to provide competitive grants and technical assistance to local partners to research, identify, survey and preserve African American burial grounds.

In carrying out the program, NPS may make grants to other federal agencies; state, local, and tribal governments; other public entities; educational institutions; historic preservation groups; and private nonprofit organizations for

- the identification of historic African American burial grounds,
- the preservation and restoration of African American burial grounds,
- the interpretation of African American burial grounds, and
- related research and documentation for historic African American burial grounds.

“The African American Burial Grounds Preservation Program will help identify burial grounds ahead of infrastructure projects and commercial development, thereby minimizing construction delays and avoiding unnecessary community heartache. It will assist descendants and communities in honoring and remembering their shared past by providing grant monies to identify, interpret, and preserve historic cemeteries.”
(Coalition for American Heritage)

For more information, see:

- **S.3667 - African-American Burial Grounds Preservation Act 117th Congress (2021-2022):**
[congress.gov/bill/117th-congress/senate-bill/3667/text](https://www.congress.gov/bills/117/senate-bills/3667/text)
- **African American Burial Grounds Preservation Program Created in Omnibus Bill:**
heritagecoalition.org/african-american-burial-grounds-preservation-program-created-in-omnibus-bill/
- **National Historic Preservation Act of 1966:**
[nps.gov/subjects/archeology/national-historic-preservation-act.htm](https://www.nps.gov/subjects/archeology/national-historic-preservation-act.htm)
- **Native American Graves Protection and Repatriation Act of November 16, 1990:**
[nps.gov/subjects/archaeology/napgra.htm](https://www.nps.gov/subjects/archaeology/napgra.htm)

STATE

South Carolina Law

[S.C. Code of Laws, Section 16-17-600](#) Provides for penalties of up to \$5,000 in fines, and imprisonment for not more than ten years for the vandalism or desecration of burials or grave markers, and lesser penalties for the destruction or injury of fencing, plants, shrubs, or flowers.

[S.C. Code of Laws, Section 27-43-310](#) grants family members and descendants the right to access cemeteries on private property, with written notice provided.

[S.C. Code of Laws, Section 27-43-10 through 27-43-40](#) requires notification before an “abandoned” cemetery is moved, approval by the local governing body, the relocation of the graves to a suitable place, and protection of grave markers through the move.

For more information, see:

- **SC Code of Laws:** scstatehouse.gov/code/statmast.php
- **South Carolina Department of Archives and History:** scdah.sc.gov/historic-preservation/resources/preservation-laws
- **Chicora Foundation Frequently Asked Questions:** chicora.org/faqs.html

LOCAL

City of Charleston Ordinance

Code of the City of Charleston, Sec. 7.5-4. - Gravesite protection

In 2021, the City of Charleston passed its first cemetery protection ordinance that protects “known or probable gravesites.” The ordinance enables City officials to stop construction if a developer receives notice that burial sites may be present, requiring notification of appropriate local and state officials, including the City building official, County coroner, S.C. Department of Archives and History, and the S.C. Department of Health and Environmental Control. No further ground disturbing activities shall commence until authorization is granted by officials in accordance with state law.

For more information, see:

- **City of Charleston Code of Ordinances, Chapter 7.5 - CEMETERIES Sec. 7.5-4. - Gravesite protection:** library.municode.com/sc/charleston/codes/code_of_ordinances
- **Mapping Charleston’s Black Burial Grounds, Preservation Society of Charleston:** preservationsociety.org/what-we-do/preservation-initiatives/mapping-charlestons-black-burial-grounds