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HISTORIC PRESERVATION OFFICERS



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SOCIETY FOR AMERICAN ARCHAEOLOGY

October 6, 2014

The Honorable Mary Landrieu
Chairman
Senate Committee on Energy and
Natural Resources
304 Dirksen Senate Office Building
Washington D.C., 20510

Re: Section 2816 of the National Defense Authorization Bill (H.R.4435)

Dear Chairman Landrieu:

We write to express our strong opposition to Section 2816 of the National Defense Authorization Bill (H.R.4435) and ask that you champion its removal in conference. Our organizations, as well as several other national preservation organizations, the Advisory Council on Historic Preservation (ACHP), the National Park Service, and the Department of Defense (DoD) all believe this provision is unnecessary.

Specifically this section would amend the National Historic Preservation Act (NHPA) to prevent designation of federal properties as National Historic Landmarks (NHL's), World Heritage Sites or as listings on the National Register of Historic Places (NR) when objections are raised based on issues of national security. The legislation also calls for the National Park Service to identify a way to expeditiously de-list federally-owned historic sites when a concern over national security is raised.

The current system protects both Cultural Heritage and National Security

Under current law, 16 U.S. Code § 470, federal agencies are able to manage their historic properties while simultaneously protecting America's national security interests and maintaining military readiness. The NHPA requires federal agencies to identify and care for their historic places, but does not prevent or prohibit federal agencies from managing or maintaining their properties in whatever way necessary to protect America's national security interests. Today, federal agencies may make substantive non-historically compatible renovations or even demolish historic properties in the interests of national security or for any other mission - even over objections from the public and the Advisory Council on Historic Preservation.

According to the NPS, DoD agencies have 415 historic buildings, districts, and sites listed on the National Register of Historic Places. In the nearly 50 years of the National Register program, both the NPS and DoD recently testified they were unaware of a single instance where a historic designation was perceived to have impaired military readiness or training.

DoD Does Not Believe Section 2816 is Needed for National Security

More specifically, on April 29th of this year, at a hearing before the House Subcommittee on Public Lands and Environmental Regulations on H.R.3687 (which was included as Section 2816 of the NDAA), DoD stated its position that compliance with the NHPA does not impede military readiness and that H.R.3687 is not needed to preserve access to training and testing sites and facilities. As the Senate Energy and Natural Resources Committee has not yet considered this provision, we urge you to weigh carefully DoD's testimony and reject the impetus to make unnecessary and substantive changes to a law that has successfully fulfilled its purpose for more than 40 years by requiring that federal agencies consider the impact of their actions on historic properties.

Since the creation of the National Historic Preservation Act in 1966, our nation has successfully maintained and balanced the interests of national security and our historic resources. Again, we strongly urge you to oppose this unnecessary provision and to contact us with any questions.

Sincerely,

American Cultural Resources Association
National Conference of State Historic Preservation Officers
National Trust for Historic Preservation
Preservation Action
Society for American Archaeology
Society for Historical Archaeology