

## AMENDMENTS

1994—Subsec. (b)(2)(B). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs”.

**§ 698t. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out sections 698q to 698t of this title.

(Pub. L. 102-427, § 5, Oct. 21, 1992, 106 Stat. 2182.)

**§ 698u. Tallgrass Prairie National Preserve: findings and purposes****(a) Findings**

Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

(2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 470a of this title that represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System; and

(4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to acquire a portion of the ranch, as specified in sections 698u to 698u-7 of this title; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

**(b) Purposes**

The purposes of sections 698u to 698u-7 of this title are—

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

(Pub. L. 104-333, div. I, title X, §1002, Nov. 12, 1996, 110 Stat. 4204; Pub. L. 106-176, title I, §122(1), Mar. 10, 2000, 114 Stat. 29.)

## AMENDMENTS

2000—Subsec. (a)(4)(A). Pub. L. 106-176 substituted “to acquire” for “to purchase”.

## SHORT TITLE

Section 1001 of title X of div. I of Pub. L. 104-333 provided that: “This subtitle [subtitle A (§§1001-1009) of

title X of div. I of Pub. L. 104-333, enacting this section and sections 698u-1 to 698u-7 of this title] may be cited as the “Tallgrass Prairie National Preserve Act of 1996”.

**§ 698u-1. Definitions**

In sections 698u to 698u-7 of this title:

**(1) Advisory Committee**

The term “Advisory Committee” means the Advisory Committee established under section 698u-5 of this title.

**(2) Preserve**

The term “Preserve” means the Tallgrass Prairie National Preserve established by section 698u-2 of this title.

**(3) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(4) Trust**

The term “Trust” means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

(Pub. L. 104-333, div. I, title X, §1003, Nov. 12, 1996, 110 Stat. 4205.)

**§ 698u-2. Establishment of Tallgrass Prairie National Preserve****(a) In general**

In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

**(b) Description**

The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled “Boundary Map, Flint Hills Prairie National Monument” numbered NM-TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. on June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L-106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

(Pub. L. 104-333, div. I, title X, §1004, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106-176, title I, §122(2), Mar. 10, 2000, 114 Stat. 29.)

## AMENDMENTS

2000—Subsec. (b). Pub. L. 106-176 substituted “on June 3, 1994,” for “of June 3, 1994,”.

**§ 698u-3. Administration of National Preserve****(a) In general**

The Secretary shall administer the Preserve in accordance with sections 698u to 698u-7 of this

title, the cooperative agreements described in subsection (f)(1) of this section, and the provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

**(b) Application of regulations**

With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

**(c) Facilities**

For purposes of carrying out the duties of the Secretary under sections 698u to 698u-7 of this title relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

**(d) Liability**

**(1) Liability of the United States and its officers and employees**

Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretary's administration of the Preserve pursuant to sections 698u to 698u-7 of this title.

**(2) Liability of landowners**

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) of this section an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed \$3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

**(e) Unit of National Park System**

The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4607-6a of this title.

**(f) Agreement and donations**

**(1) Agreements**

The Secretary may expend Federal funds for the cooperative management of private prop-

erty within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

**(2) Donations**

The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of sections 698u to 698u-7 of this title.

**(g) General management plan**

**(1) In general**

Not later than the end of the third full fiscal year beginning after November 12, 1996, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

**(2) Consultation**

In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.

**(3) Content of plan**

The general management plan shall provide for the following:

(A) Maintaining and enhancing the tall-grass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and

State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 698u-2(b) of this title) that is in effect on November 12, 1996.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of November 12, 1996, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 698u-2(b) of this title).

#### (4) Hunting and fishing

The Secretary may allow hunting and fishing on Federal lands within the Preserve.

#### (5) Financial analysis

As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

(Pub. L. 104-333, div. I, title X, §1005, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106-176, title I, §122(3), Mar. 10, 2000, 114 Stat. 29.)

#### REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in subsec. (d)(1), is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§921, 922, 931-934, 941-946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

#### AMENDMENTS

2000—Subsec. (d)(1). Pub. L. 106-176, §122(3)(A), made technical amendment to reference in original act which appears in text as reference to sections 698u to 698u-7 of this title.

Subsec. (g)(3)(A). Pub. L. 106-176, §122(3)(B), substituted “the tallgrass prairie” for “the tall grass prairie”.

#### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### § 698u-4. Limited authority to acquire

#### (a) In general

The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 698u-2(b) of this title) and the improvements on the real property.

#### (b) Payments in lieu of taxes

For the purposes of payments made under chapter 69 of title 31, the real property described in subsection (a) of this section shall be deemed

to have been acquired for the purposes specified in section 6904(a) of that title.

#### (c) Prohibitions

No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

(Pub. L. 104-333, div. I, title X, §1006, Nov. 12, 1996, 110 Stat. 4208; Pub. L. 108-352, §17, Oct. 21, 2004, 118 Stat. 1398.)

#### AMENDMENTS

2004—Subsec. (b). Pub. L. 108-352 substituted “subsection (a)” for “subsection (a)(1)”.

### § 698u-5. Advisory Committee

#### (a) Establishment

There is established an advisory committee to be known as the “Tallgrass Prairie National Preserve Advisory Committee”.

#### (b) Duties

The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 698u-3(g) of this title.

#### (c) Membership

The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1001 of title 20) in the State of Kansas.

#### (d) Terms

##### (1) In general

Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c) of this section, to serve for a term of 3 years.