

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4821

To establish the Honey Springs National Battlefield and Washita Battlefield National Historic Site in the State of Oklahoma, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1994

Mr. SYNAR (for himself and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the Honey Springs National Battlefield and Washita Battlefield National Historic Site in the State of Oklahoma, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Honey Springs Na-  
5        tional Battlefield and Washita Battlefield National His-  
6        toric Site Act of 1994”.

7        **SEC. 2. FINDINGS.**

8        (a) FINDINGS.—The Congress finds that:

9                (1) The Battle of Honey Springs, July 17,  
10                1863, was the pivotal battle fought between Union

1 and Confederate forces in the Indian Territory  
2 (Oklahoma). Union victory at Honey Springs pre-  
3 vented the Confederates from capturing Fort Gibson  
4 and resulted in Union control of the Indian Terri-  
5 tory for the remainder of the war.

6 (2) The Battle of Honey Springs represents  
7 more than the pinnacle of Confederate control in the  
8 Indian Territory, it was a multi-racial engagement  
9 where African-Americans, Indians from the Five  
10 Civilized Tribes, Anglos, and Hispanics fought with  
11 and against each other. No other Civil War battle  
12 claims such a distinction.

13 (3) The Battle of Honey Springs pitted Indians  
14 against Indians and symbolizes the bitter Civil War  
15 strife throughout the Indian Territory where no less  
16 than 90 battles were fought and where many of the  
17 soldiers were Indians.

18 (4) The battlefield retains much of its historical  
19 integrity and natural setting. Traces of the Texas  
20 Road, one of the major north-south corridors linking  
21 Texas with the midwest, bisects the battlefield.  
22 Much of the fighting at Honey Springs occurred  
23 along or near the Texas Road.

24 (5) The Battle of the Washita, November 27,  
25 1868, was one of the largest engagements between

1 Plains tribes and the United States Army on the  
2 southern Great Plains. The site is a registered Na-  
3 tional Historic Landmark.

4 (6) Lt. Colonel George A. Custer, leading the  
5 7th United States Cavalry, attacked the sleeping  
6 Cheyenne village of peace chief Black Kettle. Cus-  
7 ter's attack resulted in more than 150 Indian cas-  
8 ualties, many of them women and children.

9 (7) The Battle of the Washita symbolizes the  
10 struggle of the southern Great Plains tribes to main-  
11 tain their traditional ways of life and not to submit  
12 to reservation confinement.

13 (8) The Washita battle site possesses a high de-  
14 gree of integrity and the cultural landscape is essen-  
15 tially intact. The Cheyenne village site has not been  
16 altered substantially except by periodic flooding of  
17 the Washita River.

## 18 **TITLE 1—HONEY SPRINGS NATIONAL**

### 19 **BATTLEFIELD**

#### 20 **SEC. 101. PURPOSE.**

21 The purposes of this title are to—

22 (1) recognize the importance of the Battle of  
23 Honey Springs as a nationally significant element of  
24 the Civil War history of our Nation;

1           (2) establish Honey Springs as a national bat-  
2           tlefield to preserve, protect, and interpret its na-  
3           tional, historical, and cultural resources for the ben-  
4           efit, inspiration, and education of the people of the  
5           United States; and

6           (3) commemorate the role of American Indians  
7           and African Americans in the bitter Civil War strug-  
8           gles that occurred in the Indian Territory and  
9           provide opportunities for American Indian represent-  
10          atives and other groups to be involved in the formu-  
11          lation of educational programs for the national  
12          battlefield.

13 **SEC. 102. ESTABLISHMENT.**

14          (a) **IN GENERAL.**—In order to provide for the preser-  
15          vation and interpretation of the Civil War battlefield of  
16          Honey Springs, there is hereby established the Honey  
17          Springs National Battlefield in the State of Oklahoma  
18          (hereafter in this Act referred to as the “national battle-  
19          field”).

20          (b) **BOUNDARY.**—(1) The national battlefield shall  
21          consist of approximately 3,300 acres as generally depicted  
22          on the map entitled “Honey Springs National Battlefield,”  
23          numbered \_\_\_\_\_ and dated \_\_\_\_\_ 1994. This  
24          map shall be on file in the offices of the Director of the  
25          National Park Service, Department of the Interior, the

1 State of Oklahoma, and other appropriate Federal and  
2 State offices. After advising the Committee on Natural  
3 Resources of the United States House of Representatives  
4 and the Committee on Energy and Natural Resources of  
5 the United States Senate, and the congressional office(s)  
6 where the battlefield parks are located, in writing, the Sec-  
7 retary may, from time to time, make minor revisions in  
8 the boundary of the national battlefield in accordance with  
9 the general management plan developed under section 105  
10 of this Act by publishing of a revised map or other bound-  
11 ary description in the Federal Register.

12 (2) By January 1, 1996, the Secretary shall submit,  
13 in writing, to the committees referred to in subsection (b),  
14 the congressional office(s) where the battlefield parks are  
15 located, and to the Committees on Appropriations of the  
16 United States Congress a detailed plan which shall  
17 indicate—

18 (A) the lands and areas identified in this  
19 section,

20 (B) the lands which have previously been ac-  
21 quired by purchase, donation, exchange, or transfer  
22 for the purpose of this battlefield park,

23 (C) the annual acquisition program (including  
24 the level of funding) recommended for the ensuing  
25 five years, and

1 (D) the final boundary map for the battlefield  
2 park.

3 **SEC. 103. ADMINISTRATION.**

4 (a) IN GENERAL.—The Secretary, acting through the  
5 Director of the National Park Service, shall manage the  
6 national battlefield in accordance with this Act and with  
7 provisions of law generally applicable to units of the Na-  
8 tional Park System, including the Act entitled “An Act  
9 to establish a National Park Service,” approved August  
10 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act  
11 of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467),  
12 and for other purposes.

13 (b) MANAGEMENT PURPOSES.—

14 (1) To protect and preserve the national battle-  
15 field, including the topographic features important  
16 to the battle sites, particularly the remaining traces  
17 of the “Texas Road” and the fords along Elk Creek,  
18 artifacts and other physical remains of the battle,  
19 and the visual scene as closely as possible as it was  
20 at the time of the battle.

21 (2) To interpret the cultural and natural re-  
22 sources of the national battlefield, providing for pub-  
23 lic understanding and appreciation of the area in  
24 such a manner as to perpetuate these qualities and  
25 values for future generations.

1 (c) COOPERATIVE AGREEMENTS.—The Secretary  
2 may enter into cooperative agreements with State and  
3 local public departments and agencies, Indian tribes, Afri-  
4 can-American organizations, and nonprofit entities to—

5 (1) provide technical assistance for the manage-  
6 ment, protection, and interpretation of the national  
7 battlefield; and

8 (2) provide grants for the annual costs of oper-  
9 ation and maintenance, protection, preservation, and  
10 rehabilitation of the national battlefield.

11 **SEC. 104. ACQUISITION OF PROPERTY.**

12 Within the national battlefield boundary established  
13 by section 102(b) of this Act, the Secretary is authorized  
14 to acquire lands and interest in lands by donation, pur-  
15 chase with donated or appropriated funds, or exchange.  
16 Lands or interest in lands owned by the State of Okla-  
17 homa or any political subdivision thereof may be acquired  
18 only by donation.

19 (1) Except for property which the Secretary de-  
20 termines to be necessary for the purposes of admin-  
21 istration, development, access or public use, an  
22 owner or owners (hereafter referred to as “owner”)  
23 of any improved property which is used solely for  
24 noncommercial residential purposes on the date of  
25 its acquisition by the Secretary or any owner of

1 lands used solely for agricultural purposes (includ-  
2 ing, but not limited to, grazing) may retain, as a  
3 condition of the acquisition of such property or  
4 lands, a right of use and occupancy of such property  
5 for such residential or agricultural purposes. The  
6 term of the right retained shall expire upon the  
7 death of the owner or the death of his or her spouse,  
8 whichever occurs later, or in lieu thereof, after a  
9 definite term which shall not exceed twenty-five  
10 years after the date of acquisition. The owner shall  
11 elect, at the time of conveyance, the term of the  
12 right reserved. The Secretary shall pay the owner  
13 the fair market value of the property on the date of  
14 such acquisition, less the fair market value of the  
15 term retained by the owner. Such right may, during  
16 its existence, be conveyed or transferred, but all  
17 rights of use and occupancy shall be subject to such  
18 terms and conditions as the Secretary deems appro-  
19 priate to assure the use of such property in accord-  
20 ance with the purposes of this Act. Upon a deter-  
21 mination that the property or any portion thereof,  
22 has ceased to be used in accordance with such terms  
23 and conditions, the Secretary may terminate the  
24 right of use and occupancy by tendering to the hold-  
25 er of such right an amount equal to fair market

1 value, as of the date of the tender, of that portion  
2 of the right which remains unexpired on the date of  
3 termination.

4 (2) As used in this section, the term “improved  
5 property” means a detached year-round one-family  
6 dwelling which serves as the owner’s permanent  
7 place of abode at the time of acquisition, and con-  
8 struction of which was begun before July 22, 1994,  
9 together with so much of the land on which the  
10 dwelling is situated, the said land being in the same  
11 ownership as the dwelling, as the Secretary shall  
12 designate to be reasonably necessary for the enjoy-  
13 ment of the dwelling for the sole purpose of non-  
14 commercial residential use.

15 **SEC. 105. MANAGEMENT PLAN.**

16 (a) Within three years after the date funds are made  
17 available, the National Park Service shall develop and  
18 transmit to the Committee on Energy and Natural Re-  
19 sources of the United States Senate and the Committee  
20 on Natural Resources of the United States House of Rep-  
21 resentatives, a general management plan for the national  
22 battlefield consistent with the purposes of this Act, includ-  
23 ing, but not limited to—

24 (1) a cultural resource protection program for  
25 the preservation of historic properties (including his-



1 sion shall be composed of members appointed by the Sec-  
2 retary for terms of five years as follows:

3 (1) One member who shall have professional ex-  
4 pertise in Civil War history.

5 (2) One member who shall have professional ex-  
6 pertise in Indian history or ceremonial activities.

7 (3) One member who shall have professional ex-  
8 pertise in African-American history.

9 (4) One member who shall have professional ex-  
10 pertise in outdoor recreation.

11 (5) One member who shall be an affected land-  
12 owner from the Oktaha community.

13 (6) One member who shall be an affected land-  
14 owner from the Rentiesville community.

15 (7) One member who shall have professional ex-  
16 pertise in cultural anthropology.

17 (8) One member from the Friends of Honey  
18 Springs Battlefield Park, Inc.

19 (9) One member from the general public.

20 (10) The Executive Director of the Oklahoma  
21 Historical Society, or his or her designee, ex officio.

22 (11) The Director of the National Park Service,  
23 or his or her designee, ex officio.

24 (b) Any member of the Commission may serve after  
25 the expiration of his or her term until a successor is ap-

1 pointed. A vacancy in the Commission shall be filed in the  
2 same manner in which the original appointment was made.

3 (c) Members of the Commission shall serve without  
4 pay. While away from their homes or regular places of  
5 business in the performance of services for the Commis-  
6 sion, members of the Commission shall be allowed travel  
7 expenses, including per diem in lieu of subsistence, in the  
8 same manner as persons employed intermittently in Gov-  
9 ernment service are allowed expenses under section 5703  
10 of title 5, United States Code.

11 (d) The Chair and other officers of the Commission  
12 shall be elected by a majority of the members of the Com-  
13 mission to serve for terms established by the Commission.

14 (e) The Commission shall meet at the call of the  
15 Chair or a majority of its members, but not less than twice  
16 annually. Six members of the Commission shall constitute  
17 a quorum. Consistent with the public meeting require-  
18 ments of section 10 of the Federal Advisory Committee  
19 Act (5 U.S.C. App.), the Commission shall, from time to  
20 time, meet with persons concerned with Indian history and  
21 historic preservation, and with other interested persons.

22 (f) The Commission may make such bylaws, rules,  
23 and regulations as it considers necessary to carry out its  
24 functions under this Act. Section 14(b) of the Federal Ad-

1 visory Committee Act (5 U.S.C. App.), shall not apply to  
2 the Commission.

3 (g) The Commission shall advise the Secretary and  
4 the State of Oklahoma on the management and develop-  
5 ment of the park, and on the preparation of the general  
6 management plan referred to in section 105. The Sec-  
7 retary, or his or her designee, shall from time to time,  
8 but at least semiannually, meet and consult with the Com-  
9 mission on matters relating to the management and devel-  
10 opment of the park.

11 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated such sums as  
13 may be necessary to carry out the purposes of this Act.

14 **TITLE II—WASHITA BATTLEFIELD**  
15 **NATIONAL HISTORIC SITE**

16 **SEC. 201. PURPOSE.**

17 The purposes of this title are to—

18 (1) recognize the importance of the Battle  
19 of the Washita as a nationally significant ele-  
20 ment of frontier military history and as a sym-  
21 bol of the struggles of the southern Great  
22 Plains Tribes to maintain control of their tradi-  
23 tional use areas; and

24 (2) establish the site of the Battle of the  
25 Washita as a national historic site and provide

1 opportunities for American Indian groups in-  
2 cluding the Cheyenne-Arapaho Tribe to be in-  
3 volved in the formulation of plans and edu-  
4 cational programs for the national historic site.

5 **SEC. 202. ESTABLISHMENT.**

6 (a) IN GENERAL.—In order to provide for the preser-  
7 vation and interpretation of the Battle of the Washita,  
8 there is hereby established the Washita Battlefield Na-  
9 tional Historic Site in the State of Oklahoma (hereafter  
10 in this Act referred to as the “national historic site”).

11 (b) BOUNDARY.—The national historic site shall con-  
12 sist of approximately 2,900 acres as generally depicted on  
13 the map entitled “Washita Battlefield National Historic  
14 Site”, numbered \_\_\_\_\_ and dated \_\_\_\_\_  
15 1994. This map shall be on file in the offices of the Direc-  
16 tor of the National Park Service, Department of the Inte-  
17 rior, the State of Oklahoma, and other appropriate offices  
18 of the Service. The Secretary may, from time to time,  
19 make minor revisions in the boundary of the national his-  
20 toric site in accordance with the general management plan  
21 developed under section 205 of this Act by publishing of  
22 a revised map or other boundary description in the  
23 Federal Register.

1 **SEC. 203. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary, acting through the  
3 Director of the National Park Service, shall manage the  
4 national historic site in accordance with this Act and the  
5 provisions of law generally applicable to units of the Na-  
6 tional Park System, including the Act entitled “An Act  
7 to establish a National Park Service,” approved August  
8 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act  
9 of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467),  
10 and for other purposes.

11 (b) MANAGEMENT PURPOSES.—The park shall be  
12 managed for these purposes, among others:

13 (1) To protect and preserve the national his-  
14 toric site, including the topographic features impor-  
15 tant to the battle site, artifacts and other physical  
16 remains of the battle, and the visual scene as closely  
17 as possible as it was at the time of the battle.

18 (2) To interpret the cultural and natural re-  
19 sources of the national battlefield, providing for pub-  
20 lic understanding and appreciation of the area in  
21 such a manner as to perpetuate these qualities and  
22 values for future generations.

23 (c) CONSULTATION AND TRAINING.—The Secretary,  
24 acting through the Director of the National Park Service,  
25 shall consult regularly with the Cheyenne-Arapaho Tribe  
26 on the formulation of the management plan pursuant to

1 section 205 of this Act and on preparation of educational  
2 programs provided to the public. The Secretary is author-  
3 ized to enter into cooperative agreements with the Chey-  
4 enne-Arapaho Tribe, its subordinate boards, committees,  
5 and enterprises to further the purposes of this Act.

6 (d) COOPERATIVE AGREEMENTS.—The Secretary  
7 may enter into cooperative agreements with State and  
8 local public departments and agencies, Indian tribes, and  
9 nonprofit entities to—

10 (1) provide technical assistance for the manage-  
11 ment, protection, and interpretation of the national  
12 battlefield; and

13 (2) provide grants for the annual costs of oper-  
14 ation and maintenance, protection, preservation, and  
15 rehabilitation of the national battlefield.

16 **SEC. 204. ACQUISITION OF PROPERTY.**

17 Within the national battlefield boundary established  
18 by section 202(b) of this Act, the Secretary is authorized  
19 to acquire lands and interest in lands by donation, pur-  
20 chase with donated or appropriated funds, or exchange.  
21 Lands or interest in lands owned by the State of Okla-  
22 homa or any political subdivision thereof may be acquired  
23 only by donation.

24 (1) Except for property which the Secretary de-  
25 termines to be necessary for the purposes of admin-

1        istration, development, access or public use, an  
2        owner or owners (hereafter referred to as “owner”)  
3        of any improved property which is used solely for  
4        noncommercial residential purposes on the date of  
5        its acquisition by the Secretary or any owner of  
6        lands used solely for agricultural purposes (includ-  
7        ing, but not limited to, grazing) may retain, as a  
8        condition of the acquisition of such property or  
9        lands, a right of use and occupancy of such property  
10       for such residential or agricultural purposes. The  
11       term of the right retained shall expire upon the  
12       death of the owner or the death of his or her spouse,  
13       whichever occurs later, or in lieu thereof, after a  
14       definite term which shall not exceed twenty-five  
15       years after the date of acquisition. The owner shall  
16       elect, at the time of conveyance, the term of the  
17       right reserved. The Secretary shall pay the owner  
18       the fair market value of the property on the date of  
19       such acquisition, less the fair market value of the  
20       term retained by the owner. Such right may, during  
21       its existence, be conveyed or transferred, but all  
22       rights of use of occupancy shall be subject to such  
23       terms and conditions as the Secretary deems appro-  
24       priate to assure the use of such property in accord-  
25       ance with the purposes of this Act. Upon a deter-

1 mination that the property, or any portion thereof,  
2 has ceased to be used in accordance with such terms  
3 and conditions, the Secretary may terminate the  
4 right of use and occupancy by tendering to the hold-  
5 er of such right an amount equal to fair market  
6 value, as of the date of the tender, of that portion  
7 of the right which remains unexpired on the date of  
8 termination.

9 (2) As used in this section, the term “improved  
10 property” means a detached year-round one-family  
11 dwelling which serves as the owner’s permanent  
12 place of abode at the time of acquisition, and con-  
13 struction of which was begun before July 22, 1994,  
14 together with so much of the land on which the  
15 dwelling is situated, the said land being in the same  
16 ownership as the dwelling, as the Secretary shall  
17 designate to be reasonably necessary for the enjoy-  
18 ment of the dwelling for the sole purpose of non-  
19 commercial residential use.

20 **SEC. 205. MANAGEMENT PLAN.**

21 (a) Within three years after the date funds are made  
22 available, the National Park Service shall develop and  
23 transmit to the Committee on Energy and Natural Re-  
24 sources of the United States Senate and the Committee  
25 on Natural Resources of the United States House of Rep-

1 representatives, a general management plan for the national  
2 historic site consistent with the purposes of this Act, in-  
3 cluding, but not limited to—

4           (1) a cultural resource protection program for  
5           the preservation of historic properties (including his-  
6           toric landscapes, objects, structures, and other types  
7           of sites), and natural values;

8           (2) a visitor use plan for programs and facilities  
9           that will be provided for public use, including the lo-  
10          cation and cost of public facilities;

11          (3) a research and curation plan;

12          (4) a highway signing program; and

13          (5) involvement by the Cheyenne-Arapaho Tribe  
14          in the formulation of educational programs for the  
15          national historic site.

16          (b) The general management plan shall be prepared  
17          in consultation with the Washita Battlefield National His-  
18          toric Site Advisory Commission established pursuant to  
19          section 206 of this Act and the State of Oklahoma.

20 **SEC. 206. WASHITA BATTLEFIELD NATIONAL HISTORIC**  
21 **SITE ADVISORY COMMISSION.**

22          (a) There is hereby established the Washita Battle-  
23          field National Historic Site Advisory Commission (herein-  
24          after in this Act referred to as the “Commission”). The

1 Commission shall be composed of members appointed by  
2 the Secretary for terms of five years as follows:

3 (1) One member who shall have professional ex-  
4 pertise in Indian history or ceremonial activities.

5 (2) One member who shall have professional ex-  
6 pertise in outdoor recreation.

7 (3) One member who shall be an affected land-  
8 owner.

9 (4) One member who shall have professional ex-  
10 pertise in cultural anthropology.

11 (5) One member from the Washita Battlefield  
12 preservation association.

13 (6) One member from the general public.

14 (7) The Executive Director of the Oklahoma  
15 Historical Society, or his or her designee, ex officio.

16 (8) The Director of the National Park Service,  
17 or his or her designee, ex officio.

18 (b) Any member of the Commission may serve after  
19 the expiration of his or her term until a successor is ap-  
20 pointed. A vacancy in the Commission shall be filled in  
21 the same manner in which the original appointment was  
22 made.

23 (c) Members of the Commission shall serve without  
24 pay. While away from their homes or regular places of  
25 business in the performance of services for the Commis-

1 sion, members of the Commission shall be allowed travel  
2 expenses, including per diem in lieu of subsistence, in the  
3 same manner as persons employed intermittently in Gov-  
4 ernment service are allowed expenses under section 5703  
5 of title 5, United States Code.

6 (d) The Chair and other officers of the Commission  
7 shall be elected by a majority of the members of the Com-  
8 mission to serve for terms established by the Commission.

9 (e) The Commission shall meet at the call of the  
10 Chair or a majority of its members, but not less than twice  
11 annually. Six members of the Commission shall constitute  
12 a quorum. Consistent with the public meeting require-  
13 ments of section 10 of the Federal Advisory Committee  
14 Act (5 U.S.C. App.), the Commission shall, from time to  
15 time, meet with persons concerned with Indian history and  
16 historic preservation, and with other interested persons.

17 (f) The Commission may make such bylaws, rules,  
18 and regulations as it considers necessary to carry out its  
19 functions under this Act. Section 14(b) of the Federal Ad-  
20 visory Commission Act (5 U.S.C. App.) shall not apply  
21 to the Commission.

22 (g) The Commission shall advise the Secretary and  
23 the State of Oklahoma on the management and develop-  
24 ment of the park, and on the preparation of the general  
25 management plan referred to in section 6. The Secretary,

1 or his or her designee, shall from time to time, but a least  
2 semiannually, meet and consult with the Commission on  
3 matters relating to the management and development of  
4 the park.

5 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated such sums as  
7 may be necessary to carry out the purposes of this Act.

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