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FEDERAL UPDATE

Senate Environment Committee Hearing Addresses Surface Transportation Reauthorization Funding

The Senate Environment and Public Works (EPW) Committee held a hearing on July 14th to examine the role that surface transportation programs can play in reducing greenhouse gas emissions and establishing livable communities. In addition, the committee began a debate on the long-term funding of surface transportation programs. The National Trust and the preservation community are closely monitoring the internal debate in Congress over how surface transportation programs, such as Transportation Enhancements and Section 4(f), are funded and shaped going forward and the effect of any changes in these programs on the preservation of historic and cultural resources, such as historic bridges and main street towns.

Hearing witnesses included Transportation Secretary Ray LaHood and EPA Deputy Administrator Regina McCarthy, both of whom expressed their support for the idea of 'livable communities.' McCarthy specifically cited the "preservation of New England villages" as one example of the type of communities that can be preserved through proper transportation planning.

In addition, Secretary LaHood also defended the administration's stimulus package from the Republican members of the panel, particularly regarding the pace of spending being allocated to transportation infrastructure projects. LaHood was also questioned about establishing a long-term solution to the near-bankrupt Highway Trust Fund and funding transportation projects going forward. LaHood stated that authorizing a National Infrastructure Bank would be the first step in addressing the long-term needs of the Fund, which could be funded through alternative revenues such as toll fees, in addition to the federal gasoline tax. However, he noted that such steps would not be taken for another 18 months, which he predicted as the amount of time needed to fully expend infrastructure and transportation funding in the stimulus bill and thus justified the Administration's request to delay consideration of a permanent reauthorization of transportation spending for that period of time.

On that note, committee chair Barbara Boxer (D-CA) introduced and the Environment and Public Works Committee approved a straight 18-month extension of the current transportation authorization (SAFETEA-LU) with no policy changes or amendments in keeping with the Administration's plans. Ranking member George Voinovich (R-OH) responded with an amendment to provide only a 12-month extension that would be in concert with House Transportation Committee chairman James Oberstar's (D-MN) desire to move ahead with a new authorization which was rejected. However, Oberstar is reported to favor an 'infusion' of \$7.3 billion for the remainder of FY'09 and not a short-term extension. Oberstar is also concerned that an 18-month extension will turn into four years due to legislative inertia. An 18-month extension, if enacted, would require a \$20 billion cash infusion from the General Treasury to keep the Highway Trust Fund solvent for that period of time. Oberstar was quoted later in the week to say that funding differences

with the Senate will be have to handled in conference committee.

Historic Battlefields and Underground Railroad Sites Bills Get Hearing in Senate

NPS Testifies in Support of Matching Grant Program for Revolution War and War of 1812 Battlefield Sites, as well as Historic Underground Railroad Sites Associated with Harriet Tubman

The Senate Subcommittee on National Parks and Public Lands held a hearing this week on a number of parks bills, including battlefield preservation bills (S. 1168/HR1694) and a bill preserving historic sites associated with Harriet Tubman (S. 227). Kate Stevenson, Acting Deputy Director of Support Services for the National Park Service (NPS), was the main witness for the hearing and testified in support of the House and Senate battlefields bills, which would create a matching grant program for Revolutionary War and the War of 1812 sites that closely mirrors a very successful matching grant program for Civil War sites. The Civil War acquisition grant program was first authorized by Congress in the Civil War Battlefield Protection Act of 2002 (Public Law 107-359), and was recently reauthorized by the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

Stevenson also testified in support of the S. 227, a bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester and Talbot Counties in Maryland. Sen. Ben Cardin (D-MD), the sponsor of S. 227, also testified in support of his own bill. S. 227 would authorize the Secretary of Interior would be authorized to enter into cooperative agreements and provide technical and matching financial assistance to the A.M.E. Zion Church (owners of the Tubman property) and others for historic preservation, rehabilitation, research, maintenance and interpretation of the park and related Harriet Tubman resources. In Maryland, the Harriet Tubman Underground Railroad National Historical Park would be established and be comprised of nationally significant historic landscapes associated with Harriet Tubman in Caroline, Dorchester and Talbot Counties.

Senate Energy Committee Takes Up Mining Reform

Interior Secretary Salazar Promises Leadership Role from Administration in Addressing Mining Reform Issues

The Senate Energy and Natural Resources Committee held a hearing on Tuesday, July 14 on chairman Jeff Bingaman's (D-NM) bill (S. 796), the "Hardrock Mining and Reclamation Act of 2009." The bill seeks to reform the 1872 Mining Law by addressing increased royalties for new and existing mines, end patenting of public lands, and provide tribes and local communities with the opportunity to petition the Secretary of the Interior to withdraw lands from future mining claims. Mining claims have significant impacts on Native American sacred sites as well as historic and cultural landscapes and archeological resources located on public lands.

At the hearing on Tuesday, several members of the committee were engaged and agreed that it was time to reform the mining law, including Public Lands Subcommittee chairman Ron Wyden (D-OR) and Sen. Maria Cantwell (D-WA).

Park Service
Veteran Brings
Thirty Years
Experience of
Management to
NPS Director
Position

Interior Secretary Ken Salazar also testified at the hearing on behalf of the Administration in support of the Bingaman bill, and indicated that the Interior Department would be taking more of a leadership role on the mining reform issue.

Jarvis Named Director of NPS

In related Interior Department news, President Obama announced his intention to nominate Jon Jarvis as Director of the National Park Service late last week. Mr. Jarvis is a 30-year veteran of the National Park Service and currently serves as the Regional Director of the Western Pacific Region. Jarvis brings considerable experience in management of the parks, including serving as the superintendent of Mount Rainier National Park in Ashford, Washington, Craters of the Moon National Monument in Idaho, and Wrangell-St Elias National Park & Preserve in Copper Center, Alaska. In addition, Mr. Jarvis was the Chief of Natural and Cultural Resources at North Cascades National Park in Washington State for over five years, where he was the chief biologist of the 684,000-acre complex consisting of two recreation areas and one national park.

Permanent Extension of Conservation and Preservation Easements Sought in House Bill

Permanent
Extension of
Easement
Donation
Provisions Sought
for Owners of
Historic
Properties

The National Trust joined a coalition of organizations that sent a letter to all 162 members of the Congressional Historic Preservation Caucus members in the House in support of HR 1831, a bill introduced by Rep. Mike Thompson (D-CA) that would make permanent qualified conservation and preservation easements and allow owners of historic properties to carry the remaining value of their easements up to 15 years. Other signatories to the letter included the American Cultural Resources Association, Civil War Preservation Trust, National Alliance of Preservation Commissions, National Association of Tribal Historic Preservation Officers, National Conference of State Historic Preservation Officers, Preservation Action, and the Society for Historical Archeology.

In August of 2006, the laws relating to donations of qualified conservation contributions, otherwise referred to as preservation and conservation easements, were changed. These changes included increases in the annual amount a taxpayer could deduct for the donation of a qualified conservation contribution from 30 percent to 50 percent of a taxpayer's contribution base (adjusted gross income less net operating loss carrybacks) and an extension of the carry-over period for deductions from five to fifteen years. Qualified farmers and ranchers were given even greater incentives, allowing for these individuals to deduct up to 100 percent of their contribution base and carry-over up to fifteen years. These increases were temporary and expired on December 31, 2007 but were renewed for two years in the Farm Bill reauthorization of 2008.

HR 1831 has 149 cosponsors to date and has been referred to the House Ways and Means Committee. The Senate companion bill (S. 812) has 21 cosponsors and has been referred to the Finance Committee.

