

Committee on Natural Resources

Rob Bishop, Chairman
Mark-Up Memorandum

June 20, 2017

To: All Committee on Natural Resources Members

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

Markup: **H.R. 1541 (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, and for other purposes.
June 22 & 27, 2017; 1324 Longworth HOB.

Summary of the Bill

H.R. 1541, introduced by Congresswoman Lynn Jenkins (R-KS-2), authorizes the Secretary of the Interior to expand the boundary of the Fort Scott National Historic Site, in Fort Scott, Kansas, by acquiring by donation a structure known as the “Lunette Blair” blockhouse.

Cosponsors

Rep. Roger Marshall (R-KS-1)

Background

Established in 1842, Fort Scott initially served in a line of forts created to establish a “Permanent Indian Frontier.”¹ 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.² 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.³

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 Confederate invasion.⁴ Fort Scott served as a strategic point to protect Kansas from Confederate

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

² Ibid.

³ Ibid.

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

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.”⁵ 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. 1541 modifies a prohibition on the Secretary of the Interior from incorporating new structures into the Fort Scott National Historic Site (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 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 acquiring the site. NPS believes the 16 square foot site requires very little repair and that its maintenance can fit within the existing park budget.

In the 114th Congress, H.R. 2333, a bill similar to H.R. 1541, was ordered reported by the Natural Resources Committee, but never came to the House Floor. Senator Jerry Moran (R-KS) introduced a similar Senate companion in the 114th Congress as S. 2087.

Cost

A CBO cost analysis has not been completed at this time.

Administration Position

The Administration position is unknown at this time.

Effect on Current Law (Ramseyer)

Showing Current Law as Amended by H.R. 1541

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

PUBLIC LAW 95–484, an Act 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 **only** the land and interests in land, together with buildings and improvements thereon, known as Fort Scott, located in the city

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

of Fort Scott, Bourbon County, Kansas[: Provided, that the buildings so acquired shall not include the structure known as “Lunette Blair”].

SEC. 2. ESTABLISHMENT.

(a) 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) 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/ 80,057C, and dated February 2017.

(c) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire land and interests in land within the boundaries of the Fort Scott National Historic Site by donation or exchange only. The Secretary may not acquire by condemnation any land or interests in land within the boundaries of the Fort Scott National Historic Site. No private property or non-Federal property shall be included within the boundaries of the Fort Scott National Historic Site without the written consent of the owner of such property.

(d) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Fort Scott National Historic Site, or the management plan for the Fort Scott National Historic Site, shall be construed to create a buffer zone outside of the Fort Scott National Historic Site. That activities or uses can be seen, heard or detected from areas within the Fort Scott National Historic Site shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of the Fort Scott National Historic Site.