

not occupied by any facilities of the national park right now. So the national park is not going to be inconvenienced by it.

My sister, Mr. Speaker, lived in Italy for a number of years; and one of the things I found somewhat to my amusement when one goes to Rome or Naples or any of those great Italian cities, they cannot issue building permits because every time they put a trowel in the ground, they hit an ancient Roman ruin. We all know the song by Bob Dylan that says "The streets of Rome are filled with rubble. Ancient footprints are everywhere." I do not want to overindulge, but I think the next line was also pretty, "You can almost think that you're seein' double on a cold, dark night on the Spanish stairs." And if one has ever been to Rome, I think that song captures so much of the essence and the romanticism and the history of Rome.

To a minor degree, the coastal area of Georgia is the same way. Every time they dig, they can find something. From native Americans to the early Spanish to the British to missionaries and everybody else in between has been there at one time or the other.

But I strongly believe that this exchange would benefit the United States and protect and conserve significant cultural resources as the Oglethorpe ruins. This property contains historical and archeological resources worthy of protection and preservation by the National Park Service for all generations in the future, and the bill is supported by the National Park Service.

In conclusion, let me say this: this bill will allow Christ Church to expand; so it is a win-win. It captures history and yet lets progress take place.

I thank the gentleman from California (Mr. POMBO), Committee on Resources chairman; the gentleman from California (Mr. RADANOVICH), the subcommittee chairman; the gentleman from West Virginia (Mr. RAHALL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking members, for their support of this bill. And I also want to recognize the efforts of the former Senator of Georgia, Mr. Mack Mattingly, for his dedication to this cause.

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Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for sharing such rich cultural heritage of the area.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1113, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

The Clerk read as follows:

H.R. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORT BAYARD NATIONAL HISTORIC LANDMARK ACT.

(a) SHORT TITLE.—This section may be cited as the "Fort Bayard National Historic Landmark Act".

(b) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(c) ADMINISTRATION.—Nothing in this section shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

(d) COOPERATIVE AGREEMENTS.—The Secretary, in consultation with the State of New Mexico, Grant County, New Mexico, and affected subdivisions of Grant County, may enter into cooperative agreements with appropriate public or private entities, for the purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(e) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (d).

(f) NO EFFECT ON ACTIONS OF PROPERTY OWNERS.—Designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit any actions which may otherwise be taken by any property owners, including the owners of the Fort Bayard National Historic Landmark, with respect to their property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2059. First I would like to take this opportunity to thank the gentleman from California (Chairman POMBO); the subcommittee chairman, the gentleman from California (Mr. RADANOVICH); along with the ranking member, the gentleman from West Vir-

ginia (Mr. RAHALL), for allowing the Committee on Resources to consider H.R. 2059 in an expedited manner and for allowing it to be considered on the House floor today.

Mr. Speaker, H.R. 2059 would designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark.

On August 21, 1866, troops under the command of Lt. James Kerr, Company B, 125th United States Colored Infantry, began building a new post in Apache country near the mining communities of Pinos Altos and Silver City, New Mexico. The infantry troops stationed at Fort Bayard were nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche Indians. The post was named after Brigadier General George D. Bayard, who had been killed in the battle of Fredericksburg.

After Geronimo's surrender, Fort Bayard as a military post was no longer needed. As a result, in 1899 Fort Bayard became the first sanatorium dedicated to the treatment of soldiers suffering from pulmonary tuberculosis.

In 1922, Fort Bayard came under the jurisdiction of the Veterans' Administration and became a treatment center for veterans. During World War II, Fort Bayard housed German prisoners of war.

Today, the post is operated as a hospital by the State of New Mexico and presently employs approximately 400 employees. To this day, Fort Bayard continues to play a vital role in the health care of Grant County, New Mexico, and the surrounding area.

Designation of Fort Bayard as a National Historic Landmark is important for the preservation of its historical significance. It is also very important to southeastern New Mexico's economic development. The region is currently suffering from high unemployment and stagnant economic growth. This designation would allow Fort Bayard to attract more tourism to the area and would bring in much-needed economic revenue, which could help fuel more investment in the region.

H.R. 2059 has the unanimous support of the New Mexico Congressional delegation, is cosponsored by the entire delegation, and also has very strong public support.

Mr. Speaker, I urge all of my colleagues to support H.R. 2059.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2059 is the companion measure to the Senate bill, S. 214, introduced by Senator BINGAMAN, which passed the Senate on March 4, 2003, and has been referred to the Committee on Resources. The legislation provides for the establishment of the Fort Bayard National Historical Landmark in the State of New Mexico. The legislation also authorizes the Secretary of the Interior to provide technical and financial assistance to the site.

The fort has a long history of use as a military post and medical facility. The site is currently listed on the National Register of Historic Places.

While no hearings have been held on this bill, the Committee on Resources ordered it reported to the House in July. We will not object to the consideration of H.R. 2059 by the House today, but I would note for the record that taking up the House bill, when the companion Senate bill has been pending in the House since March, only serves to needlessly complicate the process of enactment.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2059.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1409) to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

The Clerk read as follows:

H.R. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern Band of Cherokee Indians Land Exchange Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(2) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(3) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(4) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome

lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(5) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(6) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(7) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

(8) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(9) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(10) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(11) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(12) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(2) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(3) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face

tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(b) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (c)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (d)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(c) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the "Yellow Face Tract" on the map entitled "Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians," numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(d) RAVENSFORD TRACT.—The lands declared by subsection (b) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the "Ravensford Tract" on the map identified in subsection (c). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(e) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall file a legal description of the areas described in subsections (c) and (d) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

SEC. 4. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(b) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent