

the Martin Luther King, Jr. National Historical Park and Preservation District in accordance with the provisions of this subchapter, and the provisions of law generally applicable to national historic sites,¹ 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, 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 460bbbb 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.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916, referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, popularly

¹ So in original. Probably should be “to the National Park System.”

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.

CODIFICATION

Section was formerly classified to section 460bbbb-1 of this title.

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.

§ 410www-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.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 460bbbb-2 of this title.

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”.

§ 410www-3. Omitted

Editorial Notes

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.

§ 410www-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.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 460bbbb-4 of this title.

AMENDMENTS

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

§ 410www-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.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 460bbbb-5 of this title.

AMENDMENTS

1992—Pub. L. 102-575 struck out “, but not to exceed \$1,000,000 for development, \$100,000 for local planning, and \$3,500,000 for the acquisition of lands and interests therein” before period at end of first sentence.

§ 410www-6. Minimizing adverse impacts on preservation district

(a) In order to better integrate the east and west portions of the Martin Luther King, Junior, Preservation District, the Federal Highway Administration, in cooperation with the Georgia Department of Transportation, is hereby directed to insure that any design and reconstruction of the North Interstate 85 and Interstate 75 Expressway over Auburn and Edgewood Avenues in the city of Atlanta, Georgia, and the interchange at Edgewood Avenue, shall minimize the adverse impacts on the preservation district.

(b) In carrying out the provisions of this subsection, the Federal Highway Administration shall require that, where feasible, any major change required for the Auburn Avenue overpass results in a design which permits a wider distance between overpass support structures and the disposition of understructure development rights for appropriate business or recreation uses.

(c) Plans for the construction, exterior renovation, or demolition of any structure or change in land use within the preservation district by the National Park Service or any Federal agency must be submitted to the Atlanta Urban Design Commission in a timely fashion for its review and comment.

(Pub. L. 96-428, §7, Oct. 10, 1980, 94 Stat. 1842.)