

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

July 11, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff – Aniela Butler  
Subcommittee on Federal Lands (x 6-7736)

Mark-Up: H.R. 2333 (Rep. Lynn Jenkins), To authorize the Secretary of the Interior to acquire certain property related to the Fort Scott National Historic Site in Fort Scott, Kansas.  
**July 12 & 13, 2016; 1324 Longworth HOB.**

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**H.R. 2333, To authorize the Secretary of the Interior to acquire certain property related to the Fort Scott National Historic Site in Fort Scott, Kansas.**

## **Bill Summary**

H.R. 2333, introduced by Congresswoman Lynn Jenkins (R-KS-02), authorizes the Secretary of the Interior to acquire a structure known as the “Lunette Blair” blockhouse as a part of the Fort Scott National Historic Site (NHS) in Fort Scott, Kansas.

## **Cosponsors**

None.

## **Background**

Established in 1842, Fort Scott initially served in a line of forts created to establish a “Permanent Indian Frontier.”<sup>1</sup> After an influx of white settlements forced several tribes to relocate west of the Mississippi, the government guaranteed certain lands to tribes as off-limits to white settlement. The Army created a line of forts stretching from Minnesota to Louisiana to maintain peace between the newly relocated tribes and the white settlers in Missouri and Arkansas as well as prevent conflicts between the tribes themselves.<sup>2</sup> In the 1850’s, a variety of factors including the Gold Rush, resulted in the continued Western expansion and a desire to establish a transcontinental railroad caused the concept of the Permanent Indian Frontier to fall apart and the Army closed the Fort.<sup>3</sup>

During the Civil War, the Union Army returned to Fort Scott and erected four blockhouses, including Lunette Blair, to protect the Southern portion of the town from

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<sup>1</sup> NPS. “Permanent Indian Frontier.” <https://www.nps.gov/fosc/learn/historyculture/pif.htm>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Confederate invasion.<sup>4</sup> Fort Scott served as a strategic point to protect Kansas from Confederate control as well as “a major supply depot for Union armies in the West, a general hospital for soldiers in the region and a haven for people fleeing the war -- displaced Indians, escaped slaves, and white farmers.”<sup>5</sup> After the Civil War, the Army auctioned off the Lunette Blair blockhouse to a private citizen who used the site as a carpentry shop for 40 years. Despite moving locations on 6 occasions and various transfers in ownership over the next 150 years, Lunette Blair remains the only intact blockhouse from the Civil War.

H.R. 2333 modifies a prohibition on the Secretary of the Interior from incorporating new structures into the Fort Scott NHS to allow the Secretary to acquire the Lunette Blair blockhouse. Congress initially deemed the Lunette Blair blockhouse anachronistic and excluded the structure from the boundaries of the Fort Scott NHS. The National Park Service (NPS) now wants to add the blockhouse to expand the interpretation of Fort Scott NHS and demonstrate its different roles throughout American history. The current private citizens maintaining the blockhouse asked NPS to acquire the structure due to their aging and challenges raising the necessary funds for renovations. Both the City of Fort Scott and the Historic Preservation Association, the owners of the property, support the NPS taking over the site. NPS believes the 16 square foot site requires very little repair and that its maintenance can fit within the existing park budget.

Senator Jerry Moran (R-KS) introduced a similar Senate companion version, S. 2087, on September 28, 2015.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

The National Park Service testified in support of this bill during a Subcommittee on Federal Lands legislative hearing on June 23, 2016.<sup>6</sup>

### **Anticipated Amendments**

An amendment will be offered by a majority Member authorizing the acquisition of three additional properties totaling 3.81 acres. All three properties are directly adjacent to the NHS and would either increase visitor access to the NHS or house significant structures from the Civil War suitable for NPS interpretation.

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<sup>4</sup> Schofield, Arnold W. “Battlefield Dispatches No. 345: Lunettes and Fortifications.” 11/30/12. <http://www.fstribune.com/story/1918152.html>

<sup>5</sup> NPS. “History & Culture.” Fort Scott NHS. <https://www.nps.gov/fosc/learn/historyculture/index.htm>

<sup>6</sup> Statement of Michael Reynolds, NPS, on June 23, 2016, before the House Subcommittee on Federal Lands, [http://naturalresources.house.gov/uploadedfiles/testimony\\_reynolds.pdf](http://naturalresources.house.gov/uploadedfiles/testimony_reynolds.pdf).

## Effect on Current Law

### Showing Current Law as Amended by H.R. 2333

[new text highlighted in yellow; text to be deleted in brackets and highlighted in blue]

## An Act to authorize establishment of the Fort Scott National Historic Site, Kansas, and for other purposes (Public Law 95-484)

To authorize establishment of the Fort Scott National Historic Site, Kansas, and for other purposes.

*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 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 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.

SEC. 3. The Secretary of the Interior shall administer, protect, develop, and maintain the Fort Scott National Historic Site subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of the Act entitled "An Act to provide for the preservation of historic America sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 4. Sections 3 and 4 of the Act entitled "An Act to provide for the commemoration of certain historical events in the State of Kansas, and for other purposes", approved August 31, 1965 (79 Stat. 588), as amended, are hereby repealed: *Provided* That all obligations pursuant to contracts for the development and construction of Fort Scott heretofore entered into by the city of Fort Scott to be paid with funds under the authority of section 3 of the aforesaid Act, shall be assumed by the Secretary: *Provided further*^ That any remaining balance of funds appropriated pursuant to section 4 of the Act of August 31, 1965, as amended, shall be available for the purposes of carrying out this Act.

SEC. 5. In addition to such sums as might be made available to the historic site by the preceding section, effective October 1, 1979, there are hereby authorized to be appropriated such sums as may be necessary for the development of the Fort Scott National Historic Site, as provided in this Act.

Approved October 19, 1978.