

Public Law 97-460
97th Congress

An Act

Jan. 12, 1983
[S. 1540]

To revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes.

Saratoga
National
Historical Park,
N.Y.
Boundary
revision.
16 USC 159f.

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

SECTION 1. 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.

Land
acquisition.
16 USC 159g.

SEC. 2. (a) 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 115 of the Act of March 5, 1980 (94 Stat. 71), 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.

16 USC 159e.

(b)(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.

Land transfer.

(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 Secre-

tary 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.

"Immediate family."

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

(d) 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.

Certificate of exemption.

(e)(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 definite term which shall not exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the term retained by the owner.

Right of use and occupancy.

Fair market value.

(2) Except for tract number 01-142, paragraph (1) shall not apply to property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use.

(f) Any owner of lands or interests therein within the park who desires to have such lands or interests acquired by the Secretary may notify the Secretary in writing of such desire. It is the intention of the Congress that, upon receipt of such notification, and on the condition that such acquisition will transpire at fair market value and in accordance with other conditions acceptable to the Secretary, the Secretary shall endeavor to acquire such lands or interests therein within six months of the date of receipt of such notice from the owner.

SEC. 3. Section 2 of the Act approved June 22, 1948 (62 Stat. 571; 16 U.S.C. 159d), is amended to read as follows:

“SEC. 2. 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.”.

Appropriation authorization. 16 USC 159f note.

SEC. 4. 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.

Approved January 12, 1983.

(b) When an owner of property willfully or negligently fails to report in writing a section with respect to his property, he shall report in writing a written determination from the Secretary as to the likelihood of such action providing a determination by the Secretary under the provisions of subsection (b)(1). The Secretary in these cases shall promptly issue such orders as are necessary to ensure that from condemnation for such actions proposed by the owner which the Secretary determines to be compatible with the purposes of the Act.

(c) 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 definite term which shall not exceed twenty-five years or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(d) Except for tract number 01-145, paragraph (1) shall not apply to property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use.

(e) Any owner of lands or interests therein within the park who desires to have such lands or interests acquired by the Secretary may notify the Secretary in writing of such desire. It is the intention of the Congress that upon receipt of such notification, and on the condition that such acquisition will transfer at fair market value and in accordance with other conditions applicable to the Secretary, the Secretary shall endeavor to acquire such lands or interests therein within six months of the date of receipt of such notice from the owner.

LEGISLATIVE HISTORY—S. 1540:

HOUSE REPORT No. 97-926 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-424 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):

- June 10, considered and passed Senate.
- Oct. 1, considered and passed House, amended.
- Dec. 20, Senate concurred in House amendment.