

## Calendar No. 596

114TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 114-323

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### FORT SCOTT NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

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SEPTEMBER 6, 2016.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 2087]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2087) to modify the boundary of the Fort Scott National Historic Site in the State of Kansas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

1. On page 2, line 15, strike “June 2015” and insert “February 2016.”

#### PURPOSE

The purpose of S. 2087 is to modify the boundary of the Fort Scott National Historic Site in the State of Kansas.

#### BACKGROUND AND NEED

Fort Scott was established by the U.S. Army in 1842. Today it is an integral part of Kansas’ and the nation’s history as a contributing factor to the Bleeding Kansas slavery fights, the Civil War, railroad expansion, and the westward settlement of the United States.

S. 2087 would modify the site’s boundaries to include four individual tracts—three to be acquired through future purchase and one through donation to the National Park Service. The private landowners whose land would be included in the boundary modification are fully supportive of the actions proposed in the legislation.

The subject parcels would afford much needed improvements for the historic site, including the addition of an appropriate maintenance facility and emergency shelter for providing public and employee safety in the event of natural disasters. The modifications also would allow for direct access and egress for employees and visitors to the highway, enrich the quality of visitors' experiences through an efficient visitor contact station, and allow for the care of the Lunette Blair Civil War Block House, which is the sole remaining Civil War structure of the four original lunette fortifications in Fort Scott.

#### LEGISLATIVE HISTORY

Senator Moran introduced S. 2087 on September 28, 2015. The Subcommittee on National Parks considered the bill during a hearing held on June 15, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 2087 favorably reported as amended.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2087, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 2087, the Committee on Energy and Natural Resources adopted an amendment to revise the date of the boundary map, which describes the Fort Scott National Historic proposed boundary modification.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 provides a short title for the measure.

##### *Section 2. Fort Scott National Historic Site*

Section 2 authorizes the purchase of lands within the boundary of the Fort Scott National Historical Site by appropriated funds. Additionally, section 2 modifies the boundary of the Fort Scott National Historic Site in accordance with the referenced map and authorizes such sums as may be necessary to acquire the needed land.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the internet at [www.cbo.gov](http://www.cbo.gov).

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 2087. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2087, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 2087, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the June 15, 2016, Subcommittee on National Parks hearing on S. 2087 follows:

#### STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 2087, a bill to modify the boundary of Fort Scott National Historic Site in the State of Kansas, and for other purposes.

The Department supports S. 2087 with a proposed amendment to substitute an updated map.

This bill would amend P.L. 95-484, the establishing legislation for Fort Scott, to modify the boundary to include four parcels totaling approximately 3.81 acres of land and to authorize the Secretary to acquire properties by purchase with appropriated funds as well as donation.

Fort Scott was designated a National Historic Landmark in 1964. On October 19, 1972, Fort Scott was authorized as a unit of the National Park Service "to commemorate the significant role played by Fort Scott in the opening of the west, as well as the Civil War and strife in the State of Kansas that preceded it." The historic site is currently 16.69 acres, but it does not include four significant parcels adjacent to or on or near the boundary of the park. The four properties are identified as the Westar property, the Cummings property, the Chamber of Commerce property, and the Lunette Blair Blockhouse.

The Westar property is 2.87 acres located adjacent to the western boundary of the park where the first civilian merchants in the area sold supplies to soldiers, Indians, tradespeople, travelers, and farmers. The Westar property also includes part of the historical landscape associated with the Civil War, including entrenchments and fortification structures that surrounded the fort. It is also the site

associated with two of the earliest African-American neighborhoods in Fort Scott, both during and after the Civil War. These African-American families and refugees escaped from Indian Territory and followed the Union Army to Fort Scott. They rented or owned houses on the present-day Westar property, one of which was occupied by an African-American Civil War veteran with the 2nd Kansas Colored Infantry who lived on his property until the 1920s.

The Westar property includes an 18,940 square-foot brick structure of various elevations and storage spaces. The building has administrative and visitor services potential and could be utilized as an educational, orientation center or as exhibit/museum space that is accessible since this would be the only on-grade building in the boundary. Additionally, this brick building could improve public safety since it would be the only appropriate space in the park for providing visitor and employee safety in the event of a natural disaster such as a tornado or a severe thunderstorm.

The Lunette Blair Blockhouse is located near the park boundary. It is the last remaining Civil War-era military structure, built to defend the town of Fort Scott and its robust military supply depot from Confederate attack. For more than 50 years, the blockhouse has been maintained and preserved through a public-private partnership between the City of Fort Scott, and local individuals and organizations. The president of the organization approached the park to donate the property because the members were no longer physically or financially able to continue their preservation efforts. No other organization has shown interest in preserving the Blockhouse. Without regular maintenance, this structure will continue to deteriorate and the opportunity for visitors to experience the epic stories of those who fought for freedom and the Union from 1861 to 1865 will be lost.

The Cummings property is 0.73 acres adjacent to the park's eastern boundary and separates the historic site from U.S. Highway 69. This parcel would provide visitors with more direct access to the park. The owners have expressed interest in selling their property. The site includes a 13,159 square-foot building on the property suitable for administrative purposes.

The Chamber of Commerce property consists of 0.24 acres adjacent to the park's eastern boundary. The site currently houses the chamber offices. The building is bordered by the park on three sides, and including this property would allow for a continuous boundary. The Chamber of Commerce would continue the use of this building for the foreseeable future.

The estimated cost of acquisition for the Cummings property is approximately \$147,500 and the estimated cost for acquisition of the Westar Property is \$350,000. The Lunette Blair Blockhouse would be acquired through donation. The additional facilities and properties will increase park operational and maintenance costs, but the amount

will depend on the number of facilities acquired and their condition. Additional funds for maintenance, repairs and capital improvements would be awarded through the NPS competitive process, subject to service-wide priorities and the availability of appropriations.

Support for the boundary modification has been expressed by various community organizations and community members, including the City of Fort Scott, the Bourbon County Economic Development Association, the Bourbon County Commissioners, the Bourbon County Riverfront Authority, the Bourbon County Chamber of Commerce, and the Friends of Fort Scott NHS, Inc.

The Department requests an amendment to substitute an updated map. The map referenced in the bill, includes a parcel we do not want be included in the expansion.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### PUBLIC LAW 95-484

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to commemorate the significant role played by Fort Scott in the opening of the West, as well as the Civil War and the strife in the State of Kansas that preceded it, the Secretary of the Interior may acquire by donation *or by purchase with appropriated funds* the land and interests in land, together with buildings and improvements thereon, known as Fort Scott, located in the city of Fort Scott, Bourbon County, Kansas [[: Provided, that the buildings so acquired shall not include the structure known as "Lunette Blair"]].

#### **[SEC. 2. WHEN] SEC. 2. ESTABLISHMENT.—**

(a) IN GENERAL.—*When* the site of Fort Scott has been acquired by the United States as provided in section 1 of this Act, the Secretary of the Interior shall establish such area as the Fort Scott National Historic Site, by publication of notice and boundary map thereof in the Federal Register.

(b) BOUNDARY MODIFICATION.—*The boundary of the Fort Scott National Historic Site established under subsection (a) is modified as generally depicted on the map referred to as "Fort Scott National Historic Site Proposed Boundary Modification", numbered 471/80,057, and dated February 2016.*

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