DISSENTING VIEWS ON H.R. 1483

We oppose H.R. 1483 because it is an irresponsible bill further marred by Committee Democrats in markup on September 26, 2007. While the intent of H.R. 1483 was evident—extending the authorization and funding for nine heritage areas that have nearly hit their authorized funding cap—it is not clear why the Democrats chose to take this bill and turn it into a vehicle for more spending. The Grijalva amendment in the nature of a substitute (ANS) passed by the Democrats is a thumb in the eye to private property rights advocates and fiscal responsibility. Inexplicably the Democrats gave the six new heritage areas included in the ANS a $5 million raise over what was requested in their respective bills as introduced. Each heritage area will now receive $15 million in federal money and remain eligible for additional federal funds. The total cost of the bill with the Democrat ANS is over $135 million. While one committee member described this as a "small paltry pittance," it should be recorded that $135 million is equal to the total annual federal income taxes paid by 33,276 middle-class taxpayers.

Taxpayer advocates testified against H.R. 1483 in subcommittee. Heritage areas must become self-sufficient. Even former National Parks Subcommittee Chairman, the late Bruce Vento, agreed with this principle. On October 5, 1994, during floor debate on the heritage areas that will be reauthorized in H.R. 1483 he explained, "there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we get the benefit of that conservation." We ought to heed the counsel of Chairman Vento, a known advocate of heritage areas, and block these second and third bites of the apple.

The Democrats made a supposed gesture of responsibility by cutting the original H.R. 1483 request for additional funds from $10 million to $5 million per reauthorized heritage area. That would have been a $45 million dollar savings over the bill as introduced. Unfortunately for taxpayers, the Democrats seized on the opportunity to pile on six new heritage areas and rename the monster the "Celebrating America's Heritage Act." This bill is indeed a celebration for those who will receive new heritage areas and the federal funds that accompany it. Those who will not celebrate are private property owners who may have an empowered, enriched, and Congressionally-blessed heritage area management entity to spar with. Congressman Rob Bishop offered a common sense amendment to allow property owners the opportunity to remove their land from the heritage area boundaries and require the management entity of a heritage area to obtain written consent from an owner before their property is conserved, preserved, or promoted. Democrats contend that the bill language offers protection because owners are not required to participate. They fail to mention that

property owners remain under the sphere of influence of the management entity because they are in the Congressionally designated boundaries. Predictably, Democrats turned their back on property rights and rejected the Bishop amendment.

Of the six new heritage areas in H.R. 1483 as reported, two have been shuttled through Committee by the Democrats. The Journey Through Hallowed Ground Heritage Area, was marked up on March 7, 2007, following a contentious meeting with the hope that concerns of Members whose districts will be in the proposed heritage area would be worked out. While efforts were made, agreements were not reached, but the Democrats pressed forward despite appeals from Congressman Roscoe Bartlett (MD–6) and Congressman Virgil Goode (VA–5) to remove their districts from the designation. This is a simple request and it is astonishing that such a request was belittled by the Democrats. At Mr. Goode and Mr. Bartlett's request, Congressman Dean Heller (NV–2) offered an amendment to remove those districts, but democrats rebuffed it, claiming that Mr. Goode and Bartlett should be satisfied with the language Democrats have written. Subcommittee Chairman Grijalva explained, "I think the protections are there for the constituents of my colleagues for them to opt in or opt out, and I think those protections suffice." We agree that those protections would suffice, but unfortunately they are not included in the Grijalva amendment, and as stated earlier democrats rejected opt out authority included in the Bishop amendment. Why would private property owners believe they will be able to "opt out" when two Members of Congress could not have their districts removed? We believe a Member's wish to be included in a Federal designation is an essential qualification to its creation. It is distressing that a federal designation, especially a controversial Heritage Area, which is typically billed as "voluntary," is being forced on two Congressional districts.

Title II, Subtitle B of the Grijalva ANS previously passed the Natural Resources Committee as H.R. 713. This Heritage Area is being quickly advanced while lacking the same private property rights protection that was provided to the previous twelve established heritage areas. Additionally, this heritage area lacks local support in the form of a management entity responsible for its operation. In its place, the Secretary of the Interior will establish a top down commission and control the Heritage Area. We understand the proponents of this legislation hope this Heritage Area will play a role in the economic redevelopment of the Niagara Falls region. A casino is at the heart of the economic redevelopment plan that this bill is designed to promote. This raises the question: What role will the National Heritage Area play in the promotion of the casino? We believe advocacy of gaming should never be part of legislation to establish heritage areas. If the heritage area is to play an integral role in the redevelopment plans of the Niagara Falls region, and the center of that plan is the casino, Congress must create a firewall between the heritage area and gaming. Congressman Rob Bishop offered an amendment to delineate those interests and to our astonishment, the Majority voted in a straight party line that such separation was unnecessary. We hope the Majority ex-

tends the courtesy of investigating these issues before further railroading this bill.

Some of these troubling issues may have been resolved had regular order been followed. Despite Chairman Rahall's insistence on February 7, 2007, in a full Committee meeting, that regular order would be followed, only one of the ANS subtitles has gone through regular order with a hearing and subcommittee markup. We are perplexed as to why National Parks, Recreation, Forests and Public Lands Chairman Grijalva's subcommittee is consistently bypassed despite the other subcommittees' work to follow regular order. We have found that this rush to move legislation results in an inferior work product. For example, the Grijalva ANS establishes the Muscle Shoals National Heritage Area. The feasibility study for this potential heritage area has yet to be completed. Clearly, it would be shortsighted and irresponsible to establish this heritage area and write it a $15 million check when the necessary preparation has not been completed. How often have we heard the Democrats and their allies in the environmental movement complain that land use decisions are sometimes made before lengthy studies are completed to their satisfaction? Evidently, if a federal designation is something Democrats and environmentalists favor, no serious study is needed. When it is something they oppose, no study can be long enough, expensive enough, onerous enough, or litigated enough to satisfy them. It is far beyond the time to "let the subcommittees do their work" as Chairman Rahall asserted.

In conclusion, while this bill is flawed, we look forward to finding reasonable compromises on the Floor of the House under an open rule where a fair and open debate may occur.

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