

ary Map', number 489/80,013B, and dated September 1992", and "national historical park" for "national historic site".

1992—Subsec. (a). Pub. L. 102-575 substituted "number 489/80,013B, and dated September 1992" for "numbered NASM/SERO/20, 109-C, and dated May 1980".

#### SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115-108, §1, Jan. 8, 2018, 131 Stat. 2267, provided that: "This Act [amending this section and sections 460bbb-1, 460bbb-2, and 460bbb-4 of this title and enacting provisions set out as a note under this section] may be cited as the 'Martin Luther King, Jr. National Historical Park Act of 2017'."

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-314, §1, Oct. 5, 2004, 118 Stat. 1198, provided that: "This Act [amending section 460bbb-1 of this title and enacting provisions set out as a note under this section] may be cited as the 'Martin Luther King, Jr. National Historic Site Land Exchange Act'."

#### REFERENCES

Pub. L. 115-108, §3, Jan. 8, 2018, 131 Stat. 2267, provided that: "Any reference in a law (other than this Act [See Short Title of 2017 Amendment note above]), map, regulation, document, paper, or other record of the United States to 'Martin Luther King, Jr. National Historic Site' shall be deemed to be a reference to 'Martin Luther King, Jr. National Historical Park'."

#### FINDINGS AND PURPOSE

Pub. L. 108-314, §2, Oct. 5, 2004, 118 Stat. 1198, provided that:

"(a) FINDINGS.—Congress finds the following:

"(1) Public Law 96-438 [probably means 96-428, enacting this subchapter] established the Martin Luther King, Jr. National Historic Site [now Martin Luther King, Jr. National Historical Park], and allows acquisition, by donation only, of lands owned by the State.

"(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

"(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for fire-fighting equipment to reach.

"(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

"(b) PURPOSE.—The purpose of this Act [see Short Title of 2004 Amendment note above] is to authorize the exchange of certain lands within the Martin Luther King, Jr. National Historic Site for lands owned by the City of Atlanta, Georgia."

#### § 460bbb-1. Administration

(a) The Secretary of the Interior (hereinafter referred to as "the Secretary") shall administer the Martin Luther King, Jr. National Historical Park and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites,<sup>1</sup> 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. 461-7).

(b)(1) Within the national historical park the Secretary is authorized to acquire by donation,

<sup>1</sup> So in original. Probably should be "to the National Park System."

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, Jr., or by the Martin Luther King, Jr. 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, Jr., 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. Omitted

#### CODIFICATION

Section, Pub. L. 96-428, §4, Oct. 10, 1980, 94 Stat. 1841, established the Martin Luther King, Junior, National Historic Site Advisory Commission to advise the Secretary and prepare plans for administration of the site and terminated the Commission ten years after Oct. 10, 1980.

#### § 460bbb-4. Entrance or admission fees prohibited

Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the national historical park or the preservation district established by this subchapter.

(Pub. L. 96-428, §5, Oct. 10, 1980, 94 Stat. 1842; Pub. L. 115-108, §2(3), Jan. 8, 2018, 131 Stat. 2267.)

#### AMENDMENTS

2018—Pub. L. 115-108 substituted “national historical park” for “national historic site”.

#### § 460bbb-5. Authorization of appropriations; limitation on authority

Effective October 1, 1980, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter. Notwithstanding any other provision of this subchapter, authority to enter into contracts, to incur obligations, or to make payments under this subchapter shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

(Pub. L. 96-428, §6, Oct. 10, 1980, 94 Stat. 1842; Pub. L. 102-575, title XL, §4024(b), Oct. 30, 1992, 106 Stat. 4768.)

#### AMENDMENTS

1992—Pub. L. 102-575 struck out “, but not to exceed \$1,000,000 for development, \$100,000 for local planning,