

## Weekly Legislative Update for State Historic Preservation Offices

October 3, 2008 | Volume 11 | Number 32

- 1) HOUSE APPROVES HP TAX CREDIT EXTENSIONS AND INCREASES
  - 2) LAME DUCK SESSION COULD INCLUDE PRESERVE AMERICA, SAVE AMERICA'S TREASURES AUTHORIZATION
  - 3) SENATE SUPPORTS US RATIFICATION OF HAGUE CONVENTION
- 

### 1) HOUSE APPROVES HP TAX CREDIT EXTENSIONS AND INCREASES

On October 3, the House approved a financial bailout package (The Emergency Economic Stabilization Act of 2008, H.R. 1424) that includes an extension of an increase to the Federal Rehabilitation Tax Credit (FRTC) in the Gulf Opportunity Zone until the end of 2009.

H.R. 1424 also includes a parallel increase in the FRTC in official disaster zones in other parts of the country. In federally-recognized disaster areas, the 10% rehabilitation credit for qualified expenditures in non-historic structures is increased to 13%. The 20% credit is increased to 26%.

The Senate approved the "extenders bill," including the FRTC-increase extension for Gulf Coast communities and the increase in other disaster zones, on October 1. This bill was added onto the House bailout package to increase chances of its approval. The first Senate-approved extenders bill was rejected by the House.

### 2) LAME DUCK SESSION COULD INCLUDE PRESERVE AMERICA, SAVE AMERICA'S TREASURES AUTHORIZATION

Senate Majority Leader Harry Reid has scheduled a lame-duck session beginning on November 17th. During the lame-duck session, the Senate may take up H.R. 5151, an omnibus of nearly 150 pieces of legislation including the authorization of both the Preserve America and Save America's Treasures programs.

The bill includes many other preservation-related bills including the authorization for the Bureau of Land Management's National Landscape Conservation System, the American Battlefield Protection Program, and an extension of the Route 66 Corridor Preservation Program until 2019.

The bill includes designation of the following National Heritage Areas:

- Sangre de Cristo (CO)
- Cache La Poudre River (CO)
- South Park (CO)
- Norther Plains (ND)
- Baltimore (MD)
- Freedom's Way (MA and NH)
- Mississippi Hills (MS)
- Mississippi Delta (MS)
- Muscle Shoals (AL)
- Kenai Mountains-Turnagain Arm (AK)
- Chattahoochee Trace (AL and GA)

Northern Neck (VA)

Senators Jeff Bingaman (D-NM) and Ken Salazar (D-CO), longtime preservation supporters, combined the 150 land bills into a single package and offered it as an amendment to H.R. 5151, a wilderness bill. Senator Tom Coburn (R-OK) has blocked persistently the Senate's approval of legislation that would increase federal spending. His staff has been quoted in Congressional Quarterly as saying this omnibus bill will not go smoothly: "Dr. Coburn will slow-cook this turkey into Thanksgiving week and beyond, if necessary."

### 3) SENATE SUPPORTS US RATIFICATION OF HAGUE CONVENTION

On September 25, the Senate voted to support the U.S.'s ratification of the Hague Convention, the primary set of international guidelines governing treatment of cultural heritage during armed conflict.

The 1954 Hague Convention was adopted in the wake of the cultural destruction in Europe in World War II. The actions of the United States' Monuments, Fine Arts and Archives teams and the regulations issued by General Eisenhower to ensure respect for cultural heritage set the United States apart in its efforts to protect cultural sites and to return looted art works to their proper owners. The 1954 Hague Convention was, to a large extent, based on General Eisenhower's instructions. The United States was one of the first nations to sign the convention, indicating its intention to ratify it.

Under the terms of the Convention, states parties are to protect the cultural property situated within their own territory and to avoid acts of hostility directed against cultural property, defined broadly to include historic structures and monuments, archaeological sites, and repositories of collections of artistic, scientific and historical interest. There are now 118 states parties to the convention.

The convention lays out the basic principles for protecting cultural property.

The policies and practices of the U.S. military are already consistent with many of the principles of the 1954 Hague Convention. During both Gulf Wars, the United States military took considerable care to gather information on the locations of cultural sites in Iraq and avoided targeting them. Ratification codifies the obligations of the United States military, assures allies that we all observe the same rules, and encourages marking of cultural sites. Many groups advocated the United States' ratification of the Hague Convention. These include: the Archaeological Institute of America (AIA); the Lawyers' Committee for Cultural Heritage Preservation; the United States Committee of the Blue Shield (USCBS); the American Anthropological Association; the American Association of Museums (AAM); the American Institute for Conservation of Historic & Artistic Works (AIC); the American Schools of Oriental Research (ASOR); the Association of Moving Image Archivists (AMIA); the College Art Association (CAA); the National Trust for Historic Preservation; the Society of American Archivists (SAA); Society for American Archaeology (SAA); the Society for Historical Archaeology (SHA); the United States Committee of the International Council on Monuments and Sites (US/ICOMOS); and the World Monuments Fund (WMF).