

Weekly Legislative Update for State Historic Preservation Offices

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I. The Presidential Election

How Barack Obama's White House win will effect federal historic preservation policy in the coming years has sparked considerable excitement within the preservation community inside and outside the beltway. With the democratic majority strengthened in Congress -- democrats gained seats in both chambers, the exact numbers are still being determined by three Senate races and five House races -- and a democrat in the White House, sweeping changes in all areas of federal policy are highly likely. Large scale policy changes typically occur when the majority party in Congress and the Administration's party are the same.

The nation is potentially on the verge of the biggest changes in federal government since the New Deal. This is all the more reason for preservation advocates to pay close attention, and continue to engage now that the elections are over. The elections were just the beginning.

Obama's first priority, as stated immediately after winning the presidency, is the nation's financial crisis. Preservation's long track record as an economic driver in communities nationwide could figure into long-hoped-for incentives for more preservation work. On November 7, Obama named Illinois Representative Rahm Emanuel his chief of staff. Emanuel was an original cosponsor of the Community Restoration and Revitalization Act (H.R.1043/S.584), a set of amendments to the Federal Rehabilitation Tax Credit, when it was reintroduced last year. He served on the Ways and Means Committee.

Obama's Main Street focus could spark reconsideration of the Main Street provision within the Community Restoration and Revitalization Act. The provision would increase the 20% federal historic rehabilitation tax credit to 40% for the first \$1 million of qualified expenses in projects under \$2 million. This improvement -- on a temporary basis -- was considered as a part of the Midwest's disaster relief package. The idea was not included within the relief bill -- but should be revisited early in the new year.

Given the opportunity for large-scale changes, federal level advocates are looking broadly across government for many vehicles to incentivize historic preservation work.

The following have been discussed as potential opportunities:

- * Funding for historic resource inventories nationally to aid in disaster preparedness. Preserve America has been discussed as a potential vehicle for this program. The President's Advisory Council for Historic Preservation will be focusing on preparedness in the coming year -- this has been a theme within transition plan discussions.
- * Historic preservation as part of the green jobs initiative. Historic preservation's relationship to green building and sustainability principles is the National Trust for

Historic Preservation's legislative focus. Obama's call for green jobs could include support for preservation training. For more on the National Trust's sustainability focus, visit:

<http://www.preservationnation.org/issues/sustainability/public-policy/our-position-on.html>

- * A national disaster preparedness plan that supports historic preservation through tax incentives and grants.
- * Tax incentives for manufacturers to better comply with preservation principles. Also discussed is an incentive for manufacturers of historically-appropriate replacement parts.
- * Brownfields tax credit to facilitate sustainable rehabilitation of older industrial complexes. The existing Brownfields Economic Development program has played a significant role in facilitating adaptive reuse of historic industrial sites.
- * Vacant buildings legislation. Considered in the last Congress, Obama's urban agenda may prompt incentives for community investment in older and historic vacant buildings.
- * Increased support for preservation of historic resources in agricultural areas and communities.
- * Incentives for historic property owners. This could mean improving the commercial credit or creating incentives for historic homeowners.

For information on Obama's preservation agenda, visit the Preservationists for Obama website:

<http://www.historicpreservationforobama.org/> <<http://www.historicpreservationforobama.org/>>

2. Congressional Historic Preservation Caucus Losses

The Congressional Historic Preservation Caucus (House of Representatives) has recently lost over a dozen members:

Ran for Senate seats:

Tom Allen (D-ME)
Mark Udall (D-CO)
Tom Udall (D-NM)

Resigned:

Richard Baker (R-LA)

Retired:

Bud Cramer (D-AL)
Barbara Cubin (R-WY)
Ray LaHood (R-IL)
Ron Lewis (R-KY)

Jim McCrery (R-LA)

Lost the election:

Nancy Boyda (D-KS)

Phil English (R-PA)

Wayne Gilchrest (R-MD) (lost in primary)

Steve Chabot (R-OH)

Deceased:

Julia Carson (D-IN)

Stephanie Tubbs Jones (D-OH)

Grassroots advocates need to be reaching out now to the newly elected, and maintaining their relationships with successful incumbents. Given Congress will be back in session only one week between now and the end of the year, advocates will have ample time this fall and early winter to engage their members of Congress back home.

Preservation-focused holiday parties, special events at preservation projects, preservation award ceremonies, candlelight tours of historic districts -- and in-district meetings of course -- are all excellent ways to maintain momentum between now and next January.

3. Lame Duck Session: November 17 - 21

Congress is expected to return briefly for a lame duck session the week of November 17 to 21. During this week back in session, the Senate may consider an omnibus bill including the Preserve America and Save America's Treasures programs authorization. According to Senate Energy Committee staff, the lame duck's short time frame poses the biggest challenge to the legislation. Another is a potential block from Senator Tom Coburn (R-OK) who opposes any bills that commit the federal government to more spending. The Senate would need to vote on the bill, then send it to the House for approval. Many but not all individual items within the bill have already been approved by the House.

The Latest Congressional Report Card

<http://www.preservationaction.org/states/10.10.2008.htm>