



**HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON FEDERAL LANDS
SUBCOMMITTEE LEGISLATIVE HEARING ON H.R. 5095 AND OTHER BILLS
COMMENTS FROM THE NATIONAL TRUST FOR HISTORIC PRESERVATION**

December 10, 2025

Chairman Westerman, Ranking Member Huffman, Subcommittee Chairman Tiffany, Subcommittee Ranking Member Neguse, and Members of the House Natural Resources Subcommittee on Federal Lands:

Thank you for the opportunity to provide comments from the National Trust for Historic Preservation for this Subcommittee hearing to consider multiple pieces of pending legislation. We confine our comments on these bills to H.R. 5095, the Housing Our Military Effectively for Readiness, Operations, and Neutralization of Threats Act of 2025 (HOMEFRONT Act of 2025) introduced by Representative Patronis.

Interests of the National Trust for Historic Preservation

The National Trust for Historic Preservation in the United States (“National Trust”) is a privately-funded charitable, educational, non-profit organization chartered by Congress in 1949 to further the purposes of historic preservation policy in the United States.¹ The intent of Congress was for the National Trust “to mobilize and coordinate public interest, participation, and resources in the preservation and interpretation of sites and buildings.” With headquarters in Washington, D.C., 28 historic sites, and more than one million members and supporters around the country, the National Trust works to protect significant historic places and to advocate for historic preservation as a fundamental value in programs and policies at all levels of government.

As the National Trust reflects on 75 years of our long-standing involvement in supporting preservation initiatives and looks ahead to our nation’s semi-quincentennial celebration, we deeply appreciate our collaboration with Congress—and particularly this Committee and its Subcommittees—to advocate on behalf of irreplaceable historic and cultural resources. Our comments for this hearing outline our significant concerns with H.R. 5095 and the proposed exemption of certain military housing from the National Historic Preservation Act (NHPA) and Section 106 consultation process.

NHPA and Section 106 Process

The NHPA is one of our nation’s landmark laws enacted in 1966 and includes several integrated and complimentary components of a policy approach to preserving our nation’s heritage. This

¹ 54 U.S.C. §§ 320101, 312102.

includes the specific requirement in Section 106 of the NHPA that federal agencies must “take into account” the impact of their actions on historic properties.² The implementing regulations for Section 106 provide agencies with guidance to assist them in satisfying this requirement through a unique consultation process.³

The policy origins of the NHPA provide important context for any examination or modification to the Section 106 consultation process. Congress passed the NHPA in response to public outcry over the widespread demolition of our nation’s historic resources by large-scale federal projects. Prior to enactment of the NHPA, federal agencies did not consider impacts to historic resources in their decision making, and there were no opportunities for stakeholder input to help avoid and minimize harm to our nation’s shared heritage. This lack of consideration led to nationally painful losses, including the notable demolition of the architectural achievement and iconic Pennsylvania Station in New York City, which helped galvanize public concern about the loss of America’s architectural heritage. In 1965, the U.S. Conference of Mayors produced a report highlighting the alarming rate of historic resource loss and advocated for a unified, national approach to preservation. In 1966, the NHPA was enacted—in part—to ensure that federal agencies balance historic preservation concerns with the needs of federal projects.

Section 106 Consultation Process

Section 106 review is a “stop, look, and listen” process, which is designed to assist federal agencies with their compliance with the NHPA and to help avoid and minimize the destruction of our nation’s historic resources. The Section 106 process is triggered when there is a federal undertaking that has the potential to affect historic resources.⁴ Section 106 compliance is governed by regulations issued by the Advisory Council on Historic Preservation (ACHP),⁵ which guide federal agencies in identifying historic properties, assessing adverse effects of their actions, and resolving those adverse effects through a distinctive process of consultation that is designed to achieve consensus.

Section 106 consultations always include the federal agency responsible for the undertaking and the relevant State and/or Tribal Historic Preservation Officers (SHPOs and THPOs). The ACHP is also afforded the opportunity to comment on all Section 106 consultations that involve adverse effects to historic resources. Typically, additional consulting parties include local governments, federal permit applicants, and other stakeholders with a demonstrated interest in the undertaking. The National Trust frequently participates as a consulting party in Section 106 consultations to assist federal agencies in finding ways to avoid, minimize, and mitigate harm to historic properties, while allowing undertakings to move forward.

² 54 U.S.C. § 306108.

³ 36 C.F.R. Part 800.

⁴ An “undertaking” is a project, activity, or program that is carried out, funded, licensed, or approved by a federal agency. 54 U.S.C. § 300320. “Historic properties” are sites, buildings, structures, districts, or objects that are listed or eligible for listing in the National Register of Historic Places. *Id.* § 300308.

⁵ 36 C.F.R. Part 800.

Similarly, the National Trust often provides Congress with background and expertise on the Section 106 consultation process and related issues.⁶

Role of the Advisory Council on Historic Preservation (ACHP)

ACHP administers Section 106 by issuing regulations that define the process, overseeing federal agency compliance, and being available for advice and dispute resolution. Its role includes providing guidance, developing programmatic agreements to tailor review processes, and participating as a formal consulting party in cases involving potential adverse effects on National Historic Landmarks (NHLs) or other significant disputes. The ACHP's involvement helps to ensure consistency in the assessment and resolution of adverse effects to historic properties, but it is the federal agency's responsibility to conduct the primary Section 106 consultation with parties like SHPOs and the public. Unfortunately, the ACHP's capacity has been severely reduced in recent months because of dramatic budget cuts. Restoring and expanding the ACHP staff would substantially assist all parties in achieving efficient and effective compliance with Section 106.

Opposition to Military Housing Exemption from Section 106 (H.R. 5095)

The National Trust appreciates Congress' interest and leadership on issues related to military housing, and we acknowledge the pressing need to address substandard housing for our military service-members. The men and women who serve our nation in the military deserve nothing less than safe and acceptable housing. We recognize military housing requires attention and the National Trust supports identifying program alternatives under the Section 106 process that support both adequate housing for our military service-members and an efficient way to assess the value of historic resources.

The National Trust, however, is strongly opposed to the legislative provisions outlined in H.R. 5095 that would exempt certain military housing from the core protections provided to our nation's historic resources by the NHPA and Section 106 process. We view Section 107 of the NHPA—which exempts the White House and its grounds, the Supreme Court building and its grounds, and the United States Capitol and its related buildings and grounds—as reserved for the structures that embody seats of power in our American system of government. For each current Section 107 exemption, a distinct process with separate oversight bodies, such as the National Capital Planning Commission and the Architect of the Capitol, allows for best historic preservation practice to be considered and followed. Exempting a subset of federally owned buildings from the Section 106 process is not an appropriate policy approach, and more effective strategies exist to balance historic preservation objectives with federal project requirements.

As a statutorily designated voting member of the ACHP, for several years the National Trust has been deeply engaged on issues related to military housing and the NHPA. We welcome the opportunity to further engage with Congress and its committees to supplement this comment letter with additional background regarding the ongoing discussions on program comments related to military housing.

⁶ National Trust for Historic Preservation; [Testimony](#) for Senate Energy and Natural Resources Committee Hearing to Examine the Section 106 Consultation Process under the National Historic Preservation Act; October 27, 2025.

We offer the following additional considerations as Congress evaluates H.R. 5095:

- **Exempts military housing from Section 106 review.** As noted above, the underlying legislation would exempt certain military housing from Section 106 review, whose regulations require that federal agencies seek to “avoid, minimize, or mitigate” adverse effects.⁷ Instituting this exemption and removing one of the core protections for our nation’s historic resources eliminates requirements to avoid or minimize adverse effect to historic properties, provides for unilateral decision-making by the military with no binding commitments to preserve historic resources, and represents an abandonment of any incentive or requirement and lack of guarantee that any historic resource would be preserved.
 - **Neglects existing procedures that enable development of tailored streamlining alternatives.** The Section 106 regulations include several mechanisms for federal agencies to develop tailor-made approaches to streamline Section 106 review. For example, the Army has taken advantage of these procedures by developing numerous program comments and exemptions so that the vast majority of the Army’s military housing is already covered by these streamlined internal review procedures. Other branches of the military should similarly negotiate with the ACHP to develop custom tailored streamlining procedures rather than having Congress adopt an overbroad exemption.
- **Eliminates public participation.** The views of the public are essential to informed decision-making regarding preservation of historic resources as part of the Section 106 process, which would no longer apply with the proposed exemption. Public participation fosters democratic engagement and offers the public an opportunity to influence projects that could affect historic properties in their communities. Input during the Section 106 process for historic military housing from key stakeholders—including veterans organizations—helps federal agencies identify potential issues early, build relationships with the public, and achieve project outcomes such as providing a military housing program that genuinely serve the American people.
- **Risks widespread demolition of an era of historic housing.** In the absence of any safeguards from NHPA and the Section 106 process resulting from the proposed exemption in the underlying legislation, the result is de facto permission for the military to demolish an entire era of military housing. For the Army alone, many of the historic structures are architecturally significant or tell the story of life in the Army during important periods in our nation’s history including the Vietnam War and Civil Rights Movement.
- **Undermines Section 110(f) protections for National Historic Landmarks.** National Historic Landmarks (NHLS) are buildings, sites, districts, structures, and objects

⁷ 36 C.F.R. § 800.6(a), (b)(1)(i).

that have been determined by the Secretary of the Interior to be nationally significant in American history and culture,⁸ and are amongst the most significant historic properties stewarded by the Army and other branches of the military. NHLs are protected by Section 110(f) of the National Historic Preservation Act, which requires a stronger effort by federal agencies to minimize adverse effects to them “to the maximum extent possible”⁹ and would not be fulfilled by instituting a Section 106 exemption for military housing. A Section 106 exemption would eliminate existing SHPO reviews for undertakings, which are crucial and effective opportunities to help ensure that adverse effects are avoided and minimized. Elimination of SHPO reviews removes existing (and thus clearly “possible”) efforts to avoid adverse effects to NHLs, which is inconsistent with the “maximum extent possible” approach to avoidance prescribed by Section 110(f).

- **Unclear outcome for existing Section 106 agreements.** The underlying legislation excludes any clarifying provisions regarding existing Section 106 agreements despite stipulation that the exemption from Section 106 includes “any facility under the jurisdiction of the Department of Defense that is listed on the National Register of Historic Places as of January 20, 2025”. The National Trust opposes any effort to override and preempt existing Section 106 agreements that have been negotiated between federal agencies and the ACHP and SHPOs, and we agree with comments to this effect by the National Conference of State Historic Preservation Officers in other contexts.

Additionally, our previously cited comments to the Senate Energy and Natural Resources Committee in October 2025 describe in further detail the importance and value of the Section 106 process, including its flexibility. The vast majority of federal undertakings reviewed each year by SHPOs and THPOs result in findings of “no historic properties affected” or “no adverse effect,” and these reviews are completed efficiently when offices have adequate funding and staff. The ACHP reports that approximately 120,000 projects undergo Section 106 review each year,¹⁰ and of those, approximately 2,000 result in a finding of adverse effect— or less than 2 percent of all federal undertakings. SHPOs are generally required to respond to Section 106 requests within 30 days, and for the over 98 percent of undertakings that do not result in a finding of “adverse effect,” the review process is typically quick and straightforward. The small number of outliers that require more extensive consultation are projects that will result in harm to our nation’s historic resources. The goal of those consultations is to help those projects avoid, minimize, or mitigate harm, not to stop or prevent the proposed projects.

The ACHP documents¹¹ success stories for Section 106 consultations that demonstrate the wide variety of examples where the process has produced successful project outcomes as a result of consultations. Extensive documentation of these successful Section 106 consultations in all 50

⁸ NPS; National Historic Landmarks FAQs; <https://www.nps.gov/subjects/nationalhistoriclandmarks/faqs.htm>

⁹ 54 U.S.C. § 306107.

¹⁰ Advisory Council on Historic Preservation, “[About the ACHP Fact Sheet](#),” 2025.

¹¹ ACHP; Section 106 Success Stories; <https://www.achp.gov/success-stories>.

states, the District of Columbia, and Puerto Rico demonstrates the flexibility of the process for federal projects and preservation.

Further Discussion

The Section 106 process provides a critical tool to preserve our nation's historic resources and helps guide federal agencies in identifying historic properties and resolving any adverse effects of federal undertakings through a unique consultation process designed to achieve consensus. The National Trust opposes the Section 106 exemption proposed in H.R. 5095 for certain military housing, and we look forward to providing any additional background on NHPA and the Section 106 process for Congress on this and other related legislation. We welcome our continued collaboration on this and other preservation issues.

Sincerely,

A handwritten signature in blue ink, appearing to be "S. J.", with a long horizontal line extending to the right.

Vice President of Government Relations

Cc: Representative Jimmy Patronis