

ceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 158a to 158d. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 158a, act May 15, 1947, ch. 55, §1, 61 Stat. 91, related to appointment and compensation of commissioner. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 158b, act May 15, 1947, ch. 55, §2, 61 Stat. 91, related to jurisdiction of commissioner [now magistrate judge] over petty offenses.

Section 158c, act May 15, 1947, ch. 55, §3, 61 Stat. 91, related to jurisdiction of commissioner [now magistrate judge] over criminal offenses.

Section 158d, act May 15, 1947, ch. 55, §4, 61 Stat. 91, related to disposition of fees, costs, and expenses.

SUBCHAPTER XVIII—SARATOGA NATIONAL HISTORICAL PARK

§ 159. Establishment; boundaries

When title to all the lands, structures, and other property in the area at Saratoga, New York, whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Saratoga National Historical Park: *Provided*, That such area shall include that part of the Saratoga Battlefield now belonging to the State of New York and any additional lands in the immediate vicinity thereof which the Secretary of the Interior may, within six months after the approval of sections 159 to 159b of this title, designate as necessary or desirable for the purposes of sections 159 to 159b of this title.

(June 1, 1938, ch. 316, §1, 52 Stat. 608.)

§ 159a. Acceptance of donations

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said historical park as determined and fixed hereunder and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States, out of any donated funds, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of section 3113 of title 40, such tracts of land within the said historical park as may be necessary for the completion thereof.

(June 1, 1938, ch. 316, §2, 52 Stat. 609.)

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

§ 159b. Administration, protection, and development

The administration, protection, and development of the Saratoga National Historical Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”,¹ as amended.

(June 1, 1938, ch. 316, §3, 52 Stat. 609.)

REFERENCES IN TEXT

The Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”, referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, 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.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 159c. Completion of establishment

For the purpose of completing the establishment of Saratoga National Historical Park, and to provide adequately for its future development, all lands and other property which have been acquired by the Federal Government pursuant to sections 159 to 159b of this title are established as the Saratoga National Historical Park and shall be administered as provided in section 159b of this title.

(June 22, 1948, ch. 594, §1, 62 Stat. 570.)

§ 159d. Acceptance of General Philip Schuyler Mansion property

The Secretary of the Interior is authorized to accept all or any portion of the General Philip Schuyler Mansion property, real and personal, situated at Schuylerville, New York, comprising approximately fifty acres.

(June 22, 1948, ch. 594, §2, 62 Stat. 571; Pub. L. 97-460, §3, Jan. 12, 1983, 96 Stat. 2522.)

AMENDMENTS

1983—Pub. L. 97-460 struck out provisions which authorized the Secretary of the Interior to accept donations of land, interests in land, buildings, structures, and other property in Saratoga County which properties, together with the General Philip Schuyler Mansion property, were to become part of Saratoga National Historical Park. See sections 159f and 159g of this title.

¹ See References in Text note below.

§ 159e. Revision of boundary; additional acreage; authorization of appropriations

(a) The Secretary of the Interior is authorized to revise the boundary of the Saratoga National Historic Park to add approximately one hundred and forty-seven acres.

(b) For the purposes of acquiring land and interest in land added to the unit referred to in subsection (a) there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary but not to exceed \$74,000 for Saratoga National Historic Park.

(Pub. L. 96-199, title I, § 115, Mar. 5, 1980, 94 Stat. 71.)

§ 159f. Enactment of revision

In order to preserve certain lands historically associated with the Battle of Saratoga and to facilitate the administration and interpretation of the Saratoga National Historical Park (hereinafter in this Act referred to as "the park"), the boundary of the park is hereby revised to include the area generally depicted on the map entitled "Saratoga National Historical Park", numbered 80,001, and dated March 23, 1979.

(Pub. L. 97-460, § 1, Jan. 12, 1983, 96 Stat. 2520.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 97-460, Jan. 12, 1983, 96 Stat. 2520, which enacted sections 159f and 159g of this title, amended section 159d of this title, and enacted a provision set out as a note under section 159f of this title. For complete classification of this Act to the Code, see Tables.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 97-460, § 4, Jan. 12, 1983, 96 Stat. 2522, provided that: "There are hereby authorized to be appropriated after October 1, 1983, such sums as may be necessary, but not to exceed \$1,000,000 for the acquisition of lands and interests therein, to carry out the purposes of this Act [enacting sections 159f and 159g of this title and amending section 159d of this title]."

§ 159g. Acquisition of lands

(a) Manner; limitations

Except as provided in subsection (b), within the boundary of the park, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Except for the tract identified on the aforesaid map as tract number 01-132, which was authorized to be acquired by section 159e of this title, the Secretary may not acquire (except by donation) fee simple title to those lands depicted on the map as proposed for less than fee acquisition. The map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) Conditions for forced sale; right of first refusal

(1) Appropriated funds may not be used to acquire lands or interests therein within the park without the consent of the owner except when—

(A) the Secretary determines that such owner is subjecting, or is about to subject, the

property to actions which would significantly degrade its value as a component of the park; or

(B) the owner fails to comply with the provisions of paragraph (2).

The Secretary shall immediately notify the owner in writing of any determination under subparagraph (A). If the owner immediately ceases the activity subject to such notification, the Secretary shall attempt to negotiate a mutually satisfactory solution prior to exercising any authority provided by subsection (a) of this section.

(2) If an owner of lands or interests therein within the park intends to transfer any such lands or interest to persons other than the owner's immediate family, the owner shall notify the Secretary in writing of such intention. Within forty-five days after receipt of such notice, the Secretary shall respond in writing as to his interest in exercising a right of first refusal to purchase fee title or lesser interests. If, within such forty-five days, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such forty-five days and expresses an interest and intention to exercise a right of first refusal, the Secretary shall initiate an action to exercise such right within ninety days after the date of the Secretary's response. If the Secretary fails to initiate action to exercise such right within such ninety days, the owner may proceed to otherwise transfer such interests. As used in this subsection with respect to a property owner, the term "immediate family" means the spouse, brother, sister, parent, or child of such property owner. Such term includes a person bearing such relationships through adoption and a stepchild shall be treated as a natural born child for purposes of determining such relationship.

(c) Exception

Subsection (b) shall not apply with respect to tract number 01-142.

(d) Notification by owner of intended actions

When an owner of property within the park desires to take an action with respect to his property, he shall request, in writing, a prompt written determination from the Secretary as to the likelihood of such action provoking a determination by the Secretary under the provisions of subsection (b)(1)(A). The Secretary is thereupon directed to promptly issue such owner a certificate of exemption from condemnation for such actions proposed by the owner which the Secretary determines to be compatible with the purposes of the park.

(e) Limited right of retention; calculation of payment

(1) An owner of improved property which is used solely for noncommercial residential purposes, or for commercial agricultural purposes found to be compatible with the General Management Plan, on the date of its acquisition by the Secretary may retain, as a condition of such an acquisition, a right of use and occupancy of the property for such residential or agricultural purposes. The right retained may be for a defi-