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SENATE

{ REPORT
115-37

FORT SCOTT NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

MAY 3, 2017.—Ordered to be printed

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

R E P O R T

[To accompany S. 189]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 189) 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 in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Scott National Historic Site Boundary Modification Act”.

SEC. 2. FORT SCOTT NATIONAL HISTORIC SITE.

(a) IN GENERAL.—Public Law 95-484 (92 Stat. 1610) is amended—

(1) in the first section—

(A) by inserting “, by purchase with appropriated funds, or by exchange” after “donation”; and

(B) by striking the proviso; and

(2) in section 2—

(A) by striking “sec. 2. When” and inserting the following:

“SEC. 2. ESTABLISHMENT.

“(a) IN GENERAL.—When”; and

(B) by adding at the end the following:

“(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.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the amendments made by subsection (a).

PURPOSE

The purpose of S. 189 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. 189 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 proposed boundary expansion.

The 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-era structure of the four original lunette fortifications in Fort Scott.

LEGISLATIVE HISTORY

Senator Moran introduced S. 189 on January 23, 2017.

In the 114th Congress, Senator Moran introduced a similar measure, S. 2087, on September 28, 2015. The Subcommittee on National Parks held a hearing on the bill 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.

In the 115th Congress, a related bill, H.R. 1541, was introduced in the House of Representatives by Representative Jenkins on March 15, 2017.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 189 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 189, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 189, the Committee adopted an amendment in the nature of a substitute to conform the language with S. 2087, the version reported by the Committee in the 114th Congress, and to authorize acquisition of the parcels by exchange.

The amendment is further described in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title.

Section 2. Fort Scott National Historic Site

Section 2 authorizes the acquisition of lands within the boundary of the Fort Scott National Historic Site by purchase with appropriated funds, donation, or exchange. 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 following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 189 would authorize the National Park Service (NPS) to acquire the Civil War-era structure known as the “Lunette Blair” blockhouse and to incorporate the structure into the Fort Scott National Historic Site in Bourbon County, Kansas. The bill also would authorize the NPS to acquire, by purchase using appropriated funds or by a land exchange, approximately 4 acres of private land, including facilities, adjacent to the historic site and would modify the boundary of the site to include those properties. (Under current law, the NPS may only acquire such properties by donation.)

Based on an analysis of information provided by the NPS, CBO expects that the agency would likely acquire the blockhouse by donation and that the 4 acres of property would cost about \$600,000. Once acquired, the NPS would incur costs to repair and maintain the properties and associated facilities. Based on information provided by the NPS about the costs for operating venues of comparable size, CBO estimates that the agency would spend about \$250,000 annually on maintenance and operating costs for the site. In total, CBO estimates that implementing the legislation would cost about \$2 million over the 2018–2022 period and an additional \$250,000 annually thereafter; that spending would be subject to the availability of appropriated funds.

Enacting S. 189 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 189 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 189 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

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. 189. 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. 189, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 189, 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

Because S. 189 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the Department of the Interior at a hearing before the Subcommittee on National Parks on June 15, 2016, 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 mer-

chants 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

* * * * *

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, *by purchase with appropriated funds, or by exchange* 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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