

103^D CONGRESS
1ST SESSION

S. 191

To provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. HELMS introduced the following bill; which was read the first time

A BILL

To provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Swain County Settle-
5 ment Act of 1993”.

6 **SEC. 2. SETTLEMENT OF CLAIMS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) Swain County, North Carolina, claims cer-
9 tain rights acquired pursuant to an agreement dated

1 July 30, 1943, between the Secretary of the Interior,
2 the State of North Carolina, the Tennessee Valley
3 Authority, and Swain County, North Carolina (re-
4 ferred to in this Act as the “1943 Agreement”);

5 (2) the 1943 Agreement provided that the De-
6 partment of the Interior would construct a road
7 along the north shore of the Fontana Reservoir to
8 replace a road flooded by the construction of Fon-
9 tana Dam and the filling of the reservoir; and

10 (3) the road has not been completed.

11 (b) PURPOSE.—The purpose of this section is to set-
12 tle and quiet all claims arising out of the 1943 Agreement.

13 (c) SETTLEMENT.—

14 (1) COMPLETION OF ROAD.—Notwithstanding
15 any other provision of law, the Secretary of the Inte-
16 rior shall complete the road along the north shore of
17 the Fontana Reservoir according to the terms of the
18 1943 Agreement.

19 (2) PAYMENT TO SWAIN COUNTY.—

20 (A) IN GENERAL.—The Secretary of the
21 Treasury shall pay Swain County, North Caro-
22 lina, the sum of \$16,000,000, which shall be
23 deposited in an account in accordance with the
24 rules and regulations established by the North
25 Carolina Local Government Commission.

1 (B) EXPENDITURE.—

2 (i) PRINCIPAL.—The principal of the
3 sum may be expended by Swain County
4 only under a resolution approved by an af-
5 firmative vote of two-thirds of the reg-
6 istered voters of the county.

7 (ii) INTEREST.—Interest earned on
8 the unexpended principal of the sum may
9 be expended only by a majority vote of the
10 duly elected governing commission of
11 Swain County.

12 (d) RESTRICTION ON USE OF FUNDS.—Money made
13 available pursuant to this section may not be paid to or
14 received by an agent or attorney on account of services
15 rendered in connection with the claims settled by this
16 section.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.

20 **SEC. 3. CHEROKEE HISTORICAL MARKER.**

21 The Secretary of the Interior shall allocate the funds
22 and personnel necessary to place a suitable historical
23 marker at or near the approach to the Cherokee Qualls
24 Reservation at Soco Gap, North Carolina, in recognition
25 of the historical importance of Soco Gap and the contribu-

1 tion of the Cherokee Nation to the State of North Carolina
2 and the United States.

