

**Legislative Bulletin.....September 23, 2009**

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H.R. 324—Santa Cruz Valley National Heritage Area Act

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**H.R. 324 - Santa Cruz Valley National Heritage Area (*Grijalva, D-AZ*)**

***Key Conservative Concerns***

***Take Away Points***

- ***Illegal Immigration:*** The area of this proposed heritage site designation would be in the most heavily trafficked drug and human trafficking area along the border. The US Border Patrol (USBP) already faces major difficulties patrolling federal lands. A heritage area designation along the boarder could further complicate their ability to prevent illegal drug trafficking and crossings.
- ***Private Property Rights:*** These designations lead to restrictive federal zoning and land-use planning that block energy development. In heritage areas, management plans can restrict how residential and commercial property owners utilize their private property without any notice or warning
- ***Questionable Priorities:*** At a time when the National Park Service currently has a multi-billion maintenance backlog, some conservatives may believe that adding a new heritage area to a system that is already overburdened is irresponsible
- ***Heritage Area Designations are Pork Projects:*** Funds for National Heritage Areas are difficult to monitor and management entities often receive funding through earmarks. The opportunity for additional federal funding has resulted in an increase in proposals for new heritage areas.

*For more details on these concerns, see below*

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**Order of Business:** The bill is expected to be considered on Wednesday, September 23, 2009 under a closed rule. The rule ([H.Res.760](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, provides an amendment in the nature of a substitute to be adopted, and one motion to recommit.

**Major Change's since the bill was last considered on the House Floor:** On September 8, 2009, a similar version of H.R. 324 was considered under suspension of the rules and defeated by a vote of [249 – 145](#). The amended version of H.R. 324 the House will consider today adds language towards the end of the bill to clarify nothing in the legislation “modifies, alters, or amends any border enforcement authority.” Some conservatives have expressed concern this language is merely cosmetic and does nothing to protect the mission of the Border Patrol.

**Summary:** H.R. 324 would establish the Santa Cruz Valley National Heritage Area covering approximately 3,300 square miles in southern Arizona. According to the bill's sponsor, the legislation is intended to promote tourism along the Santa Cruz River from the Pima/Pinal county line to the U.S.-Mexico border. The proposed Heritage Area includes lands under the jurisdictions of BLM, Forest Service, National Park Service, Department of Defense, and the tribes of Pascua and Tohono. The Santa Cruz Valley Heritage Alliance is named as the management entity (<http://www.santacruzheritage.org/>).

**Additional Information:** The National Park Service has defined a Natural Heritage Area as a “place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive nationally distinctive landscape arising from patterns of human activity shaped by geography.” Over the past 25 years, Congress has established 49 National Heritage Areas (NHAs). For additional information on Heritage Area's, see [this report](#) from CRS.

**Conservative Concerns:** Some conservatives may be concerned that many of the land designations of heritage areas can lead to restrictive federal zoning and land-use planning to block energy development. In heritage areas, management plans can restrict how residential and commercial property owners utilize their private property without any notice or warning. Additionally, the opportunity for federal funding has resulted in an increase in proposals for new heritage areas. At a time when the National Park Service currently has a multi-billion maintenance backlog, some conservatives may believe that adding a new heritage area to a system that is already overburdened is irresponsible.

Some conservatives may be concerned that funds for National Heritage Areas are difficult to monitor and that management entities often receive funding through earmarks.

The area of this proposed heritage site designation would be in the most heavily trafficked drug and human trafficking area along the border. Despite the addition of extra language attempting to clarify nothing in the legislation changes existing border authority, the US Border Patrol (USBP) already faces major difficulties patrolling federal lands and is prohibited from going into wilderness areas by the National Park Service. Some conservatives believe the addition of a meaningless throwaway line into H.R. 324 does not adequately protect the mission of the USPS.

Additionally, it was discovered the DOI conducted a study – not released to the public – that revealed the majority of the Organ National Pipe Monument in Arizona has been so

degraded by illegal immigration it had lost its ‘wilderness’ character due to build up of trash, vehicle tracks, foot trails, and drug trafficking. During a recent committee on Natural Resources, Rep. Rob Bishop (R-UT) questions Secretary of Interior Ken Salazar about the issue and the exchange can be seen [here](#).

In light of these facts, some conservatives have expressed concern that adding another layer of bureaucracy will hinder the USBP’s ability to effectively patrol the region to prevent illegal drug trafficking and crossings.

Finally, conservatives have expressed concern that the heritage designation will include Interstate 19, which runs from the border to Tucson. A heritage area designation could provide problems for the USBP to establish checkpoints on the corridor.

**Committee Action:** On January 8, 2009, the bill was referred to the Committee on Natural Resources. On February 4, 2009, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** While no CBO cost estimate is available for H.R. 324, the legislation authorizes up to \$15 million to carry out the act, with a cost share of not more than 50% from the state of Arizona.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill establishes a new heritage area.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority is not available.

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