

June 20, 2007

Representative John P. Murtha (PA), Chair  
House Appropriations Subcommittee on Defense  
Room H-149, The Capitol  
Washington, DC 20515

Senator Daniel Inouye, Chair  
Senate Appropriations Subcommittee on Defense  
722 Hart Building  
Washington, D.C. 20510-1102

Dear Senator Inouye and Representative Murtha:

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing to seek your assistance in blocking plans by the U.S. Army to contract out environmental, natural and cultural resource management functions to the private sector, contrary to the dictates of law and repeated expressions of intent by Congress.

In particular, PEER would draw your attention to mid-March public announcements affecting the nation's oldest Army facility, the U.S. Military Academy at West Point, and its largest, the White Sands Missile Range, covering more than 2.2 million acres in south-central New Mexico. In those announcements, the Army notified contractors to begin preparing bids on virtually all environmental jobs at the two installations. Formal bidding will begin later this summer with contract awards slated for January 2008.

While presently limited to these two bases, several more installations are beginning preparations for similar outsourcing packages involving more than 20,000 environmental and resource specialists. Significantly, at both West Point and White Sands, all environmental functions were classified as "commercial in nature" and the only positions exempt from potential replacement were the most senior positions that would be retained to oversee the contracts.

These actions fly in the face of the Sikes Act (16 U.S.C. § 670), which requires each military installation to employ sufficient numbers of professionally trained natural resource managers and categorizes most natural resources management functions as inherently governmental.

Apart from the illegality, the downsizing, outsourcing, and privatization of natural resource management functions present significant threats to the professional management of natural resources and the support of the military mission – a mission that is dependent on the sound management of natural resources.

Of particular concern are the following:

- Contracted natural resource people will be less likely to confront resource problems. If these positions are not governmental, then it is much easier to disregard their findings or just “hire another contractor”. Merit System protections provide integrity and credibility to the execution of the law;
- The motives of contractors are profit and obtaining the next contract. Natural resource management is a long-term commitment. Contractors are conditioned by the market to focus on the short-term result; and
- In cases that have been reported to PEER, the Department of Defense’s motivation for obtaining private contractors has been to circumvent or obviate resource protection opinions from its own staff that have been deemed inconvenient or troublesome.

PEER has just successfully settled a lawsuit against the natural resource contracting practices of the U.S. Department of the Air Force at Edwards AFB, California. In that case, Judge Margaret M. Morrow of the U.S. District Court for the Central District of California ruled that the Sikes Act restrictions on contracting out resource management are neither “suggestive” nor provides “guidance”; rather, it is a law that imposes a specific and enforceable mandate.

To avoid further litigation on an issue on which the Congress has already spoken clearly, PEER urges the Congress to remind the Army of the requirements of law and its responsibilities to promote stewardship of the public resources entrusted to its care. I have taken the liberty of attaching suggested language which PEER believes will accomplish these ends.

Should you have any questions or seek additional information on this matter, please do not hesitate to contact me.

Sincerely,

Jeff Ruch  
Executive Director

Cc. Members, House Appropriations Subcommittee on Defense

Members, Senate Appropriations Subcommittee on Defense

Rep. John Hall

Rep. Maurice Hinchey

Rep. Steve Pearce

Rep. Don Young

Sen. Charles Schumer

Sen. Hillary Clinton

Sen. Pete Domenici

Sen. Jeff Bingaman

Sen. Ted Stevens