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FEDERAL UPDATE

Senate Passes FY'10 Interior Bill and Rejects Controversial Amendments on Public Lands and Historic Preservation

The Senate passed the FY10 Interior Appropriations bill (H.R. 2996) this week by a vote of 77-21. The Senate Interior bill funds the Historic Preservation Fund (HPF) at \$74.5 million, including \$20 million for the Save America's Treasures (SAT) program, \$46.5 million for State Historic Preservation Offices, \$8 million for Tribal Historic Preservation Offices, and \$3.175 million for the Preserve America program (from the National Park Service construction account).

The Senate floor debate this week included a number of controversial amendments that would have affected public lands and historic preservation. Sen. Tom Coburn (R-OK) offered an amendment that would have diverted desperately-needed funding from the Land and Water Conservation Fund (LWCF) for land management agencies — including the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, and U.S. Forest Service — from land acquisition for the purpose of reducing the Interior Department's public lands and national parks maintenance backlogs. The LWCF amendment was defeated by vote of a 79-19. However, Democrats agreed to accept a revised amendment by Coburn that allows private property owners to opt out of being included in any National Heritage Area, which passed under unanimous consent. Coburn also sponsored an amendment with Sen. John McCain (R-AZ) that would have transferred \$1 million in funding for the historic Sewall-Belmont House in Washington, D.C. to the National Park Service construction budget for maintenance and backlog, but the amendment was withdrawn.

Sen. Claire McCaskill (D-MO) offered an amendment that would have struck \$5 million in Senators' earmarks for the Save America's Treasures (SAT) Program and instead "provide criteria for the distribution of grants under the program" in which "the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match." The McCaskill amendment was defeated 72-26 and reinforced the immense popularity of the SAT program with lawmakers in providing direct funding for historic preservation projects in their respective states through the earmarking process.

The Senate also appointed conferees upon final passage, including Sens. Feinstein (D-CA); Byrd (D-WV); Leahy (D-VT); Dorgan (D-ND); Mikulski (D-MD); Kohl (D-WI); Johnson (D-SD); Reed (D-RI); Nelson (D-NE); Tester (D-MT); Inouye

Oberstar Still
Unfazed by
Administration
and Senate
Demands for
Lengthy
Extension of
Surface
Transportation
Reauthorization
Bill

(D-HI); Alexander (R-TN); Cochran (R-MS); Bennett (R-UT); Gregg (R-NH); Murkowski (R-AK); and Collins (R-ME).

House Passes Three-Month Extension of Surface Transportation Authorization Bill

The Transportation and Infrastructure Committee marked up and passed a three-month extension of a surface transportation authorization bill (HR 3617) this week by a vote of 335-85. House Transportation and Infrastructure Committee chairman James Oberstar (D-MN) continued to rail against the Senate and the Obama Administration for their support of an 18-month extension of the current highway authorization. Compromise with the Senate on the length of an extension is still possible and could range from six months to a year, but not the full 18 months that the Administration recommended. The Senate is expected to consider its 18-month extension bill in the next few weeks, setting up a clash with the House in conference committee.

The National Trust and its transportation coalition partners continue to monitor the progress of developments on a new highway reauthorization bill, particularly as they could affect Transportation Enhancements program funding; proposals on streamlining of environmental and cultural resources reviews; historic bridges; and the development of high-speed rail corridors as they affect Historic Main Streets and downtowns.

Santa Cruz Valley National Heritage Passes House on Second Attempt with Added Property Rights Concessions

Santa Cruz Valley
NHA Passes After
Property Rights
Concessions
Made to GOP
Lawmakers

On its second try, the House passed legislation Wednesday that would designate a national heritage area in Santa Cruz, Ariz. The bill (HR 324) passed 281-142 after returning to the floor under a closed rule. Earlier this month, the bill fell 14 votes short of the two-thirds necessary to pass under the suspension of the rules. Sponsored by Rep. Raul Grijalva, HR 324 was initially defeated over GOP concerns about the effects the heritage area designation on private property rights and homeland security, noting that the heritage area includes some of the most heavily-traveled routes for narcotics smuggling and human trafficking. Rep. Grijalva said the area's designation is necessary to protect the area's cultural and archaeological resources which are important to the descendants of Spanish, Mexican and American territorial settlers who helped culturally shape the area.

GOP members did win concessions from the Democrats when they succeeded in adding a provision to protect private property rights to the bill. The property rights amendment states that: 1) "no privately owned property shall be preserved, conserved, or promoted by the management plan for the National Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent

Coburn Drops
Procedural Hold
on Jarvis
Nomination

for such preservation, conservation, or promotion to the management entity; and 2) any owner of private property included within the boundary of the National Heritage Area shall have their property immediately removed from within the boundary by submitting a written request to the management entity.”

Jarvis Confirmed as NPS Director by Senate

The Senate confirmed Jon Jarvis to be the next director of the National Park System by voice vote after Sen. Tom Coburn (R-OK) dropped his procedural hold on the nomination. Coburn had placed a hold on the Jarvis nomination because of his stance on issues ranging from carrying concealed weapons in the parks to the Park Service “using outside groups as a tool to influence Congress.”

Jarvis has spent more than 30 years at the Park Service, most recently as the agency's Pacific West regional director, where he oversaw 56 national parks and supervised 3,000 employees. Jarvis, a trained biologist, also has served as superintendent of Mount Rainier National Park, Craters of the Moon National Monument in Idaho, and Wrangell-St. Elias National Park & Preserve in Alaska — the largest unit of the national park system. He also was head of natural and cultural resources for more than five years at North Cascades National Park, where he was the chief biologist of the 684,000-acre complex of two recreation areas and one national park.

Interior Releases Report Documenting NPS Maintenance Budget and Research Shortfalls

Report
Documents
NPS Resources
are Threatened
by Lack of
Maintenance
Funding and
Research on
Effects of Global
Climate Change

The Interior Department released a report on Thursday which was commissioned by the National Parks Conservation Association (NPCA) and conducted by a panel of distinguished luminaries — including co-chairmen and former U.S. Sens. Howard Baker, Jr. (R-TN) and J. Bennett Johnston (D-LA) — as well as retired Supreme Court Justice Sandra Day O'Connor. Titled “Advancing the National Park Idea,” the report concludes that the National Park Service “is woefully underfunded and, as a result, lacks adequate staff to maintain the 3,500 statues and memorials, 121 million museum artifacts and specimens, and 12,000 miles of roads it oversees.” The report also notes that the Park Service lacks the research capabilities to plan for and deal with the emerging threat posed by global warming on the parks’ resources.

For information on the report, visiting the NPCA website at <http://www.npca.org/commission/>.

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Public Policy Weekly Bulletin

September 25, 2009 — Volume 4, Issue No. 29