

Public Law 96-430
96th Congress

An Act

To provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

Oct. 10, 1980

[H.R. 7434]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Boston African
American
National
Historic Site,
establishment.
16 USC 461 note.

TITLE I—BOSTON AFRICAN AMERICAN NATIONAL HISTORIC SITE

SEC. 101. In order to preserve for the benefit and inspiration of the people of the United States as a national historic site certain historic structures and properties of outstanding national significance located in Boston, Massachusetts, and associated with the creation and development of a free African American community within Beacon Hill prior to the Civil War, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to establish the Boston African American National Historic Site, including the African American Meeting House, within the area generally depicted on the map entitled "Boundary Map, Boston African American National Historic Site", numbered BOAF-80,000 and dated March 1980. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Map, public
availability.

SEC. 102. At such time as the Secretary determines that sufficient properties within the boundary of the site are the subject of cooperative agreements pursuant to section 103, he may establish the area as the Boston African American National Historic Site. Pending such establishment and thereafter, the site shall be administered by the Secretary in accordance with the provisions of this Act and the provisions of law generally applicable to the administration of national historic sites, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

Administration.

SEC. 103. The Secretary may accept any gift or bequest of any property depicted on the map referred to in the first section of this Act, and he is authorized to enter into cooperative agreements with the city of Boston, the Commonwealth of Massachusetts, or any of their political subdivisions, or any private person or organization, including the Beacon Hill Architectural Commission, to mark, interpret, restore, provide technical assistance, or any combination thereof, and for such other activities as may be necessary for the preservation of any properties depicted on such map. Cooperative agreements shall contain, but need not be limited to, provisions that (1) the Secretary, through the National Park Service, or some appropriate private group contracted to the National Park Service for this purpose, shall have the right at all reasonable times to interpret the exterior of the properties, and such portions of the interior as have been mutually agreed upon, and (2) no changes or alterations shall be made in such properties except by mutual

Gifts or bequests,
cooperative
agreements.

agreement between the Secretary and the other parties to such agreements. The agreements may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, or maintenance of such historic properties. The Secretary is authorized in his discretion to assist with maintenance directly related to public visitation of those properties covered by cooperative agreements consummated pursuant to this Act. No funds may be expended on a property until after the Secretary determines that there is applicable to that property a binding written cooperative agreement which remains in force and effect assuring the preservation and historical integrity of such property. If any fees are charged for the use of a property covered by a cooperative agreement, and Federal funds are committed in the cooperative agreements, the income from such fees shall be applied to the costs of maintenance and renovation of that property. Notwithstanding any other provision of law, no Federal fees shall be charged for entrance or admission to the historic site.

Fees.

Site identification.

SEC. 104. The Secretary, in cooperation with other interested groups, may identify other significant sites relating to the nineteenth century free African American community on Beacon Hill, Boston, which are related to the historic site authorized by this Act, and, with the consent of the owners thereof, may mark them appropriately and make reference to them in any interpretive literature.

Management plan, submittal to congressional committees.

SEC. 105. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the historic site, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.).

Appropriation authorization.

SEC. 106. Effective on October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

National Center for the Study of Afro-American History and Culture Act.
20 USC 3701 note.
Commission.
20 USC 3701.

TITLE II—NATIONAL CENTER FOR THE STUDY OF AFRO-AMERICAN HISTORY AND CULTURE

SEC. 201. This title may be cited as the "National Center for the Study of Afro-American History and Culture Act".

SEC. 202. (a) There is established a commission to be known as the National Afro-American History and Culture Commission (hereinafter in this title referred to as the "Commission") which shall be composed of fifteen members, as specified in section 203 of this title.

Duties.

Plan, submittal to President and Congress.

(b) The Commission shall have the following duties:

(1) The Commission shall be responsible for the development of a definitive plan for the construction and operation of the National Center for the Study of Afro-American History and Culture and shall submit the plan, together with any recommendations for additional legislation, to the President of the United States and the Congress not later than twenty-four months after the date of the enactment of this title. The plan shall include, but not be limited to, identification of—

(A) the main objectives to be achieved by the establishment, development, and operation of the National Center for the Study of Afro-American History and Culture;

(B) the types of uses, both public and private, to be accommodated by such a center;

(C) the criteria and recommendations for the design and appearance of such a center;

(D) the proposed ownership and operation of the center;

(E) the criteria and recommendations for interpretive, cultural, and educational programs and uses of the center;

(F) the areas where cooperative agreements might be developed between the center and Afro-American institutions, organizations, and universities to enhance their programs and projects relating to the knowledge, preservation, and presentation of the history and culture of Afro-Americans;

(G) the estimates of costs, both public and private, for implementing the plan; and

(H) the procedures to be used in implementing the plan.

(2)(A) The Commission shall solicit subscriptions of funds from private and public sources to help meet the costs of carrying out its duties under this section; the costs of the construction, furnishing, and operation of the center; the costs of research programs and research staff positions, and reasonable administrative costs which may include, subject to the availability of funds, payment to members of the Commission of travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code. Any funds so received by the Commission shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Commission only to meet the costs specified in this subparagraph.

(B) The General Services Administration, the Smithsonian Institution, and other agencies of the Government may donate or loan to the Commission for the purposes of the center any works of art, artifacts, or other materials under their control.

(c) For the purpose of carrying out this title, the Commission may—

(1) acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), transfer from any Federal or State agency, exchange, or otherwise, suitable land (together with any buildings or other improvements thereon) and interest in land in the vicinity of Wilberforce, Ohio, for the location of the headquarters of the center;

(2) borrow or acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), or otherwise, any other real or personal property necessary for the establishment and operation of the center; and

(3) sell, exchange, or otherwise dispose of any property acquired under this subsection and designate any proceeds from such disposal for the benefit of the center.

SEC. 203. (a) The Commission shall be composed of fifteen members as follows:

(1) The Secretary of the Interior (or his designee).

(2) The Secretary of Education (or his designee).

(3) The Librarian of Congress (or his designee).

(4) The President of the Association for the Study of Afro-American Life and History.

Funds,
solicitation.

Special deposit
account.

Art and artifacts,
donation or loan.

Property,
acquisition and
disposal.

Membership.
20 USC 3702.

(5) The presidents of Wilberforce University and Central State University in Ohio.

(6) Nine members appointed by the President, who are especially qualified to serve on the Commission by reason of their background and experience. No more than two members appointed under this paragraph shall be from any one State.

Terms of office.

(b) Subject to subsection (c), the members of the Commission specified in paragraphs (1) through (5) of subsection (a) shall serve for the life of the Commission. The members of the Commission appointed under paragraph (6) of such subsection shall serve for terms of four years, except that of the members first appointed—

(1) three shall be appointed for terms of one year;

(2) three shall be appointed for terms of two years; and

(3) three shall be appointed for terms of four years; as designated by the President at the time of appointment.

Membership continuation.

(c) If any member of the Commission who was appointed to the Commission under paragraphs (1) through (5) as an officer designated under such paragraphs leaves such office, such member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date he leaves that office.

Vacancies.

(d)(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed.

Quorum.

(e) Six members of the Commission shall constitute a quorum.

Voting.

(f) The Commission shall act by affirmative majority vote.

Officers.

(g) The Commission shall elect a chairman and other officers from among its members to serve for terms established by the Commission.

Meetings.

(h) The Commission shall meet at the call of the chairman or a majority of its members, but not less than two times each year. The headquarters of the Commission shall be at Wilberforce, Ohio, and the Commission shall conduct its meetings in such city unless circumstances otherwise require.

Seal; bylaws, rules.

(i) The Commission may adopt an official seal which shall be judicially noticed and may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this title.

Compensation.

(j) Members of the Commission shall serve without pay.

Services, procurement.

(k) The Commission may procure, subject to the availability of funds, temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

Personnel details.

(l) Upon request of the Commission, and subject to the availability of funds, the head of any Federal agency may detail to the Commission on a reimbursable basis any of the personnel of such agency to assist the Commission in carrying out its duties under this title.

GSA administrative support services.

(m) The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request to carry out its duties under this title.

Report to congressional committees. 20 USC 3703.

SEC. 204. On the first January 1 occurring after the date of the enactment of this title, and on each subsequent January 1, the Commission shall submit to appropriate committees of the Congress a

report which contains a detailed statement of the financial transactions of the Commission and the activities undertaken by the Commission during the previous year. The report shall contain such other appropriate information as the committees to whom the report is submitted may from time to time request.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1239 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Aug. 25, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Oct. 1, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:

Oct. 10, Presidential statement.