

purchase with donated or appropriated funds, transfer, or exchange, lands and interests therein, except that property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation or exchange.

(2) Notwithstanding the acquisition authority contained in paragraph (1), any lands or interests therein which are owned wholly or in part, by the widow of Martin Luther King, Junior, or by the Martin Luther King, Junior, Center for Social Change, shall be acquired only with the consent of the owner thereof, except that—

(A) the Secretary may acquire such property in accordance with the provisions of this section if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this subchapter, and

(B) with respect to properties owned by the Center for Social Change, the Secretary shall have the first right of refusal to purchase such property for a purchase price not exceeding the fair market value of such property on the date it is offered for sale.

(3) Property may be acquired pursuant to this section subject to such conditions and reservations as in the judgment of the Secretary are not inconsistent with the purposes of this subchapter and the administration of the national historical park, including, in the event that the burial site of Martin Luther King, Junior, is acquired, the condition that his widow may be interred therein.

(4) Any and all legal or equitable title, interests, or encumbrances, if any, held by the Department of Housing and Urban Development in the property designated “Parcel A” on the map referenced in section 460bbb of this title are hereby conveyed to the Secretary to be administered in accordance with the purposes of this subchapter.

(5) Structural space requirements of the National Park Service to meet its administrative, operational, and interpretive functions for the national historical park and preservation district shall, to the maximum extent feasible without displacing residents, be met within the district through the adaptive use of existing structures.

(Pub. L. 96-428, §2, Oct. 10, 1980, 94 Stat. 1839; Pub. L. 108-314, §3, Oct. 5, 2004, 118 Stat. 1199; Pub. L. 115-108, §2(2), (3), Jan. 8, 2018, 131 Stat. 2267.)

REFERENCES IN TEXT

The Act of August 25, 1916, referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 35, popularly known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935, referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the

Historic Sites, Buildings and Antiquities Act and also as the Historic Sites Act of 1935, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-108, §2(2), substituted “Martin Luther King, Jr. National Historical Park” for “Martin Luther King, Junior, National Historic Site”.

Subsec. (b). Pub. L. 115-108, §2(3), substituted “national historical park” for “national historic site” wherever appearing.

2004—Subsec. (b)(1). Pub. L. 108-314 inserted “or exchange” before period at end.

§ 460bbb-2. Authority of Secretary regarding property and concessions

(a) Within the national historical park, the Secretary may convey a freehold or leasehold interest in any property, for such sums as he deems appropriate, and subject to such terms and conditions and reservations as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purposes of this subchapter and the administration of the national historical park. The Secretary shall offer the last owner or tenant of record a reasonable opportunity to purchase or lease, as appropriate, the property proposed to be conveyed prior to any conveyance under this subsection, and in the case of a lease to such tenant of record, the initial rental charge shall not be substantially more than the last rent paid by the tenant for that property, with any future increases not to exceed the general escalation of rental rates in the surrounding area.

(b) The Secretary may enter into cooperative agreements with the owners of properties of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement. The authorities in this subsection shall also be available to the Secretary with respect to properties within the Martin Luther King, Junior, Preservation District.

(c) The Secretary may, in carrying out his authorities with respect to the interpretation of properties within the national historical park and the preservation district, accept the services and assistance, with or without reimbursement therefor, of qualified persons and entities to the extent he deems necessary and appropriate. Funds appropriated for the purposes of this subchapter may be expended for the improvement, restoration, and maintenance of properties in which the Secretary has acquired a leasehold interest.

(d) Notwithstanding any other provision of law, the Secretary shall give first preference to the Martin Luther King, Junior, Center for Social Change with respect to any contract for a concession to sell books, postcards, tapes, or similar types of appropriate mementos related to the purposes of this subchapter, on facilities operated and maintained by the Secretary within the historical park: *Provided*, That agreement can be reached on terms and conditions acceptable to the Secretary.

(e) The Secretary is authorized to take only such actions within and upon the grounds of the Ebenezer Baptist Church as will directly support appropriate public visitation to and within the church in accordance with the purposes of this subchapter, or which will assist in the maintenance or preservation of those portions of said church which are directly related to the purposes of this subchapter.

(Pub. L. 96-428, §3, Oct. 10, 1980, 94 Stat. 1840; Pub. L. 115-108, §2(3), (4), Jan. 8, 2018, 131 Stat. 2267.)

AMENDMENTS

2018—Subsecs. (a), (c). Pub. L. 115-108, §2(3), substituted “national historical park” for “national historic site” wherever appearing.

Subsec. (d). Pub. L. 115-108, §2(4), substituted “historical park” for “historic site”.

§ 460bbb-3. Establishment of Advisory Commission

(a) There is hereby established the Martin Luther King, Junior, National Historic Site Advisory Commission (hereinafter referred to in this section as the “Commission”). The Commission shall consist of thirteen members, eleven of whom shall be appointed by the Secretary as follows:

(1) three members appointed for terms of three years from recommendations submitted by the governing body of the Martin Luther King, Junior, Center for Social Change;

(2) two members appointed for terms of four years from recommendations submitted by the Governor of the State of Georgia, one of whom shall have professional expertise in historic preservation matters;

(3) two members appointed for terms of five years from recommendations submitted by the mayor of the city of Atlanta, Georgia, one of whom shall represent the economic and cultural interests of the Sweet Auburn Historic District;

(4) one member appointed for a term of five years from recommendations submitted by the governing body of the Ebenezer Baptist Church;

(5) the Chairman of the Atlanta Urban Design Commission and one additional member from the Commission to be chosen by the Commission; and

(6) one member, appointed for a term of five years by the Secretary, who shall chair the Commission. In addition to the foregoing members, Mrs. Coretta Scott King, or such other appropriate family member as may be designated by the immediate family of Martin Luther King, Junior, and the Director of the National Park Service shall be ex officio members of the Commission.

(b) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses of Commission members reasonably incurred by them in carrying out their responsibilities under this section upon presentation of vouchers signed by the chair of the Commission. Necessary administrative services and expenses shall be provided to the Commission by the Department of the Interior.

(c) The function of the Commission shall be to:

(1) advise the Secretary with respect to the formulation and execution of plans for and the overall administration of the national historic site and the preservation district, including advice with respect to the consummation of cooperative agreements, and interpretation of properties, and the use and appreciation of the national historic site and the preservation district by the public;

(2) prepare a generalized impact area plan for a one-mile radius outside the District which shall examine overall community development goals, plans, and efforts within that area, including historic preservation, transportation, parking, housing, urban revitalization, and parks and recreation functions, in order to maximize beneficial relationships between these goals, plans, and efforts and the district herein established; and

(3) prepare, on the basis of the findings and recommendations of the impact area plan required by the preceding paragraph, a detailed development plan for the neighborhoods and outlying commercial areas immediately outside the district for such development, conservation, preservation, rehabilitation activities and transportation, parking, and land use planning as would complement and enhance the District and the purposes for which the District is established.

(d) The Secretary is directed to provide the appropriate planning agency of the city of Atlanta an amount of the local planning funds authorized by section 460bbb-5 of this title sufficient for that agency to provide such staff and technical assistance to the Advisory Commission as are required for it to develop the plans required by subsection (c) of this section. Such plans, prepared in full coordination with and opportunities for participation by, all relevant public agencies and private groups, shall be delivered to the Secretary in a timely fashion for use in preparing the general management plan for the district.

(e) The Commission shall terminate ten years from the effective date of this Act.

(Pub. L. 96-428, §4, Oct. 10, 1980, 94 Stat. 1841.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (e), probably means the date of enactment of Pub. L. 96-428, which was approved Oct. 10, 1980.

CODIFICATION

Pub. L. 115-108, which amended this subchapter by substituting references to the Martin Luther King, Jr. National Historical Park for references to the Martin Luther King, Junior, National Historic Site, effective