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HOUSE OF REPRESENTATIVES

REPORT
107–491

# TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ISSUE RIGHT-OF-WAY PERMITS FOR NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF GREAT SMOKY MOUNTAINS NATIONAL PARK

JUNE 5, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

# REPORT

[To accompany H.R. 3380]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3380) to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

## PURPOSE OF THE BILL

The purpose of H.R. 3380 is to authorize the Secretary of Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

## BACKGROUND AND NEED FOR LEGISLATION

In 2000, the Sevier County Utility District in rural east Tennessee requested authority from the National Park Service (NPS) to tie in a natural gas pipeline to an already existing underground natural gas pipeline along U.S. Highway 441, the Gatlinburg-Pigeon Forge Spur. The existing pipeline was installed prior to the NPS acquisition of the right-of-way along the highway. After preparing to grant the request, it was discovered that, while the Secretary of the Interior possesses the authority to grant rights-of-way permits through units of the National Park System for various utility services, the Secretary did not possess the authority to grant a permit for natural gas or petroleum product pipelines.

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The pipeline would service the Westgate subdivision, a development project in Gatlinburg, Tennessee. Currently, these homes rely on propane and electricity to meet their energy needs. Given some air quality issues at Great Smoky Mountains National Park, it is in the best interests of the Park to permit natural gas pipelines as a clean alternative for new homes and businesses. No permits would be granted until all environmental and safety reviews have been conducted. Two other parks, the Blue Ridge and Natchez Trace Parkways, already have similar authority.

## COMMITTEE ACTION

H.R. 3380 was introduced on November 29, 2001, by Congressman William Jenkins (R–TN). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Energy and Mineral Resources. On March 19, 2002, the Subcommittee on National Parks, Recreation, and Public Lands held a hearing on the bill. On May 22, 2002, the Full Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Energy and Mineral Resources were discharged from further consideration of the bill by unanimous consent. No amendments were offered. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting receipts by less than $500,000 per year.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 30, 2002.*

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3380, a bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3380—A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park*

H.R. 3380 would authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the Great Smoky Mountains National Park. The bill would limit new permits to three specific sites within the park. Any permits issued under the bill would be subject to any terms and conditions that the Secretary establishes, including requirements to protect and restore federal lands during pipeline construction.

CBO estimates that implementing H.R. 3380 would have no significant impact on the federal budget. According to the National Park Service, the agency probably would collect fees for the right-of-way permits; hence, pay-as-you-go procedures would apply. Based on information from the agency, however, we estimate that any increase in offsetting receipts from such fees would total less than $500,000 a year.

H.R. 3380 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On August 16, 2001, CBO transmitted a cost estimate for S. 1097, similar legislation, as ordered reported by the Senate Committee on Energy and Natural Resources on August 2, 2001. The bills are substantively similar, and our cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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