

GREAT SMOKY MOUNTAINS NATIONAL PARK AGREEMENT
ACT OF 2014

DECEMBER 22, 2014.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 3806]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3806) to authorize payment of funds in accordance with the agreement entered into by the Tennessee Valley Authority, the State of North Carolina, Swain County, North Carolina, and the United States Department of the Interior, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Smoky Mountains National Park Agreement Act of 2014”.

SEC. 2. AUTHORIZATION.

From funds previously appropriated to the National Park Service in the construction account for that agency in the Consolidated Appropriations Act, 2012 (Public Law 112-74), the National Park Service shall transfer \$4,000,000 to counties within Great Smoky Mountains National Park in accordance with the Memorandum of Agreement entered into by the Tennessee Valley Authority and the United States Department of the Interior, dated February, 2010, that supersedes the agreement of July 30, 1943.

Amend the title so as to read:

A bill to authorize a settlement in accordance with the agreement entered into by the Tennessee Valley Authority and the United States Department of the Interior, and counties within the Great Smoky Mountains National Park.

PURPOSE OF THE BILL

The purpose of H.R. 3806, as ordered reported, is to authorize a settlement in accordance with the agreement entered into by the Tennessee Valley Authority and the United States Department of the Interior, and counties within the Great Smoky Mountains National Park.

BACKGROUND AND NEED FOR LEGISLATION

As the federal government prepared World War II efforts, a dedicated power source was needed to supply facilities in eastern Tennessee that were building military planes. The government approached local governments in North Carolina with a plan to build Fontana Dam and Reservoir. The Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and local government within the Great Smokey Mountain National Park entered into what is known as the "1943 Agreement," which allowed the creation of the dam with the promise that a new road would be built along the north shore of the new lake to replace the flooded 34-mile stretch of a road, NC-288. The lake is within Great Smoky Mountains National Park and the federal government now owns 83% of the surrounding county.

In the 1960s, the National Park Service constructed approximately 7 miles of the new road before abandoning the effort due to environmental impacts and engineering problems. No further federal funding was received for the road until a 2001 appropriation triggered a National Environmental Policy Act analysis of several options, including either the completion of the road (estimated at \$700 million) to cut through the Great Smoky Mountains National Park, or a monetary settlement.

In 2010, the Department of the Interior entered into a Memorandum of Agreement with local government within Great Smoky Mountains National Park and the Tennessee Valley Authority that provided for the federal government to make monetary payments not to exceed a total of \$52 million, subject to appropriations, to settle the 1943 Agreement.

In fiscal year 2010, two payments totaling \$12.8 million were provided. These funds were derived from prior-year appropriations in the Department of Defense Appropriations Act of 2010 (Public Law 111-118), which included explicit authority for the Secretary of the Interior to make those payments for non-construction of the road. After that amount was paid, \$39.2 million of the \$52 million provided for the Memorandum of Agreement remained.

The Consolidated Appropriations Act of 2012 (Public Law 112-74) contained \$4 million in the National Park Service construction account for an additional payment. However, the Park Service has decided that it does not have adequate authority to deliver the funds despite committee report language specifying the payment. Enactment of H.R. 3806 would clarify the authority that is needed for the National Park Service to use those previously appropriated funds to make the \$4 million payment.

COMMITTEE ACTION

H.R. 3806 was introduced on December 23, 2013, by Congressman Mark Meadows (R-NC). The bill was referred to the Com-

H.R. 3806 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit Swain County, North Carolina.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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 revenues or tax expenditures. According to CBO, implementation of the bill would increase direct spending by \$4 million in 2015, despite the fact these funds have already been appropriated for this purpose.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to authorize a settlement in accordance with the agreement entered into by the Tennessee Valley Authority and the United States Department of the Interior, and counties within the Great Smoky Mountains National Park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.