

Legislative Update

for State Historic Preservation Officers



PRESERVATION LEGISLATION

H.R. 1043/S.584

Community Restoration
and Revitalization Act

For a list of co-sponsors, go
to:

[http://www.preservation
action.org/
08lobbying/tax2008.htm](http://www.preservationaction.org/08lobbying/tax2008.htm)

HPF APPROPRIATIONS

The President signed the
FY2008 omnibus spending
bill on December 26. SHPOs
received \$39,376,000. The

President proposes
\$35,717,000 in FY2009

To access legislative
information including
bill text, summary, and
status, go to THOMAS
at:

<http://thomas.loc.gov>

HISTORIC PRESERVATION CAUCUS

For a list of members, go to:
[www.preservationaction.
org/
caucus/caucus07.htm](http://www.preservationaction.org/caucus/caucus07.htm)

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COLLEAGUE LETTER RECEIVES 50 SIGNATURES

Preservation advocates were busy on Capitol Hill this week. The House of Representatives Ways and Means Committee met to mark up a housing assistance bill that would be a reasonable vehicle for many provisions within the Community Restoration and Revitalization Act (H.R.1043). Preservation grant programs, Preserve America and Save America's Treasures received a hearing along with a number of heritage-related land bills. The Senate passed an omnibus public lands bill Thursday (S. 2739) that folded together National Heritage Area legislation with other long-considered items including studies, boundary adjustments to national historic parks, and amendments to National Heritage Area legislation. Abraham Lincoln National Heritage Area, the Journey Through Hallowed Ground National Heritage Area and Niagara Falls National Heritage Area's authorization were included within this Senate-passed package.

1. PRESERVATION IN HOUSE AFFORDABLE HOUSING PACKAGE

For the last several months, preservationists have been working to engage House Ways and Means leadership in hopes of getting some of the Community Restoration and Revitalization Act's (H.R.1043) provisions included within a developing affordable housing tax bill.

The latest House affordable housing package which was marked-up this week responds primarily to the current mortgage crisis and rampant foreclosure rates. Other big points include: a temporary increase to the low income housing tax credit, simplification of the low income housing credit, simplification of tax exempt housing bonds, and elimination of costs imposed by housing programs by the alternative minimum tax.

In order to gain more support for the inclusion of historic preservation provisions, the Northeast Midwest Coalition, supporters of H.R.1043, have engaged in targeted outreach to Ways and Means Committee Chair Charlie Rangel through a "Dear Colleague" letter. The coalition's letter notes the affordable housing benefit of the existing tax code: 93,061 units of affordable housing have been created in our nation's historic and older buildings. As of the time of this update, 18 Representatives have signed onto the coalition's letter. Most but not all are from the Northeast or Midwest. As of Wednesday during the mark up, only one of the provisions laid out in H.R.1043 was added to the bill under consideration, but not exactly as described in our bill.

Under current law, taxpayers are not eligible for the full amount of the Federal Rehabilitation Tax Credit if more than 35% of a project is leased to state or local government or tax-exempt entities. In these cases, the portion of the building leased to governments is removed from the overall calculation of how much credit a given project gets. The bill would allow taxpayers to qualify for the full credit so long as less than 50% of the rehabilitated building is leased to governments or other tax exempt entities. H.R.1043 proposes to improve the credit for tax-exempt entities as well in a similar way, but deals with the complexities of leasing more rigorously than the current affordable housing proposal.

It is possible that more H.R.1043 provisions may be included in a Senate bill or during an informal conference on the tax package. Continued grassroots action and additional bill sponsors are critical right now. The Senate bill, S.584, currently has only 8 sponsors.

2. PRESERVE AMERICA AND SAVE AMERICA'S TREASURES AUTHORIZATION LEGISLATION RECEIVES HEARING

On Wednesday, the Senate Energy and Natural Resources Committee's Subcommittee on National Parks met to receive testimony on the Preserve America and Save America's Treasures Act. The bill would officially authorize the two preservation grant programs. Currently, both have been receiving federal funding without being authorized by law.

Lynn Scarlett, Deputy Secretary of the Department of Interior testified on behalf of the Administration. She noted, "Since their creation, both programs have been sustained through the annual appropriations process. However, without permanent authorization, they lack the foundation for sustained success. Without the "stamp of legitimacy" achieved by the Congressional legislative process, both programs, despite their records of success, remain vulnerable to termination."

National Trust for Historic Preservation President Richard Moe also testified. "The National Trust would like to see Congress authorize SAT and PA with a long-term programmatic and funding vision that would enable both programs to work in harmony with the other components of the national historic preservation program. Authorization would codify the successful implementation and practice of a ten-year old initiative along with its newer partner, and I think that this is a step in the right direction."

Others testifying included Kate Stevenson, Active Assistant Director, Business Services, National Park Service, Department of the Interior and Jim Surkamp, County Commissioner, Jefferson County, West Virginia.

Senator Richard Burr (R-NC) spoke out in support of the authorization legislation. He vowed to make this authorization a priority. Subcommittee

Chair Senator Daniel Akaka (D-HI) asked about Preserve America and its funding of marketing projects. Kate Stevenson noted that Preserve America supported heritage tourism efforts. These efforts have a direct relationship to economic opportunities in Preserve America communities. Marketing makes the most of these opportunities.

3. SENATE PASSES OMNIBUS PARKS BILL

On Thursday, the Senate passed an omnibus public lands bill that pulls together a number of small heritage bills and land-based legislation. The bills included in the package were ready for passage earlier this session. However, these were delayed by “holds” placed by Tom Coburn (R-OK), a staunch advocate of no new spending programs. To get him to release the “holds” and avoid a filibuster, Senate Leadership offered Coburn the opportunity have votes on 5 of his amendments including tightening federal spending, increasing the rights of property owners within newly designated National Heritage Areas and requiring that the federal government provide a tally of federally-owned land and its associated costs to taxpayers every year. These amendments were soundly defeated before the Senate passed the omnibus. CQ, a Congressional news outlet, quoted Coburn saying, “we are in tremendous economic straits in the long term. This debate isn’t about the lands bill.”

National Heritage Areas within the bill include: Abraham Lincoln National Heritage Area, the Journey Through Hallowed Ground National Heritage Area and Niagara Falls National Heritage Area.

4) STATESIDE LAND AND WATER CONSERVATION FUND “DEAR COLLEAGUE” LETTER RECEIVES 50 SIGNATURES

Senators Ken Salazar (D-CO) and Susan Collins (R-ME) sponsored a “Dear Colleague” letter to the heads of the Senate Interior Appropriations Subcommittee to support stateside Land and Water Conservation Fund (LWCF) grants at \$125 million in FY09. The Bush Administration has requested no funding for stateside LWCF, as has been the case for several years. A complementary House letter, cosponsored by Representatives Jim McGovern (D-MA), Peter King (R-NY) and Rush Holt (D-NJ) received 122 signatures.

IMPORTANT DATES:

Annual Meeting, Washington, DC, March 1-5, 2008

Board of Directors Meeting, Wisconsin, July 2008

General Membership Meeting at NTHP Conference, Tulsa, October 2008

Board of Directors Meeting, Arkansas, November 2008

The National Conference of State Historic Preservation Officers is the professional association of State Historic Preservation Officers (SHPOs) who carry out the national historic preservation program as delegates of the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended. Membership in the NCSHPO is limited to states and territories.

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The NCSHPO Weekly Legislative Update is available only to members of the NCSHPO. An update archive is located in the Members Only section of the NCSHPO website. You will need a user name and password to access this section; email Harbeson@sso.org for this information.