

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

with the purposes of this Act on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in Section 3(c), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

#### SEC. 5. GAMING PROHIBITION.

Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

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

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, H.R. 1409 provides a land exchange between the National Park Service and the Eastern Band of Cherokee Indians whose reservation is located in western North Carolina. The bill is sponsored by the tribe's Congressman, the gentleman from North Carolina (Mr. TAYLOR). The bill was the subject of a full Committee on Resources hearing on June 18, 2003, and was ordered reported on a unanimous voice vote.

The purpose of the land exchange is to enable the construction of a new school, which is necessary to replace the overcrowded, outdated and unsafe school that the Cherokee students are presently forced to attend.

Under the legislation, the Eastern Band will give the American public 218 acres of high-value, pristine land along the Blue Ridge Parkway. This land has high habitat value for several endangered species. Because this land is private property, it would otherwise be open to future development. Instead, it will be made part of the National Park System.

In return, only 143 acres of lower-value land in the Great Smoky Mountains National Park, called the Ravensford tract, will be placed in a trust for the Tribe. This property is adjacent to the Cherokee Reservation and is part of the Tribe's ancestral land area.

On this site, a new educational campus emphasizing traditional Cherokee values, including the preservation of the natural environment, would be constructed. The bill upholds a strict set of construction standards to minimize environmental impact.

In short, this is an education bill, an education bill for Native American youth on the Eastern Cherokee Reservation. The Tribe is setting an example that ought to be followed by local, State and Tribal governments who care about providing America's youth with a high-quality learning environment.

During the committee hearing on H.R. 1409, we heard from Cherokee student Cory Blankenship, who traveled to Washington, D.C. and spoke on the need for this land exchange. He said, "In the last decade, over 3.5 million acres of land nationwide have been placed under the protection of the National Park Service. We are asking only for 143 acres to help us build our school and preserve our culture."

The Eastern Band has already spent over \$1.5 million to carefully evaluate this proposal. The Ravensford Tract was determined to be the ideal site for a new Cherokee school. The terrain is flat, accessible, and located away from the dangerous intersection where the existing school is situated. In the past, this site was used as a site of a lumber mill, and it is now nowhere near the pristine state that the other tract that is being offered for it is.

More important, the Eastern Cherokee people have a moral claim to the Ravensford Tract. In the 1940s, the parcel in question was supposed to be conveyed to the Cherokee as part of a deal in which the Indians gave up land so that the government could build the Blue Ridge Parkway through their Reservation, but Congress deleted this parcel after the deal was agreed to. Therefore, in addition to this being a bill about building a new school for the Tribe's children, we need to uphold our end of the bargain made in good faith with sovereign Indian Nations.

It is hard to believe that some could oppose this legislation. The Eastern Band is a Tribe of Native Americans who were barely able to avoid the Trail of Tears. Yet there are some groups that want to deny them an opportunity to build a new school for their children.

We have an obligation to pass this bill. The vote on H.R. 1409 is simple: Let us support an Indian Tribe that wants to educate its children and preserve its culture.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 1409, which would provide for a land exchange for a school for the Eastern Band of the Cherokee Tribe which everyone would otherwise support, however, is in the middle of the most visited National Park and cannot be, by any stretch of the imagination, considered a noncontroversial bill. It, therefore, does not belong on the suspension calendar. In addition to this, its appearance on the floor is pre-

mature, given that the National Park Service has not completed its environmental impact statement and that a further study on alternative sites is also not finished.

I do support the need for a school for the Eastern Band of the Cherokee Tribe, but with so many unanswered questions and the importance of the site in question, as well as the bad precedent that I think it sets, I regretfully must ask my colleagues to vote no on this measure on suspension today.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me indicate my strong support for this legislation. It is an important piece of legislation that I think deserves bipartisan support.

The bill, as we know, seeks to secure land for Native Americans so they can provide desperately needed educational facilities to their young people. I believe that investing in education and Native American youth is something we can all agree upon.

Specifically, the bill would direct the Secretary of the Interior to exchange approximately 143 acres, and I stress 143 acres, of land now under the control of the National Park Service for approximately 218 acres of land controlled by the Eastern Band of Cherokee Tribe.

I would point out, and I know my colleague from Arizona mentioned part of this, in my opinion the National Park Service is actually benefiting from this land exchange because effectively they are getting more land. They are getting 218 acres, as opposed to having to give back to the Cherokee Nation 143 acres of land.

In addition to that, the land that the National Park Service is getting is pristine. One could argue, it is actually better, and in a more pristine state, than the land that they are giving to the Cherokee Nation. As was mentioned by my colleague from Arizona, the land that the Park Service would obtain actually has two endangered species, where there is no indication that the land that the Cherokee Nation is going to receive has any endangered species.

In addition to the fact that there is more land going to the Park Service, also the appraiser, and it was an independent appraiser who has done this type of appraisal for the Park Service before, indicated that the land that the Park Service is going to get is worth more and has a higher appraised value than the land that the Cherokee Nation is actually going to receive. So from an environmental point of view, as well as from a cost point of view, the Park Service is actually benefiting from the exchange. I want to stress that.

If approved, the bill would provide the Tribe with the flat land necessary to build badly needed schools, as well as to add pristine land, as I said, to the National Park Service.

There is an educational crisis now on the Eastern Cherokee Reservation. There is only one Cherokee elementary school, and it is in extremely poor condition. It was built almost 40 years ago by the Interior Department. It was designed for only 480 students.

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Today, over 700 students are housed in a dilapidated building that is run down and in dire need of repair. But most important, because of the school's location on a main road and its proximity to other buildings, the current facility cannot be expanded. The tribe needs this additional land to expand the school because they cannot physically do it now, and this road, this highway, is very congested. We heard testimony in the committee about the potential danger to the students from the existing facility, and that is why we need to have the land exchange.

There are a number of reasons. I am just trying to make the case, Mr. Speaker, if I can, that there are a number of reasons why this should be done and why this bill should be passed today.

Mr. Speaker, for too long Indian country has suffered from high unemployment and poverty. The only way to improve the lives of Indian children is to ensure that they receive the best education possible. I believe that one of the best ways to achieve this is to give students the best conditions for learning. I believe strongly that passage of this bill will help the Cherokee children achieve this goal. I do not really see any downside to the bill, and I urge my colleagues to support this bill and pass it today.

Mr. RENZI. Mr. Speaker, I want to thank the gentleman from New Jersey for his stalwart advocacy on behalf of Native Americans, particularly in the East.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time, and I thank my good friend, the gentleman from New Jersey (Mr. PALLONE) for his comments. He well stated the case for this land transfer.

Mr. Speaker, I think many times that we all, no matter which side we are on, Democrat or Republican, we want to do what we think is right for the people of this country, as well as the environment. And as the gentleman from New Jersey said, my friend, and the gentleman from Arizona previously, this is a win-win for the Park Service and the taxpayers. Very seldom do we have debates on the floor where we can have both parties coming together and saying that this is a win for the taxpayer and this is a win for the Park Service.

I want to just share with my colleagues, I have three or four photographs I would like to show. I have had

the pleasure of getting to know these wonderful people from the Cherokee Tribe in Cherokee, North Carolina, the home of the gentleman from North Carolina (Mr. TAYLOR), who wanted to be here today, but is running late because of his flight. These are the people that I think, and the gentleman from Michigan (Mr. KILDEE) can speak to this better than I when he speaks in a few minutes, that of all of the people in this country that have been neglected, it has to be the Indians. I have never met such nice people, and meek and easy-going, intelligent people.

As was said by the gentleman from Arizona, the young student from Cherokee High School that came down and testified before the committee, I had an opportunity to meet with Cory and some of his classmates in my office in the Cannon Building. They were saying to me, Congressman, it does not make any sense about this land transfer. We have tried to transfer this land for 3 or 4 years now, and nothing has ever come of it. And it is time that our kids, our children, K through 12, have a better environment to learn.

This photograph, Mr. Speaker, to my left is a gym wall that is cracked and pushing inward. I will hold this up. This, in itself, shows us that the buildings are in a terrible situation. This is just one of three or four photographs I would like to show.

Mr. Speaker, this is a photograph, it says, high school, major cracks in walls. This is just a regular classroom, and we can see the major cracks that have already developed in this building. As the gentleman from New Jersey (Mr. PALLONE) said, this school is over 40 years old, 40 years old. All we are asking for today is a land swap. The Indians, by God, have given the Federal Government more than they have ever received from the Federal Government. That is a known history of this country. But in this case, this is a swap that is to the benefit of the environment and to the Park Service. But there again, I want to show this to the Members on the House Floor today, this is a major structural problem that the high school has in Cherokee, North Carolina.

Mr. Speaker, this is another, if you will, crack at the school that I want everyone to see. I imagine anyone that is watching today can see that fairly well. But to my friends on the Democratic side, that is just another example of just how deplorable this school is and why this land swap needs to take place. Again, this land swap is supported by the majority on both sides.

We all know about trailers. The Cherokee Indians are spending a lot of their time in trailers, but we know that is true outside of the Cherokee Tribe. That is one of the problems that we as a Nation need to address as it relates to other schools. But, Mr. Speaker, this actually comes down to the fact that these school buildings are structurally unsafe and have been condemned. I am not sure if the gentleman from New

Jersey (Mr. PALLONE), my friend, might have said that, but I want to reaffirm if he did say it, these buildings have been condemned. So this is the only opportunity and option that these students have.

The Cherokee leadership has been for 4 and 5 years coming here to Washington, meeting with the gentleman from North Carolina (Mr. TAYLOR) and the two Senators from North Carolina, just asking the Interior Department to just transfer this land, to swap it. And we, the American Government, get a better deal when it comes to the cost and the price of the land.

As the gentleman from New Jersey (Mr. PALLONE) said, and I will close in just a second, that 218 acres of pristine land that contains two endangered species, that is now owned by the Cherokees, will be transferred to the Federal Government. In turn, the Federal Government will transfer 143 acres of non-pristine land and has no endangered species on that land.

So, Mr. Speaker, I see this as a win.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE), a senior member of the Committee on Resources.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in strong support of H.R. 1409, a bipartisan land exchange bill, which will allow the Eastern Band of Cherokee to build new schools for their children.

This bill passed out of the Committee on Resources on July 15, 2003, by a voice vote. During the markup, several Members from both sides of the aisle expressed strong support for the bill to move forward.

I am aware of the environmental concerns that the gentleman from West Virginia has raised about this bill. I am a strong supporter for the National Environmental Policy Act, NEPA. I am a strong supporter of that process, and I do not believe that passage of this bill circumvents that process. The public comment period on the land exchange ended last month, and the National Park Service will complete review of this environmental impact statement regardless of this legislation.

In addition, in its draft environmental impact statement, the Park Service determined that the exchange will have no impairment on the experience of visitors to the Great Smoky Mountains and determined there will be no impairment to the biodiversity based on mitigation efforts. The Park Service will receive pristine land that it selects, which will result in a net increase of national parklands.

Mr. Speaker, the Eastern Cherokee face an educational crisis of having condemned, overcrowded classrooms we would not house criminals in. I have traveled throughout this country, and I have seen schools that are horrible, and these buildings are not fit for human habitation.

The tribes' mountainous reservation has no more available flatland suitable

for building new schools. This is the kind of environment which many of our Indian children have been forced to learn in. This is unacceptable. Through this legislation, we can help the Eastern Band of Cherokee move forward with its commitment to educate its children.

In my years of elected office, Mr. Speaker, I have enjoyed the support of the environmental community. I have one of the highest environmental records in this Congress because of my commitment to protecting our Nation's precious resources. That is something of which I am very proud. I know that some of my environmental friends have concerns about this legislation and feel that no land should ever be exchanged for the National Park Service, but in this instance I must disagree. The Park Service will get more land and will get better land, and the land of their choosing. I believe that this bill is consistent with proenvironmental principles and with Indian sovereignty.

Congress is the one that makes this decision. Article I, Section 8, all of which we have taken an oath to uphold, says the Congress shall have power to regulate commerce with foreign nations, and among the sovereign States, and with the Indian tribes. This Cherokee Nation, this sovereign nation, all they want is some land to educate their children. The Park Service has selected more land, land of their choosing in exchange. I urge the passage of this bill.

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I am a strong supporter of the National Environmental Policy Act (NEPA) process and do not believe that passage of this bill circumvents that process.

The public comment period on the land exchange ended last month. And the National Park Service (Park Service) will complete review the environmental impact statement (EIS) regardless of this legislation.

In addition, in its draft EIS, the Park Service determined that the exchange will have no impairment on the experience of visitors to the Great Smokey Mountains and determined there will be no impairment to the biodiversity based on mitigation efforts.

The Park Service will receive pristine land that it selected which will result in a net increase of national park lands.

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I know that some of my environmental friends have concerns with this legislation and feel that no land should ever be exchanged from the National Park Service.

But in this instance, I must disagree. I believe that this bill is consistent with proenvironmental principles, and with Indian Sovereignty—two principles dear to me.

I urge my colleagues to vote "yes" on this bill.

Mr. RENZI. Mr. Speaker, I thank the gentleman from Michigan, and I yield 3 minutes to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today in strong support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange. This land exchange is urgent for the Eastern Band community because it would allow them to build a new K-through-12 complex in Cherokee, North Carolina, that they desperately need.

We owe it to our children. We owe it to each one of us to make sure that every child has an opportunity to learn, to be in a safe environment. So when we look at where these tribes are and the kids are, they are in overcrowded classrooms right now. How can our children learn in an overcrowded classroom? We cannot even have wiring. We say leave no child behind, and our President has said leave no child behind. The only way we can do that is if we build new schools, modernize schools so we are able to put the kind of technology that we need to make sure that our children are able to meet the 21st century in computer and technology, and that they are in a safe environment.

When you are in a safe climate and a safe environment, it adds to your attitude and your behavior in the classrooms. You feel good about yourself; your self-esteem is built. Well, if we do not allow for this land exchange, how can we then say that we are building for our future? How can we say that every child, regardless of whether you are in a sovereign country or in another country, that you do not deserve the right to learn, that you do not deserve the right to be in that kind of environment? We owe that to every one of our children.

Let me tell my colleagues, we should all be proud of this kind of legislation that has come before us, because it has given someone an opportunity to build the kind of schools that our children need; an opportunity to allow them to grow and to develop; an opportunity for them to be proud not only of themselves, but of the school that they are

doing to. When we saw the photos earlier. It is very difficult to be proud to be in that kind of environment, to say that I am in a classroom where there are potholes that are there, when we see that there are faucets that are not working, water that is not flowing. Well, it is difficult. And then when we begin to compete and bring other individuals to compete in our schools, we want to stand up and say we are proud of this school. We are proud of this school. And we should allow them to build that school.

They are overcrowded, as I stated. They have 800 students right now, and they are putting them into a 400 classroom capacity at this point. We must not forget the rights and the needs of the Americans, and that is our first Americans. This tribe that survived the Trail of Tears in the 1830s, this is a tribe that was promised this land, that was promised this land. This tribe was promised this land many years ago. This tribe deserves better than what they have been given.

Native Americans, including Eastern Band Cherokee Indians, are working hard to become self-sufficient, and we must offer them our help. This proposal is a perfect example of that. I am proud of the tribe's efforts to improve educational, cultural, and economic development in their communities. I support this bill. I applaud the efforts of the Eastern Band. I urge all of my colleagues to do the same.

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

I want to thank the gentleman from California for his passion and fighting spirit on behalf of the Native Americans nationwide.

Mr. Speaker, I have no other speakers; and I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from the Virgin Islands (Mrs. CHRISTENSEN) has 11½ minutes remaining, and the gentleman from Arizona (Mr. RENZI) has 8 minutes remaining in this debate.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. CARSON).

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I am a proud cosponsor of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act, and I rise in strong support of that bill.

This particular bill has personal and professional interest to me as my father was a long-time housing agent on the Eastern Band of Cherokee's reservation, and I spent several years of my youth in the beautiful Smoky Mountains.

The Great Smoky Mountains, which are very beautiful, offer a rich cultural heritage to the Eastern Band of Cherokees; but sadly, they provide little in the way of developmental land. This legislation today, as other speakers have said, is necessary to provide for the educational and cultural benefits of the Eastern Band of Cherokees by enabling the tribe to construct three new school facilities: one elementary, one middle school, and one high school.

The current facilities, as the pictures we have seen show, are greatly in need of replacement. The Cherokee Elementary School, to take one example, was built by the Department of the Interior over 40 years ago with the capacity to hold 480 students. Today, this facility holds approximately 800 students. To accommodate all of the students, the school has been forced to add temporary facilities. In addition, the main school and temporary facilities are located at a dangerous highway intersection in downtown Cherokee, North Carolina.

Today, the tribe offers the National Park Service, in exchange for the 143-acre Ravensford Tract, 218 acres of highly desirable, pristine land. The building of this new facility will enable the Eastern Band of Cherokees to teach Cherokee language and culture so as to foster and preserve tribal practices for future generations.

I can think of no better use for a tract of land than the construction of a complex to further the educational and cultural pursuits of Eastern Band children and to replace the current overcrowded and aging schools. After all, the key to a brighter future for Indian country runs through the classroom door.

I believe the Federal Government must actively assist the tribe in this endeavor, and I respectfully urge my colleagues to vote in support of the Eastern Band of Cherokee Indian Land Exchange Act.

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

I want to take this moment to thank the gentleman from Oklahoma, particularly for his personal knowledge, the firsthand experiences that he shared, and the fact that he has actually lived right in the same area where we are discussing and debating here today.

Mr. Speaker, again, I have no speakers, and I reserve the balance of my time.

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

Mr. Speaker, native people, both Native Americans as well as people of different ethnicities, have been displaced during the settlement of most of the U.S. This is a sad, but true, chapter in our history. I would say, though, that if we are serious about returning lands to native people, and we should be, then let us look at developing a nationwide, consistent policy. We cannot start carving up our national parks

piece by piece, case by case. This does a disservice to the parks, the tribes, and the American people.

Mr. Speaker, it has been said that environmental groups support the exchange. In fact, most, if not all, are against this exchange but are willing to work with the tribe on a suitable alternative site. We recognize that the condition of the school is poor and should be unacceptable; but as I recall from the hearing, there was \$8 million there for years that had never been used to repair the schools in all of this time.

Those of us who object do not object on the basis of need. The tribe's children and all of this country's children need, deserve, and should have good, safe, well-equipped and well-staffed schools. We want the Eastern Band of Cherokees to have the educational complex that they should have. The question that remains is where is that facility best placed.

Even, Mr. Speaker, the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of this body, chaired by the gentleman from North Carolina (Mr. TAYLOR), just 2 months ago called for a study before this exchange should be decided on because of the yet-unanswered questions. We should honor this and do the land exchange in the right way.

Therefore, I join the gentleman from West Virginia (Mr. RAHALL), the ranking member, in opposition to the passage of this bill on the suspension calendar.

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

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

In closing, I just state simply that the Eastern Band of Cherokees has spent 3½ years, \$1.5 million to study this, to thoroughly research, to provide one of the cleanest and fairest land exchanges we have seen in this House in many years. I would ask that the colleagues who spoke on both sides please help influence the other colleagues in their own parties to vote in favor of this legislation, to not any longer delay the education of these children, to not obstruct any longer the possibility that they can have a bright future and a brand new school.

Mr. FALEOMAVAEGA. Mr. Speaker, today I rise in support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act of 2003. This legislation would allow for an exchange of 143 acres of public lands for 218 acres of private lands between the Eastern Band and the National Park Service. These lands are needed to build suitable educational facilities for the children of the Eastern Band of Cherokees.

Mr. Speaker, the Cherokee people have endured many hardships at the hands of the United States. The Eastern band people today are descendants of those who escaped or survived the Trail of Tears in the 1830's. But lost culture, stolen lands, and broken promises did not end there. In the 1940's, the United States promised to convey the very land in question

to the Cherokee to replace Reservation lands taken from the Tribe to build the Blue Ridge Parkway. However, despite negotiating an agreement, the transfer never materialized.

Today, the Eastern Cherokee Reservation is located on mountainous terrain that is unsuitable for construction and this is why H.R. 1409 is necessary. H.R. 1409 would provide the Eastern Band with flat land that is necessary for the construction of new school facilities. There are nearly 800 elementary aged children who attend classes in a building constructed to hold 480 and the building is located at the intersection of two federal highways. The Cherokee High School has also reached its maximum capacity and parts of it have been declared condemned and unfit for educational purposes.

Mr. Speaker, I believe it is our duty to correct this deplorable situation. The children and the youth of the Eastern Band of Cherokee deserve better. They deserve to attend school in a safe and conducive environment and I urge my colleagues to support this important legislation.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume.

In the time that I have had the honor to serve as the ranking member on the Resources Committee, I have never had to come to the floor to oppose a bill reported by the committee being considered under suspension of the rules.

Indeed, under former Chairman Jim Hansen, and during this Congress, under Chairman RICHARD POMBO, we have instilled a greater degree of bipartisanship when conducting committee business.

I realize some may not want to hear that.

Those who manipulate this body's schedule seeking to make political points—even if they last for a nano-second or do not even register in the public's mind—by overt partisanship maneuvers, no, they do not want to hear that.

The fact of the matter is that Chairman POMBO has been fair in his dealings with all Members. He has been extremely fair with me. So I do not believe that it was through his will that H.R. 1409 is being considered under suspension today.

This bill has been placed on the suspension calendar over my objection. It is a controversial measure and should be considered under regular order, with opportunities for Members to offer amendments and a full and open debate.

I suspect that some in the majority are eager to push this bill because they hope to make Democrats in the House choose between our friends in the Native American community and our passion for our National Parks. This is a false choice and we refuse to make it.

The condition of the facilities found on many Indian reservations is unacceptable. Far too often, Native Americans are forced to endure housing, medical facilities and educational facilities that many Americans would find shocking. However, carving out large chunks from the middle of our national parks, as H.R. 1409 would have us do, is not the solution to this problem.

H.R. 1409 purports to deal with the Eastern Band, but of course a lack of quality educational opportunities is a problem that plagues Native Americans across the land. We are eager to work with the chairman of the

Interior Appropriations Subcommittee—for whom I have a great deal of respect—to devise a solution to this problem that might help all Native American children. And we must find solutions that do not destroy our National Parks.

What the pending bill does is carve out a huge chunk of land from the heart of the Great Smokey Mountains National Park valued at more than \$3 million and trades it to the Eastern Band for land 30 miles away, not even within the park's boundaries, valued at \$600,000. The bill is an attempt to short-change the administrative process that is currently underway.

The National Park Service and a coalition of nonprofit environmental organizations are examining this proposed exchange as we speak. The NPS is putting the finishing touches on an Environmental Impact Statement that will address the obvious impacts this planned construction will have on the Park's resources, as well as the possibility of building the schools elsewhere.

The nonprofit groups have also publicly pledged to work with the Tribe to find an alternative site.

Once we have gathered all the facts, we could move forward with carefully crafted legislation if necessary to resolve the educational needs of the children of the Eastern Band without impacting a national treasure. And yet we are moving full steam ahead with this legislation, cutting off the NEPA process and abandoning any attempt at compromise.

This is particularly ironic given that language was included in the House-passed Interior Appropriations bill requiring further study of this proposal. Apparently, as recently as July, the supporters of this legislation felt that this proposed exchange raised concerns serious enough to warrant further study. To ram it through the House 2 months later is unwise and unwarranted.

I would raise one additional issue. It is passing strange that tomorrow the Resources Committee is scheduled to consider another bill concerning lands Indians lay claim to, but in that case, the proposed solution is to pay them off rather than cede them the land. Why the difference in approaches?

Simply put, the land in question in that case is rich in gold. It is valuable to the mining industry. Yet, the claims by the Western Shoshone to this land is well established.

I have to wonder whether the inconsistent approach between these two bills is related to the fact that the land taken from the Western Shoshone is known to be extremely valuable to mining companies, while in the case of H.R. 1409, the land in question is in a National Park.

To the Eastern Bank of the Cherokee, I understand that your history is one of broken treaties and stolen lands. It is the story of a great Indian nation hunted by the U.S. Cavalry, split at the seams, and forced either to escape to the mountains or to trudge along on a death march to a strange land.

The Eastern Band were able to escape the Trail of Tears and live in the mountains of North Carolina. They stayed together and rebuilt their nation.

I have nothing but respect for the Eastern Band, however, I must object to the consideration of H.R. 1409 under the suspension of the rules. If the administrative process underway is to be trampled upon, I say to the pro-

ponents of this bill, at least bring it up under regular order.

I urge my colleagues to defeat this measure on suspension.

Mr. UDALL of Colorado. Mr. Speaker, I must object to the manner in which the House is taking up this bill, and cannot support the motion to suspend the normal rules that otherwise would apply to its consideration.

The bill would authorize an exchange of land between the Federal Government and an Indian tribe. The purpose of the exchange is to provide the tribe with land appropriate for building much-needed new schools. The land that would go to the tribe is now part of a national park, while the land that the government would receive is a park inholding.

The Resources Committee's hearing on the measure left me with no doubt about the tribe's need for those new schools—and of course that means that a suitable site is necessary.

But the hearing also made clear that the specific details of this bill, and the exchange it would mandate, are controversial and that the legislation is opposed strongly by a variety of people, both in North Carolina and here in Washington, DC.

Therefore, I think the House should consider the bill under procedures that would allow for more extensive debate and for the possibility of amendments—rather than through a motion to suspend the rules, which severely limits debate and does not allow for any amendments to be offered. Motions to suspend the rules should be used only for less controversial measures.

Accordingly, I will vote against the motion in this instance, and urge the leadership of the House to allow the House to consider H.R. 1409 under normal procedures.

Mr. BLUMENAUER. Mr. Speaker, I voted in favor of H.R. 1409, which would provide for an exchange of land with the Eastern Band of the Cherokee Nations. There had been some concerns raised by environmental interests, but evidence about the environmental merits of the exchange are mixed, and opinions are not unanimous.

Furthermore, the basic issue for me must be equitable treatment for Native Americans. This is an area where the relationship between the Federal Government and the Cherokee Nation is shameful. The history of this land includes the infamous Trail of Tears, and more recently, when the land was involved in a land exchange for building the Blue Ridge Parkway, a promise that was never fulfilled.

In cases like this where items are controversial, I give heavy weight to treating Native Americans fairly and whenever possible, to correct past injustices. This appears to meet that fundamental criterion and therefore I support it.

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The Clerk read as follows:

S. 278

*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 "Mount Naomi Wilderness Boundary Adjustment Act".

#### SEC. 2. BOUNDARY ADJUSTMENTS.

(a) LANDS REMOVED.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as "Land Excluded".

(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as "Land Added". The Utah Wilderness Act of 1984 (Public Law 98-428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.

#### SEC. 3. MAP.

(a) DEFINITION.—For the purpose of this Act, the term "Map" shall mean the map entitled "Mt. Naomi Wilderness Boundary Adjustment" and dated May 23, 2002.

(b) MAP ON FILE.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.

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

The Chair recognizes the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mount Naomi is located in the Wasatch-Cache National Forest in Utah and borders the eastern boundary of the city of Logan in my State. At over 44,000 acres, it is clearly one of the largest wilderness areas in the State of Utah and was designated in the Wilderness Act of 1984. Unfortunately, mysteriously, some utility poles have grown up in this wilderness area.

In reality, when it was created, by an oversight of Congress it encompassed an area which has utility corridors, both water and electricity. In addition to that utility corridor, there is a section of the Bonneville Shoreline Trail system that runs through this wilderness area. This is a trail system that connects northern and southern Utah.