

**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.

nance 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.)

#### Editorial Notes

##### REFERENCES IN TEXT

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), referred to in subsec. (a), 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.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, 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.

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.

#### CODIFICATION

In subsec. (e), “section 100904 of title 54” substituted for “section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6a)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

#### 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”.

#### Statutory Notes and Related Subsidiaries

##### 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) 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.)

#### Editorial Notes

##### AMENDMENTS

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