**To the office of U.S. Representative Tom McClintock**

Re: HR 177 (119th Congress), Yosemite National Park Equal Access and Fairness Act · Latest action (2026-09-10): Referred to the Subcommittee on Water, Wildlife and Fisheries.
VFA SI Solution #707 · published 2026-11-02 · https://www.valuesforamerica.com/solutions/707
Office of record (Congress.gov): 2256 Rayburn House Office Building, Washington, DC · (202) 225-2511

# Yosemite Fair Rent and Public Access Accountability Act

**The measure, as described from the official record:** The bill aims to make San Francisco pay a higher annual rent for the Hetch Hetchy dam site inside Yosemite National Park, bar passing that cost to wholesale water and power customers, allow the rent to fund wildfire mitigation in Yosemite and other California national parks, and direct the National Park Service to manage the Hetch Hetchy Reservoir and Lake Eleanor Basin for public recreation and preservation.

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## THE PROPOSAL

This proposal keeps the core of the original bill and adds fiscal guardrails and enforcement. It would raise the annual rent San Francisco pays the National Park Service for the dam site from the current $30,000 to $2 million per year, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers, as the official summary describes. It would keep the bar on the San Francisco Public Utilities Commission recouping that rent from wholesale water or power customers. It would state expressly that this bar is a condition of the federal grant under Article IV, Section 3, Clause 2, not a general regulation of local rates. That framing respects the Tenth Amendment: the federal government sets terms for the use of its own property, and leaves other rate questions to state law.

The proposal would direct the National Park Service to manage the Hetch Hetchy Reservoir and Lake Eleanor Basin for public recreation, benefit, and use while preserving scenic, historic, scientific, and otherwise important features. To make that mandate concrete, the proposal would require the NPS to publish a public access plan within one year of enactment. The plan would identify new access points, trail connections, and shuttle or parking improvements, and set measurable annual visitor-access targets. The plan and annual progress reports would be filed with Congress and posted publicly.

The proposal would channel collected rent into a special Yosemite and California Parks Wildfire Mitigation Fund, usable only for hazardous-fuel reduction, prescribed fire, and defensible-space projects in Yosemite and other national park units in California. Annual outlays would be capped at the rent collected that fiscal year, so spending would be limited to the rent stream and would not draw on general appropriations. The fund would remain subject to the annual appropriations process, consistent with Article I, Section 9, Clause 7. The funding source is rent from the utility, not a new federal tax.

Accountability provisions are new compared with the original as summarized. The Comptroller

General would audit the fund and the access plan every two years. The audit would verify that rent was collected, that no recoupment occurred, and that access targets were met. Audit findings would go to the congressional committees of jurisdiction; the official summary does not name those committees, so that assignment is part of this proposal rather than a claim about existing practice.

Enforcement would work as follows, subject to the rule of law. If the audit finds rent unpaid, the Secretary of the Interior may impose a civil penalty of twice the unpaid amount and suspend new special-use permits at the site until payment. Any penalty would carry notice and an opportunity to respond, consistent with Fifth Amendment due process. If the access plan is not published on time or targets are missed two years in a row, the Secretary must submit a corrective-action plan within 90 days. These are new proposed safeguards, not existing rights, and readers should confirm current enforcement law at the Congress.gov record.

The package would sunset after five years unless reauthorized. That would force Congress to review the rent level, the inflation adjustment, and the access results before renewal.

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### OPERATIVE PROVISIONS (VFA PROPOSAL)

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| **Funding Source** | Annual rent of $2 million (CPI-U adjusted) paid by the San Francisco Public Utilities Commission to the National Park Service, deposited in a dedicated Treasury fund and spent through the annual appropriations process; no general-fund appropriation is requested by this proposal. |
| **Funding Amount** | Roughly $10 million over five years, derived arithmetically from the $2 million annual rent stated in the official summary times a five-year reauthorization window, before inflation adjustment; annual outlays capped at rent collected that fiscal year. The actual total would rise with CPI-U and is not stated in the source. |
| **Sunset Years** | 5 years |
| **Oversight Body** | Comptroller General of the United States (biennial audits), with reports to the congressional committees of jurisdiction; program administration by the Secretary of the Interior and the National Park Service. |
| **Enforcement Mechanism** | Civil penalty of twice any unpaid rent, imposed by the Secretary of the Interior after notice and an opportunity to respond, plus suspension of new special-use permits at the site until payment; mandatory 90-day corrective-action plan if access targets are missed two consecutive years. |
| **Effective Date** | First day of the first full fiscal year after enactment, with the public access plan due within one year of enactment. |

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### CONSTITUTIONAL BASIS

- Article IV, Section 3, Clause 2
- Article I, Section 9, Clause 7
- Tenth Amendment
- Fifth Amendment Due Process

**Concerns with the measure as written:**

- The rent increase and recreation mandate appear to rest on the Property Clause (Article IV, Section 3, Clause 2), but the official summary does not state whether the bill includes a sunset, spending cap, or audit, so fiscal accountability terms are unverified.
- Allowing Interior to spend collected rent on wildfire mitigation across multiple California parks, rather than through the regular appropriations process, raises a question under Article I, Section 9, Clause 7 that should be resolved by routing the money through an appropriated fund.
- The bar on recouping rent from wholesale customers touches a municipal utility's rate setting; it should be grounded expressly as a condition of the federal grant under Article IV, Section 3, Clause 2, so it does not operate as general rate regulation beyond the lease relationship, consistent with the Tenth Amendment.

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#### WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

For progressives and Democrats, the SI assessment is that the proposal would fund wildfire mitigation in Yosemite and other California national parks, expand public recreation access to the reservoir and Lake Eleanor Basin, and hold a public utility to fairer terms for occupying national parkland. For conservatives and Republicans, the SI assessment is that it would raise the rent from the current $30,000 to $2 million on the user of federal property, cap spending at the rent stream, sunset in five years, and route money through regular appropriations, all under the Property Clause rather than an expansion of federal rate regulation. Both sides gain from keeping the mechanism tied to the federal lease, which the Tenth Amendment respects by leaving other rate questions to state law.

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#### CHECK BEFORE RELYING ON THIS

**Basis:** The Congress.gov summary of H.R. 177, 119th Congress, supports these facts: the bill modifies the Raker Act, which allowed San Francisco to dam the Hetch Hetchy Valley in Yosemite; it raises rent from $30,000 to $2 million per year with an annual CPI-U adjustment; it bars the commission from recouping that rent from wholesale water or power customers; it allows Interior to use collected rent for wildfire mitigation in Yosemite and other California national parks; it directs the NPS to administer the Hetch Hetchy Reservoir and Lake Eleanor Basin for public recreation, benefit, and use while preserving scenic, historic, scientific, or otherwise important features; and the bill's latest recorded action is referral to the Subcommittee on Water, Wildlife and Fisheries.

The full bill text, the complete Raker Act, existing enforcement and appeal rights, current NPS management rules for the reservoir, and the exact fiscal effect of the rent increase are not covered by the official summary and remain unverified. The summary does not state whether the bill already contains a sunset, cap, audit, or reporting requirement, so all accountability terms here are proposed additions. The summary does not state current visitor access conditions, past public access to the valley, environmental review requirements, state-law limits on cost recovery, or the number of California parks eligible for mitigation funds; readers should verify those at the Congress.gov record.

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