

XVI. NATIONAL PARKWAYS

1. Blue Ridge

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108
108th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003
[H.R. 2691]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

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GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

117 STAT. 1264

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SEC. 138. (a) SHORT TITLE.—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

117 STAT. 1271
Eastern Band of Cherokee Indians Land Exchange Act of 2003.
16 USC 460a-5 note.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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

117 STAT. 1271

PUBLIC LAW 108-108—NOV. 10, 2003

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.

(F) 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.

(G) 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.

117 STAT. 1272

(H) 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.

(I) 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.

(J) 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.

(K) 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.

(L) 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.

(2) PURPOSES.—The purposes of this section are the following:

(A) 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.

(B) 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.

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

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1272

(c) LAND EXCHANGE.—

(1) 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.

(2) 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 (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), 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.

(3) 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.

117 STAT. 1273

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) 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 (3). 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.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) 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.

Deadline.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section 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

117 STAT. 1273

PUBLIC LAW 108–108—NOV. 10, 2003

the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

117 STAT. 1274

(2) 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 section 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 subsection (c)(3), 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.

(e) 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.

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117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.
Sept. 17, 18, 22, 23, considered and passed Senate, amended.
Oct. 30, House agreed to conference report.
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):
Nov. 10, Presidential statement.

PUBLIC LAW 109–97—NOV. 10, 2005

119 STAT. 2120

Public Law 109–97
109th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Nov. 10, 2005
[H.R. 2744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act, 2006.

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TITLE VII

119 STAT. 2149

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

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SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, is amended as follows:

119 STAT. 2166

(1) Under the heading “National Park Service, Construction”—

Ante, p. 508.

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(B) in the sixth proviso, by striking “hereinafter” and inserting “hereafter” and, after “Annex”, inserting the following: “and the Blue Ridge Parkway Regional Destination Visitor Center”; and

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This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006”.

119 STAT. 2166

Approved November 10, 2005.

LEGISLATIVE HISTORY—H.R. 2744:

HOUSE REPORTS: Nos. 109–102 (Comm. on Appropriations) and 109–255 (Comm. of Conference).

SENATE REPORTS: No. 109–92 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 8, considered and passed House.

Sept. 15, 19–22, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 2, 3, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 10, Presidential statement.

2. John D. Rockefeller, Jr.

118 STAT. 2809

PUBLIC LAW 108–447—DEC. 8, 2004

Public Law 108–447
108th Congress

An Act

Dec. 8, 2004
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated
Appropriations
Act, 2005.*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 “Consolidated Appropriations Act, 2005”.

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118 STAT. 2810
1 USC 1 note.**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

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118 STAT. 3039
Department of
the Interior and
Related Agencies
Appropriations
Act, 2005.DIVISION E—DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES APPROPRIATIONS ACT, 2005

TITLE I—DEPARTMENT OF THE INTERIOR

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118 STAT. 3062

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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118 STAT. 3074

SEC. 146. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004–2005 that commences on or about December 15, 2004.

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118 STAT. 3466

Approved December 8, 2004.

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108–599 (Comm. on Appropriations) and 108–792 (Comm. of Conference).

SENATE REPORTS: No. 108–346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.