

DISSENTING VIEWS ON H.R. 713

We oppose H.R. 713 in its current form and are dismayed by the rush to consider this legislation out of regular order. While this bill had a hearing on March 15, 2007, it was subsequently withdrawn from the April 19, 2007 subcommittee markup schedule. It is our understanding, based on Chairman Rahall's announcement on February 7, 2007 at the committee organizational meeting that the committee would precede with business under "regular order."

The Majority has again displayed its cavalier attitude towards private property rights. Mr. Bishop offered an amendment to restore private property rights protections which have been included in the twelve most recently established heritage areas. This amendment was rejected on a straight party-line vote based on the Majority's Byzantine explanation that securing property rights could be burdensome to the management entity. We are intrigued by the massive resistance to this legislative language that enjoyed bipartisan support in previous Congresses and that the bill's sponsor, Representative Slaughter, confirmed she would not oppose at the legislative hearing.

This bill establishes a commission consisting of 17 members which will be empowered to operate the heritage area with federal funds. Normally heritage areas are run by nonprofit organizations, but this bill goes as far as requiring that the Department of the Interior supply two fulltime, all expenses paid employees to the management of the heritage area. Why have previous heritage areas been denied such preferential treatment?

Mr. Flake offered a common sense amendment that reiterates the prohibition on lobbying using federal funds. While the Majority acknowledged that such a law exists, they offered a contradictory argument that the limitation is an unjustified obstacle to seek more federal funds. Unfortunately, the Majority rejected this taxpayer friendly, good government amendment on a straight party-line vote.

H.R. 713 is intended to promote tourism in the Niagara Falls region. We question how this bill will attract additional visitors to a place that is already known worldwide, and according to the National Park Service, receives 8 to 10 million visitors a year.

We understand the proponents of this legislation hope this heritage area will play a role in the economic redevelopment of the Niagara Falls region. However, this bill also provides significant assistance to organizations that are currently involved in using eminent domain to remove small landowners from their property to establish a casino. The casino is at the heart of the economic redevelopment plan that this bill is designed to promote. There are reports of developers allegedly using unsavory tactics and intimidation to push citizens off their land. It has also come to light that land values have dropped in areas targeted for acquisition. If the same or-

ganizations that are pushing the casino project are the ones to be involved in the heritage area, it would provide them with yet another hammer to intimidate lawful landowners. Clearly, many of these issues will be resolved at the state level.

This raises the question: What role will the national heritage area play in the promotion of a 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. Mr. Bishop offered an amendment to delineate those interests and to our astonishment, the Majority ruled on a straight party-line vote that such separation was unnecessary. We hope the Majority extends the courtesy of investigating these issues before further railroading this bill.

In short, this legislation's failure to follow regular order dramatically reduced the opportunity to improve this legislation. Consequently, we look forward to resolving these issues with an open process on the House Floor rather than very restrictive suspension of the rules.

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