

(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 101 of the National Historic Preservation Act (16 U.S.C. 470a)<sup>1</sup> 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.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 101 of the National Historic Preservation Act (16 U.S.C. 470a), referred to in subsec. (a)(3)(A), is section 101 of Pub. L. 89-665, which was repealed and restated as chapters 3021 to 3027 and sections 302902(a), 302903(a), 302904 to 302909, 303902, 303903, and 306101(b) and (c) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

**AMENDMENTS**

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

<sup>1</sup> See References in Text note below.

**Statutory Notes and Related Subsidiaries**

**SHORT TITLE**

Pub. L. 104-333, div. I, title X, §1001, Nov. 12, 1996, 110 Stat. 4204, 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.)

**Editorial Notes****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), and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2 through 4)<sup>1</sup> and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).<sup>1</sup>

**(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) 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 100904 of title 54.

**(f) Agreement and donations****(1) Agreements**

The Secretary may expend Federal funds for the cooperative management of private property 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 tallgrass 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 mainte-

<sup>1</sup> See References in Text note below.