Statement by the Honorable John Fleming
Chairman, House Water, Power and Oceans Subcommittee
Legislative Hearing on
H.R. 1219 (Cole), H.R. 1296 (Hunter) and H.R. 3062 (Womack)
October 28, 2015

Today, the Subcommittee meets to consider legislation that brings closure to longstanding issues and gives states a legitimate voice in federal eminent domain actions. I commend all three bill sponsors for introducing these bills.

Mr. Cole's bill, H.R. 1219, allows a water district in Oklahoma to own two buildings and over two acres of land that it has paid for and operated and maintained for decades. Under current law, the federal government owns this property until Congress and the President act to transfer the title to the local water district. This bill will reduce the federal estate and ease unnecessary paperwork burdens on the water users. This follows the 27 other public laws this Committee has worked on over the last two decades to transfer federal titles to local ownership.

Mr. Hunter's bill, H.R. 1296, brings finality to a 1988 law directing tribes, communities and the federal government to resolve water rights claims. I appreciate the Administration's willingness to provide detailed answers as to why this no-cost legislation is a benefit to the American taxpayer through reduced future liability and local tribes and communities who will have some water supply certainty.

Last but not least, Mr. Womack's bill provides states a real voice for the states in potential federal eminent domain abuses. Today's hearing provides a much needed focus of a decade old provision that never even mentioned federal eminent domain authority, but is now on the verge of being triggered on behalf of a private entity for that very purpose.

Most everyone supports new electricity transmission infrastructure, but not at the expense of federal infringement of landowner and states rights. In addition, electricity ratepayers -- including those in Louisiana -- should not be asked to socialize the costs of transmission lines built upon federal siting authority if they will receive little or no benefit. My belief is that a private power line that depends on federal eminent domain authority would not normally stand on its own in the private marketplace, meaning that the current law picks winners and losers. That's why the Arkansas delegation has rightly tried to fix the law by prohibiting the federal government from running roughshod over states rights when it comes to seizing private land. The National Association of Regulatory Utility Commissioners and the American Public Power Association support this bill for that and other reasons.

As the current Administration contemplates its involvement on the Clean Line project, it needs to answer – in writing -- the numerous questions posed by the Arkansas delegation. The Department of Energy has not only failed to answer the delegation's recent letter, but also neglected to show up today despite given two week's notice of this hearing. This is unacceptable – and telling – about how this Administration may be handling the precedent-setting nature of this decision.

This hearing provides a first step towards getting some answers, but there will be more to come given the Administration's reluctance to be transparent. Be assured that we are not going to go away.

In conclusion, I again commend the bill sponsors and the Arkansas delegation and thank our witnesses for taking the time to be here today. I look forward to your testimony and yield back the remainder of my time.