

DISSENTING VIEWS

We oppose H.R. 4074 in its current form. While we support the laudable goals of river restoration and the settlement of litigation, we are dismayed that the Majority has turned what was once a bipartisan effort into a partisan debate aimed at raising taxes on the American public. Further, this bill is yet another instance where the Majority has turned a deaf ear to a Member of Congress whose district is most negatively impacted by legislation. We hope that this is not a harbinger of how the Majority will operate for the remainder of this Congress.

The mechanism used to pay for this legislation is very troubling. At a time when energy prices are substantially increasing for America's families, H.R. 4074 imposes a fee on oil and gas outer continental shelf leases in the Gulf of Mexico even though the bill's goal is related to non-coastal river restoration in California. This fee, an illegal breach of contract on existing leases, like all other fees, will only be passed to the consumer through higher energy costs. Despite the Majority's rhetorical promises to reduce costs for energy consumers, the only result thus far in this Congress is to raise energy prices and impede domestic energy production. H.R. 4074 is yet another sad page from that book. Since the Majority has unilaterally imposed their own methods of paying for direct spending impacts, it is also important to note the bill's oil and gas fee has been used three times already to pay for a number of programs. In response, the Majority has indicated that the bill's offset was a mere "placeholder" that could be replaced by yet another proposal, such as energy-consumer financed nuclear cleanup fees. This lack of transparency and financial gimmickry of using the same fund to pay for other proposals lead many to question the legitimacy of the budget process being imposed by the Majority.

Since this bill relates to San Joaquin River restoration, we strongly believe that Californians should pay for more of this effort—especially when the litigation in question primarily revolves around a California Game and Fish statute. For this reason, Rep. Doug Lamborn (R-CO) offered an amendment to increase the rental fees that San Francisco, California pays for using the Hetch Hetchy Reservoir in Yosemite National Park. Currently, San Francisco pays an annual \$30,000 to the federal government for its use of the Reservoir, which flooded what famed conservationist John Muir called "one of Nature's rarest and most precious mountain temples." According to the organization Restore Hetch Hetchy, San Francisco generates approximately \$40 million in annual hydro-power revenues from the Hetch Hetchy system, yet has only paid \$30,000 annually or 7 cents an acre for over 70 years. In light of this gross inequity and since H.R. 4074 benefits San Franciscans and many of the City-based organizations party to the San Joaquin River litigation, the Lamborn amendment sought to make Califor-

nians pay a fair share. Unfortunately, the amendment, and all other Republican amendments, were rejected on party lines nor was the Majority open to any negotiation on adopting or compromising on any of the amendments filed by Republicans.

We also note that this bill lacks the support from many of the communities significantly impacted by the water losses resulting from this bill. This is of great concern in light of the economic challenges already facing these communities. In fact, the Congressional Research Service found that this area of the San Joaquin Valley in California is the poorest region in the country, including Appalachia. The water losses stemming from the San Joaquin bill will only make this bad economic situation worse. In testimony to the Committee earlier this year, Tulare County, California Supervisor Allen Ishida asked for "concrete mitigation language in the implementation legislation." H.R. 4074 unfortunately contains no provisions helping those communities cope with what will be a historic and unprecedented shift in water use.

By ignoring these concerns and the related concerns brought up by the Member of Congress whose district will be the most significantly impacted by the water shift and by engaging in nontransparent and faulty offsets, the Majority is setting this bill up for failure on all levels.

Although we oppose H.R. 4074 in its current form because of its partisan nature, we are hopeful that there will be further debate under regular order in the House of Representatives. We take the Chairman at his word that this bill will be considered on the House floor by itself and we look forward to having opportunities to consider amendments under a fair and open rule.

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