

DISSENTING VIEWS ON H.R. 319

We oppose H.R. 319 in its current form. Moreover, we are dismayed at the cavalier and partisan manner the Majority used to report it from Committee during our first mark-up of the 110th Congress. Hopefully, this is not a harbinger of how the Committee will operate during the next two years.

H.R. 319's predecessor, H.R. 5195, was introduced late in the 109th Congress by Mr. Wolf. The Subcommittee on National Parks' September 28, 2006 legislative hearing was unusually contentious with very divergent testimony from sponsor Mr. Wolf and Mr. Bartlett whose district contains a significant portion of the proposed heritage area. The principal disagreement concerned property rights which Mr. Bartlett felt needed stronger protections in the legislation.

These strong differences persisted into the 110th Congress. Mr. Wolf introduced H.R. 319, which is essentially identical to his previous bill. Mr. Bartlett introduced his own version of the Journey Through Hallowed Ground Heritage Area, H.R. 1270, which is vastly different from the Wolf bill and has a stronger emphasis on protecting property rights, more diverse board representation on the management entity and deleted all references to federal funding. Mr. Bartlett wrote Chairman Rahall and other Committee Members requesting a hearing on his legislation. Normally, such a reasonable and customary Member request is honored but not in this case. This is very surprising since the Chairman told Committee Members during the February 7, 2007 Natural Resources Committee organizational meeting that he intended to follow "regular order" during the 110th Congress which historically means holding subcommittee hearings and mark-ups on legislation. Moving this bill which is opposed by Mr. Bartlett, and whose district is affected, is a dangerous precedent that we hope will not be repeated.

Unfortunately, the very reasonable and modest private property rights protections contained in H.R. 319, and included in the authoring legislation of the last twelve national heritage areas, were emasculated by the Grijalva Substitute.

However, Committee Republicans offered two amendments to the Grijalva Substitute to make it friendlier to private landowners and advocates of local control. Unfortunately, both were defeated on party line votes of 15-22.

Mr. Flake offered an amendment merely restating current federal law (18 USC, 1819), that bans lobbying by those receiving federal funds. The amendment is appropriate and warranted because we have seen examples of federal agencies and non-profit groups using federal funds to lobby. It seeks to prevent the National Park Service and heritage area management entities from influencing local zoning and land use controls on private property. The Flake

amendment would have reinforced this committee's commitment to transparency, responsibility, and accountability of those who come to this body for significant financial authorizations.

The second amendment, offered by Mr. Pearce required written notification of private property owners located within the boundaries of the heritage area before the management plan could be submitted to the Secretary of the Interior for approval. This amendment was quickly dismissed by the majority as an unreasonable request. Additionally, the Chairman of the National Parks, Forests and Public Lands Committee, Mr. Grijalva rejected the amendment because, as he stated, "the ability for the public to opt in or opt out of the heritage area is already present in the underlying substitute." Unfortunately, there is no "opt in" language in the substitute offered by Congressman Grijalva, and his amendment struck the "opt out" language.

Previous to this Congress, the work of this committee had ensured that private property owners within a heritage area could remove their land from the boundary of the designation and prohibited the management entity from preserving, conserving, or promoting one's property without the written consent of the owner. Those safeguards were deleted by the Grijalva Substitute purportedly because they could create problems for the management entity. Property rights should never be dismissed merely because they could be an inconvenience. With the elimination of these protections from the bill as introduced, the notification amendment would have provided property owners the right, at a minimum, to know what the federal government will place over them.

Although we oppose H.R. 319 in its current form, we are hopeful there will be a free and open debate on the House Floor with opportunities to consider again the Flake and Pearce Amendments.

ROB BISHOP.
 STEVAN PEARCE.
 DOUG LAMBORN.
 DEAN HELLER.
 BILL SALI.
 JOHN DUNCAN.
 BOBBY JINDAL.
 ELTON GALLEGLY.
 CATHY McMORRIS RODGERS.
 HENRY BROWN.
 BILL SHUSTER.
 JEFF FLAKE.
 RICK RENZI.
 CHRIS CANNON.
 KEN CALVERT.

ADDITIONAL DISSENTING VIEWS

All National Heritage Areas deserve scrutiny by the members of the House Natural Resources Committee. Since 1984, when the first National Heritage Area (the Illinois and Michigan Canal National Heritage Area) was passed by Congress, the practice of designating National Heritage Areas has grown exponentially. More than twenty years later, 37 National Heritage Areas exist. In the last Congress, nearly 50 bills were introduced to designate or study designating new National Heritage Areas. The new majority has approved, within the first markup of the Natural Resources Committee, two more National Heritage Areas. Eleven National Heritage Area bills have already been introduced in the House within the first three months of the new Congress.

There are many reasons to be skeptical of National Heritage Areas. First, and foremost, is the question of federal spending. According to the Congressional Research Service, National Heritage Areas are "intended to promote local economic development as well as to protect natural and cultural heritage resources and values." Protecting natural and cultural heritage aside (which state, local and private entities can already do), the federal government does not have a responsibility to promote the local economy of any district.

In addition, once a federal line is drawn around property for a heritage area, the door for annual federal earmarks and grants is opened. 24 of these heritage areas were listed in the FY 2007 Interior Appropriations bill as line items, each receiving hundreds of thousands of taxpayer dollars. In addition, a new White House federal grant initiative entitled "Preserve America" doled out nine federal grants to projects in National Heritage Areas. I am sure these grants will only continue and expand to all 37 existing heritage areas.

I challenge any member of the committee to ask themselves if \$700,000 for the Silos and Smokestacks National Heritage Area sounds like a rationale expenditure of federal tax dollars when we have a huge deficit and vast maintenance backlogs in our parks and forests, not to mention ongoing conflicts abroad to fund.

In addition, the management entity designated to manage the Journey Through Hallowed Ground National Heritage Area received \$1 million in federal funding in the form of an earmark in the transportation bill in 2005 before the organization was officially registered as a non-profit and before the heritage area was created. The entity, the Journey Through Hallowed Ground Partnership, has raised significant private funds. It does not need scarce federal dollars to accomplish its stated goals.

As the record will show, I offered an amendment to H.R. 319 that would have restricted the federal funds received by the organization so that those funds could not be used for federal, state or local

lobbying. Disappointingly, the amendment was rejected on a party-line vote.

Another important point is the effect these designations have on private property rights. When the federal government draws a federal line around private property, negative impacts on the private property owner will always result. Injecting the federal government into the lives of property owners in Virginia and Maryland in the form of a heritage area designation is just wrong. At a minimum, the committee should have included language in the bill guaranteeing private property owners protection from the National Park Service, or a proxy management entity, in local zoning and land use decisions.

JEFF FLAKE.

