From the Committee on Transportation and Infrastructure, for consideration of sec. 601 of the House amendment, and secs. 601 and 1063 of the Senate amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
CORRINE BROWN,

From the Committee on Veterans' Affairs, for consideration of secs. 641, 651, 721, 723, 724, 726, 727, and 728 of the House amendment, and secs. 541 and 641 of the Senate amendment, and modifications committed to conference:

CHRIS SMITH,
Managers on the Part of the House.

CARL LEVIN,
TED KENNEDY,
ROBERT C. BYRD,
JOSEPH I. LIEBERMAN,
MAX CLELAND,
MARY L. LANDRIEU,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
JEAN CARNAHAN
MARK DAYTON,
JEFF BINGAMAN,
JOHN W. WARNER,
STROM THURMOND,
JOHN MCCAIN,
JAMES M. INHOFE,
PAT ROBERTS,
JEFF SESSIONS,
SUSAN COLLINS,
JIM BUNNING,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill:

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4546, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that we are at the end of a long and difficult struggle that has been engaged in by Democrats and Republicans on this most bipartisan of measures, which is the defense bill passed by the House and now by the Senate and worked in conference over the last many weeks.

□ 1830

This is a $393 billion bill. We have had a very thorough discussion and debate as the House package was moving, as the other body did moving their package. We all understand the urgency. We know that we have large increases in very important elements with respect to the war against terrorism, and in particular, we have included increases of $1.7 billion for aircraft operations and flying hours, $1.7 billion for facility maintenance and base support, $586 million for ground force operations, $562 million for training accounts, and $10 billion for ongoing costs of conducting the war against terrorism.

Also, Mr. Speaker, we have a 4.1 percent military pay raise in this bill, with targeted increases up to 6.5 percent for mid-grade and senior noncommissioned officers and mid-grade officers.

We also extend critical recruiting and retention bonuses through December of 2003. We also reduce out-of-pocket housing costs for military personnel by increasing housing allowances to cover 92.5 percent of housing costs, and we also provide some $10.4 billion for military construction and family housing.

Mr. Speaker, I want to thank my colleague, the gentleman from Missouri (Mr. SKELTON), for his great work to move this bill, which is named after our chairman, the gentleman from Arizona (Mr. STUMP), and which really manifests a lot of his values with respect to rebuilding national defense.

This has been a very difficult conference. Let me address the issue that has been a tough issue. It has been a tough issue out in the countryside, and has been a tough issue in Congress, and the issue that has held up the conference, one of the issues that has held up the conference for a period of time.

We have the so-called ''concurrent receipt'' issue. That is a question of whether disabled veterans who are also military retirees can receive their military retirement check, and also receive at the same time a disability check.

That issue was voted on in the House, and we voted up a package that said that retirees that were severely disabled, that is, 65 percent and greater disabled, would, in fact, receive both checks at the same time. The other body had a more generous package. We went into conference and we had a lot of arm-wrestling over how we were going to get this thing passed.

Let me tell the Members what we have done in this very important area. We decided that the people, in this time of limited funds, the first people, the people who should be given priority, were the people who have gone out in combat and put their lives on the line and actually been hit by enemy gunfire. That is the definition of a Purple Heart, when you are injured by enemy fire in combat. That is the only way one can receive a Purple Heart.

For the people who receive Purple Hearts, for those injured in combat, they are going to receive fully both their retirement check and whatever disability they are entitled to as a result of the wounds that they received in the field of combat. That means if it is a 10 percent disability, if it is a 20 percent, if it is a 30 percent, if it is a 40 percent, all the way up to 100 percent, Mr. Speaker, those people who went out and received enemy gunfire and got a disability as a result of that are going to receive both checks.

I think every American veteran would have it that way, that the first people who should receive both disability and a retirement check are the people who put their lives on the line and received wounds at the hands of the enemy.

Now, we have a second category. That second category is what we call combat-related. That means they may be in a combat zone undertaking military operations and may be injured. As they are moving logistics, they may have a truck roll over and disable them. They may have something else happen to them that does not amount to enemy fire and something that would justify a Purple Heart, but nonetheless, they are injured in some type of a role that relates to combat. If that injury is 60 percent or greater, which is the standard that the House had in its concurrent receipt bill, they are going to receive both their disability and their retirement.

Now, we also said, okay, if one is undertaking a hazardous operation, for example, if they are in a submarine or a swift boat or some other activity that is military-related, combat-related, and is a hazardous operation, even though they may not be exchanging gunfire with the enemy in that particular area of operations, and if they have a 60 percent or greater disability they also will receive both checks.

We also said if one is training for combat. That means if one is a paratrooper with the 101st Airborne, or they are with the 82nd Airborne at Fort Bragg and they have a jump operation and the parachute malfunctions and they injure their pelvis in that jump, because they are training for combat, if they have a 60 percent or greater disability, they also are going to receive both checks, Mr. Speaker.

So in this time of limited funds, we have tried to do what we think is the right thing; that is, to go first to our people who have been in combat, and then to people who have been in combat-related activities and also people who have been training for combat and give them both checks, both their disability check and their retirement check.

So, Mr. Speaker, we have worked this out. We think this is a great package. I want to thank the gentleman from Missouri (Mr. SKELTON), who carries on the long tradition, as we do on both sides of the aisle, of trying to put together what I think is the most bipartisan bill that this House produces, which is the defense bill. I want to thank him for everything that he has done.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4546, the National Defense Authorization Act for fiscal year 2003. I will go into the reasons momentarily, but first let me compliment my friend, the gentleman from California (Mr. HUNTER), as well as the committee chairman, the gentleman from Arizona (Mr. STUMP), for the work they did in shaping this conference report.

Mr. Speaker, this was the farewell voyage as our chairman for the gentleman from Arizona (Mr. STUMP). The seas were far from smooth in this legislation and the issues were particularly difficult, so I applaud the efforts of the gentleman from Arizona (Mr. STUMP) and the leadership of the gentleman from California (Mr. DUNCAN) in recognizing the totality of this legislation.

I do want to raise a note of caution, however. Mr. Speaker, it is unusual to consider a conference report on a defense bill under suspension of the rules. I am not totally comfortable with that process. All other things being equal, it would be preferable to consider the bill in a more deliberative fashion.

I also recognize that there is little time remaining in this session. Passage of this bill is vitally important. The fact that we are considering this bill today reflects the commitment of the members of the Committee on Armed Services, who must provide for the men and women of our country when they are sacrificing in so many ways to defend our country.

I am not delighted with the outcome of every issue, either, far from it, but I might point out that our troops need the authorization for the 4.1 percent pay raise. They need authorization for special pay to compensate and help retain those who have special skills. Our bases need military construction and family housing authorization, for those projects are critical to maintaining both adequate infrastructures and quality of life for our servicemen and women. They can now move forward with that authorization.

We need to authorize the money for military operations, flying hours, steaming days, and tank miles, and allow our troops to be the best-trained and the best-prepared in the world.

I would also mention the concurrent receipt. The gentleman from California fully spelled out the end result of the very difficult negotiations that occurred, hard-fought issues, and a very, very important issue to so many of those military retirees who have done so much for our country.

Nevertheless, the conference agreement is a significant step in the right direction, and by providing concurrent receipt to Purple Heart recipients and to other retirees with high-percentage combat-related disabilities, we provide a basis for further consideration of this issue in the years ahead.

I am pleased that we were able to reach satisfactory agreements on the other difficult issues relating to end strength, environmental provisions, missile defense, abortion, and various foreign policy questions. This bill moves the military substantially forward toward new ways of fighting. It helps the Army and Marine Corps move faster and increases the Air Force's qualitative edge.

Perhaps more than at any other time in the last decade it is essential that this House take action to provide for our military men and women and the programs and activities of the Department of Defense. This vote will be seen not only in Kabul and Baghdad, but Diego Garcia, Fort Irwin and Norfolk. We need to send a message to the American public and to our adversaries and allies that we in Congress are prepared to give our men and women in uniform the support and protection they deserve.

I want to commend again the gentleman from California (Mr. HUNTER), and our friend, the gentleman from Arizona (Mr. STUMP), for whom this bill is named, for a job well done and the cooperation they have given.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. HEFLEY) for the purpose of a colloquy.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I believe it is essential that the RECORD accurately reflect the intent of the House managers regarding section 315 of this conference report relating to the incidental takings of migratory birds during military readiness activities.

Subsection (b) of this provision requires the Secretary of Defense, in consultation with the Secretary of the Interior, to ''identify measures'' to minimize, mitigate, and monitor impacts of military readiness activities on migratory birds.

I note that the provision does not state ''identify and implement.'' Am I correct in assuming that this choice of words indicates the conference committee's clear intent that the Department of Defense shall not be required directly, or indirectly through the regulations promulgated by the Department of the Interior under subsection (d), to implement the measures identified pursuant to subsection (b)?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, the gentleman from Colorado (Mr. HEFLEY) is correct. The language means precisely what it says: The Department of Defense is not required to implement the measures it identifies in subsection (b), nor is the Department of the Interior required or expected to include any of the identified measures in the regulations issued under subsection (d).

To the contrary, subsection (b) merely requires the Department of Defense to inventory measures that it might voluntarily choose to adopt to protect migratory birds during both the interim statutory exemption period created in the legislation and the ultimate regulatory exemption period. It would completely undermine the specific intent of section 315 to read subsection (b) as imposing a new duty to implement the identified measures on the Department of Defense, or to impose on the Department of the Interior a duty to incorporate some or all of the identified measures into the exemptive regulation issued under subsection (d).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for that.

I would like to further clarify another question related to section 315. Subsection (d)(1) imposes an obligation on the Secretary of the Interior to exercise her authority under section 3(a) of the Migratory Bird Treaty Act not later than 1 year after section 315 is enacted to prescribe regulations to exempt the Armed Forces for incidental takings of migratory birds during authorized military readiness activities.

Subsection (d)2 further specifies that the Secretary of the Interior must obtain the concurrence of the Secretary of Defense in exercising this authority. Since the Secretary of the Interior must obtain the concurrence of the Secretary of Defense, the Secretary of the Interior may find it challenging to complete agency rule-making within 1 year.

Is the Secretary of the Interior required to issue the regulation within 1 year?

Mr. HUNTER. If the gentleman will yield further, Mr. Speaker, this is not the meaning of the plain language of the provision. It does not state that the Secretary of the Interior shall issue regulations under subsection (3)(a) of the Migratory Bird Treaty Act to exempt the Armed Forces. Instead, the Secretary of the Interior is required within the 1-year period to begin the process of exempting the Armed Forces' military readiness activities from the incidental taking prohibition of the Migratory Bird Treaty Act. The Secretary of the Interior is not required to complete the process within 1 year.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for that. That is my understanding of the intent of the conferees, as well.

I take it, therefore, that if the process is not completed within 1 year, the interim statutory exemption conferred by section (c) would continue to run

beyond the 1-year period identified in section (d)(1), plus the 120-day period for seeking judicial review identified in section (e)?

Mr. HUNTER. The gentleman is correct. The language of the provision is absolutely clear on that point. In subsection (c), it is expressly stated that the interim period of legislative exemption ends ''on the date on which the Secretary of the Interior publishes in the Federal Register a notice that'', among other things, ''all legal challenges to the regulations and to the manner of their promulgation (if any) have been exhausted . . . and the regulations have taken effect.''

Any number of circumstances could delay that effective date. As I discussed earlier, subsection (d) does not require the Secretary of the Interior to conclude the rulemaking within 1 year, only to commence it.

Securing the concurrence of the Department of Defense as required by subsection (d)(2) could also be time-consuming. Subsection (e) does not require that judicial review be concluded within 120 days, only that it commence.

□ 1845

Mr. Speaker, as the gentleman is aware, such litigation can be quite protracted. If the litigation resulted in the invalidation of the rule, then the rulemaking, concurrence, and judicial review process would commence once again, further extending the interim period of statutory exemption, because that period ends only upon the determination of the Secretary of the Interior upon subsection (c)(2) and (3) and ''all legal challenges have been exhausted and the regulations have taken effect.''

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for these important clarifications. I think it is important that we are clear on what the conference committee meant when we enacted it in this form.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. LARSON).

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of the legislation and with the opportunity to engage the chairman in a colloquy if the gentleman would see fit. I want to associate myself with the remarks of the gentleman from Missouri (Mr. SKELTON) and especially the outstanding work that was done by the gentleman from Arizona (Mr. STUMP), whom this great piece of legislation is named after, and at this point I would like to enter into a colloquy as it relates to concurrent receipt and concerns I have with the language that are outlined in the bill.

With respect to the bill, my specific questions deal with sections that talk about what will happen to any retiree who has at least a 60 percent disability rating or more for combat-related disability and the various categories that it breaks that down into. Under those specific categories are: A, if the disabling condition was incurred as a result of armed conflict; B, while engaged in hazardous service; C, under conditions simulating war; and D, caused by an instrumentality of war, examples of which include a person steps on a mine, accidents involving military combat, sicknesses or caused by fumes or gas or military ordnance. And I want to know if that applies specifically to Agent Orange and Gulf Syndrome?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for raising this issue, and I can assure him the conference agreement does nothing to preclude DOD's consideration of disabilities related to Agent Orange or other disabling circumstances for which the VA has a presumption of causality.

The agreement does require the Secretary of Defense to establish a process and criteria for evaluating whether a disability is combat related. We know that DOD already has some criteria in place to evaluate combat disabilities. If the Secretary of Defense builds on these criteria to implement this conference agreement, they would appear to be broad enough.

For example, in looking over the items the gentleman has listed, they are the criteria as he stated, a direct result of armed conflict while engaged in hazardous service or in the performance of duty under conditions simulating war or through an instrumentality of war.

Certainly Agent Orange, which I saw in Vietnam, was intended to defoliate areas of forest that were close to American base camps and areas of operation to keep the enemy from being able to close around you undiscovered. That would be considered to be an instrumentality of war and therefore would be covered as an agent that would be covered under this particular provision.

Mr. LARSON of Connecticut. Mr. Speaker, I appreciate the gentleman's comments, and I assume that would apply to Gulf Syndrome as well.

I know in Connecticut, having constituents that have been afflicted, I believe under the new language that this would be applicable; but inasmuch as it is not specifically outlined here, the gentleman's comments are most appreciated.

Mr. HUNTER. Mr. Speaker, I would say in doing some research into the Gulf War Syndrome and the potential of what I consider to be the actual blow back of agents that went over American troops, that the release of those agents would certainly be considered to be an instrumentality of war, and I think the legislation intends that that is the case.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, let me take a minute at the outset to talk a little bit about the individual after whom this bill is named. The gentleman from Arizona (Mr. STUMP) comes from Arizona. After the announcement of the gentleman's retirement, this bill was named the Bob Stump Military Authorization Bill of 2003.

Let me discuss the lifetime service of the gentleman from Arizona (Mr. STUMP) that many Members may not know about because it is quite remarkable. At the age of 16 in 1943, during of course World War II, the gentleman from Arizona (Mr. STUMP) joined the Navy and for the rest of the war he played a very active role taking part in the invasion of Iwo Jima and Okinawa, and of course those were very dangerous places to be in those days. But having known the gentleman from Arizona for the last 18 years, dangerous places have never fazed him. He certainly is not a bashful guy with respect to those types of things.

In 1959, the gentleman from Arizona (Mr. STUMP) ran for the first time for the Arizona State legislature and worked his way through the State legislature until he became, in the early 1970s, the President of the State Senate. In 1977, he came here to Congress and became a member of the Committee on Veterans' Affairs and the Committee on Armed Services, and again worked his way to the chairmanship of the Committee on Veterans' Affairs and then on the Committee on Armed Services. Announcing his retirement made us sad, but this bill, the Bob Stump Defense Authorization Bill of 2003, is a tribute to a gentleman with a great lifetime of service to this country and we all thank him for it and want him to know we will miss him.

One other thing about this bill which I think is extremely important, working through this bill with the gentleman from California (Mr. HUNTER) and with the gentleman from Missouri (Mr. SKELTON), this bill worked through an open process with a whole series of compromises, compromises that perhaps did not leave anybody on either side terribly happy, but it was the best we could do with the amount of money that we had at our disposal.

As chairman of the Subcommittee on Military Construction, I worked with the gentleman from Arkansas (Mr. SYNDER) and others to craft the legislation in a way that we could do the best with the dollars that we had available to us, and I think we have done that.

Other compromises involved operational kinds of things. For example, this bill includes funding for 13 additional C–17s in 2003. The gentleman from California (Mr. HUNTER) and I probably did not think that was enough; but again, with the dollars we

had available to us, we did what we could.

Actually with regard to this subject of the C–17, I happen to think that with the Army transformation going forward and the ability to deploy to a necessary area within the required time, according to the Army which is 96 hours, I do not think that we will have near enough C–17 airplanes even when the total complement, which is currently 180, is procured. I think the number is probably closer to 300 airplanes that we are going to need, and perhaps some day we will get there. Today, we have our sights set on too few and are getting them too slow, but that is the nature of compromise.

Still it is a good bill in this global atmosphere, worthy of the support of every single Member on both sides of the aisle. I ask Members to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in support of the bill, and also want to add my accolades to the gentleman from Arizona (Mr. STUMP). He was the chairman of the Committee on Armed Services and the Committee on Veterans' Affairs.

I do want to express some dissatisfaction with the process here tonight that we have been dealt. The gentleman from Missouri (Mr. SKELTON) mentioned the problems of doing this with a suspension bill, which means a very limited time period for debate. I am more concerned about the notification. I found out about this in the airport late this afternoon that this bill was going to be coming up tonight, when we had been told for several weeks that the conference reports would be coming up on Wednesday or Thursday. I understand we are at the end of the session in a lame duck and we are not sure how long we are going to be here, but democracy was not intended to be an efficient process, and sometimes we can be too efficient. I think there is a substantial number of Members that do not know that this debate is going on tonight.

Like many Members, I spent Veterans Day at events the last couple of days and through the weekend, and a lot of veterans came up to me and asked about the issue of concurrent receipt and why the President threatened to veto it and why the House leadership did not want to do the bill before the election.

I would have liked to have taken the language that is in the bill that we are voting on tonight and send to my veterans back home and have them comment on it before we come to the floor today. But, unfortunately, that did not occur. I would hope that we would have a process more in accord with the open kind of notification that a democracy really demands.

I rise in support of the bill and appreciate all of the work that the staff and Members have put into this, and I thank the gentleman from California (Mr. HUNTER) for stepping in in the absence of the gentleman from Arizona (Mr. STUMP).

Mr. HUNTER. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Military Personnel.

Mr. MCHUGH. Mr. Speaker, I extend my great appreciation and admiration to the acting chairman, the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), and of course our full committee chairman, the gentleman from Arizona (Mr. STUMP), who has done such yeoman's tasks, as the gentleman from New Jersey (Mr. SAXTON) just described so eloquently a few minutes ago, and to the gentleman from Arkansas (Mr. SNYDER) for his support and his great work on this.

Mr. Speaker, it is obvious from the conversations and statements that have been made here in recent minutes past that this evening's consideration of this particular conference report is surrounded by what I think is an understandable controversy on one issue, and that is of concurrent receipt.

The discussions suggests that for the first time in more than 4 decades, passage of a defense conference report is not a foregone conclusion. And given where the Congress, the Nation, and most importantly our military personnel find themselves on this day in history, such a defeat would be a disastrous failure to fulfill our responsibilities at this fateful point in our history.

I want the record to show that I consider myself a strong supporter of concurrent receipt. It is no secret that in recent years the House version of the defense bill has been silent on this issue. The realities of fully financing the provisions, some $45.8 billion over 10 years routinely cause us to forego any action whatsoever; and as such, veterans suffer.

After having the honor of assuming the chairmanship of the Subcommittee on Military Personnel 2 years ago, I was surprised and very, very pleased to be able to work with both sides of the aisle, the leadership in the House on both sides of the aisle, as well as the bipartisan members of the Committee on the Budget, certainly led by the efforts of the gentleman from Iowa (Mr. NUSSLE) for the first time ever to include some $17.8 billion over 10 years in the House budget resolution that led to our defense bill for the first time ever to provide full retirement and disability benefits to any veteran 60 percent or greater disabled. But like most every Member of this body, I considered that a positive initiative but really a minimum, a first step in correcting toward what we all feel is a very unfair policy.

Unfortunately, there are certain realities in the legislative process that we cannot avoid, and that is it takes three parties to enact a provision into law: The House, the Senate, and the White House.

□ 1900

The fact of the matter is that while this provision is not what many, if not all of us, wanted, certainly it is progress. It takes us a step in the right direction. To defer reaction and answering to our veterans' needs and not passing this bill would be a disastrous abdication of our responsibilities, particularly at this very, very tenuous time in our Nation's history. With all of the other good provisions, pay increase, military end strength, veterans and military health care systems cooperation, I think certainly we should stand forward and support this bill.

I urge all of our colleagues to vote in the affirmative.

Mr. SKELTON. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, along with my colleagues, I would like to wish my very heartfelt thanks and farewell to the gentleman from Arizona (Mr. STUMP). He will be sadly missed. He served this Nation very well since the early 1940s as a young seaman in the Navy and he has been a great Congressman. If the gentleman is watching, we are sure going to miss you. You are a great guy.

Mr. Speaker, the procurement portion of this bill does a lot, but as all of us always feel at the end of the year, we have never done quite enough. The fleet is still the smallest it has been since 1933. But I am pleased to announce that the bill would fund the building of two Aegis class destroyers, one Virginia class submarine, one LPD–17, four service life extensions for LCACs, two submarine conversions, one submarine refueling, two small-waterplane twin-hull mine hunters, one T-AKE, which I hope the gentleman from California (Mr. HUNTER) will help me put some American propellers on; and $54 million to the title XI shipbuilding program for our domestic shipbuilders.

Aircraftwise, we are going to build 23 F–22s, 48 F/A–18s, 12 C–17s, a multiyear procurement for C–130Js, 35 JPATS trainers, one JSTARS, 35 UH–60 Blackhawk variants and a variant for 15 Navy versions of that helicopter; six training helicopters and 11 V–22s.

As far as ground forces, there will be 35 MLRS systems, 45 upgrades to the Bradley armored personnel carriers, 332 Stryker interim armored vehicles, and upgrades to 31 M1A2s.

But like all of my colleagues, Mr. Speaker, I am a bit concerned and somewhat disappointed that we could not do a better job on concurrent receipt. If the gentleman from California would, I would like to engage in a further colloquy.

Mr. Speaker, I know the gentleman from California is a Vietnam vet and he has mentioned this scenario of Agent Orange. I happen to have a staffer who in the past year has become

very, very sick as a result of his service in the Gulf War. After much testing, it was determined it was a result of mercury poisoning, and the only thing that any doctor can conclude is that it is from the air he breathed while he was in Desert Storm. My question would be, he was a young man when this occurred so he is not a military retiree. But had that happened to someone who had served 20 years or more, they have no visible scars, they did not receive the Purple Heart, they served, they went when their Nation called, and as a result of that they have been poisoned.

How does this bill address that? Because again, I understand the need to reward, to compensate the person who has lost an arm, a leg, their vision, their ability to have children, but this is someone who has truly been poisoned as a result of his service to our Nation. What will we do for them with this concurrent receipt language?

Mr. HUNTER. If the gentleman will yield, I can offer to my good colleague what would be my intent and my understanding of what we have done and that is this: One category for disability that is compensable is for disabilities that are caused by an instrumentality of war. Just like the Agent Orange spraying that was done in Vietnam was, in my estimation, an instrumentality of war which was meant to defoliate the areas that were around American operations, American base camps, American centers so that the enemy could not close undetected and get up close to American soldiers, that that spray, that herbicide, was definitely an instrumentality of war that was utilized in carrying out the military mission.

Similarly in my analysis, and everybody has their own opinion and has seen their own set of facts and seen the base facts on what happened in the Gulf War, my opinion is that some of the agent that was stockpiled by Saddam Hussein in the last war, the canisters of which were ruptured during the war itself, some of that agent had a blowback over American troops. I think there was some contamination of American troops by that agent. In that situation, if that is found to be the cause of an injury, that blowback of agent would certainly be considered to be an instrumentality of war and carried out in the mission of war.

So my answer is yes, it would be included.

Mr. TAYLOR of Mississippi. Mr. Chairman, if I may, since I have seen a tendency for some people in the bureaucracy of government to somehow lose sight of the value of our veterans, would you consider a letter to that extent to the Secretary? The Secretary has got a lot of things on his plate. Maybe he does not deal with individuals to the extent that you and I as representatives of 700,000 people do, but would you consider a letter to the Secretary along those lines telling him of our strong interest in accomplishing just that?

Mr. HUNTER. Certainly. I would be happy to put what I have just said in a letter and send it to the Secretary.

Mr. TAYLOR of Mississippi. Again, as a part of that letter, I would like to hear the Secretary's response because I would sure as heck hope that we do not have to wait another year before some of these injustices are finally made right. I thank you very much for your explanation. I look forward to working with you on that letter to the Secretary.

Mr. HUNTER. Mr. Speaker, I yield the balance of my time to my great friend, the gentleman from Utah (Mr. HANSEN), who has received short shrift throughout this conference on his issues.

Mr. HANSEN. I thank my friend for yielding me this time.

Mr. Speaker, I rise in support, reluctant support, of this bill. I have great respect for BOB STUMP, my neighbor to the south in Arizona, and my good friend, DUNCAN HUNTER. Mr. Speaker, I rise more as a chairman of the Committee on Resources who has been able to see that there are many things that overlap, many things that are done in Resources that I have signed letters to BOB STUMP because I thought they were important that he has the right to do it.

One of those in the 1906 Migratory Bird Act. The Migratory Bird Act is something that overlaps with military every day when you have bird strikes. More and more, we are having bird strikes. We know about that very poor judicial decision that came out of the Ninth Circuit Court which, in effect, says it is a taking if a fighter plane hits a bird. The Marine and Mammal Act, which was not acted upon in this bill, will have to be acted upon and the Endangered Species Act. I think some people are more interested in how they are scored with the League of Conservation Voters than they are in training our boys and the girls who fight in this thing.

We stand up here and we always talk about the idea we train the way we fight. Well, we are not doing it this time. This time we are just bending over backwards to make sure that we take more care of the slimy slug than we do the guy in the tank or on the ground or in the airplane.

Sometimes compromise is a good thing and I have heard that politics and compromise are synonyms. I hardly believe it in this particular case. It comes down to the idea that on the Endangered Species Act and on the Migratory Bird Act, it would have been better if we had not have taken it. What we sent from the House was excellent. I have heard from the Pentagon today. They said, ''Mr. Chairman, we would just as soon not have had the compromise that came out.'' I think that should be the case.

On our test and training ranges, when we have now lost most of Camp Pendleton, when we have now lost most of Ford Hood, when we have now lost most of the Utah test and training range and others because of some of these areas, it really pains me that we have found ourselves in that position.

The Committee on Resources today put a shot across the bow in that hopper down there. It will just take the heart out of some people. It will not pass for a while, but I hope some people look at it. That is, to change the Endangered Species Act that it does not apply on military ground, that it does not apply on private property, and that it does not apply on plants. If anyone is just gasping at this and losing their breath, let them take into consideration to go read the 1973 Endangered Species Act because that is what they intended when it was passed, not to go out and ruin the things that we are doing.

I am going to vote for this. I have such great respect for BOB STUMP and DUNCAN HUNTER, I will vote for it. I will sign the report as the second guy after the gentleman from California here and soon to be as just another citizen, I am glad that you have let me say these things.

I thank the Speaker for the time, I thank the gentleman from Missouri for the time, and I thank the gentleman from California for the time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

This bill is appropriately named for Chairman BOB STUMP. We came to Congress together in January 1977 and he has performed great service to our Nation, first as chairman of the Committee on Veterans' Affairs and then as chairman of this committee. It is fully appropriate that we name this bill for him for the great and outstanding work that he did. We thank him for his efforts.

Mr. Speaker, I must also say the staff has done such phenomenal work on a very difficult bill, with issues that seemed unsolvable. A special thanks to Jim Schweiter and his crew, to Robert Rangel and those that work with him and all of the professional staff that we have. We are truly blessed to be able to put together this authorization bill.

These are difficult times, Mr. Speaker, for America. I am convinced that those in uniform will be challenged to the best that is in them. That is why it is important that we in the Congress and that we on the Committee on Armed Services authorize all that we possibly can to help them with their work in defending America, American lives and American interests.

Mr. Speaker, I extend special thanks to DUNCAN HUNTER for his work in putting this bill to a successful conclusion.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the conference report on the National Defense Authorization Act for Fiscal Year 2003. This legislation supports our troops as they continue to wage the war against terrorism and prepares them to engage in additional contingencies to ensure the security of our nation and the world.

I am very pleased that the conference report includes agreement on many provisions directly relevant to Guam. Over $75 million in military construction is authorized for installations and facilities on Guam, including a new water supply system at Andersen Air Force Base and Phase III of the Guam Army National Guard Readiness Center. The people of Guam welcome the military build-up and appreciate the recognition that this legislation provides to the contributions our island offers to U.S. national security. Furthermore, I am especially pleased that agreement was reached in conference to establish a Weapons of Mass Destruction Civil Support Team for Guam. This specially equipped and trained team of the Guam National Guard will prove to prepare us for any disaster involving a weapon of mass destruction.

The Senate has also receded to two House provisions that authorize National Guard members use of the commissary when they are called to state duty during a national emergency, as was experienced after September 11, 2002, and that require a single point of contact to be established within the Department of Defense to address matters involving unexploded ordnance.

Lastly I want to draw attention to agreement on a particular provision that affects Guam and the readiness of our troops. The conference report includes language that will provide flexibility under the Migratory Bird Treaty Act to ensure the restoration and non-interruption of essential training on Farallon de Medinlla (FDM), an island north of Guam in the Northern Marianas.

Mr. Speaker, I urge adoption of the conference report and thank our Chairman and our Ranking Member for their exceptional leadership and continued support of Guam.

Mr. SMITH of New Jersey. Mr. Speaker, as chairman of the House Committee on Veterans' Affairs, I rise in support of the pending conference report on the Bob Stump Defense Authorization Act for fiscal year 2003. I would like to commend the conferees for their hard work in bringing this report to the floor, and particularly for including several provisions within the jurisdiction of the Committee on Veterans' Affairs that will increase the cooperation and resource sharing between medical facilities and programs of the Armed Forces and those of the Department of Veterans Affairs.

Sections 721 through 729 of the conference report would mandate new health care resource sharing programs between the Departments of Defense and Veterans Affairs, and would provide strong, unprecedented incentives for the Departments to work as true partners in delivering health care to the military-veteran community.

Mr. Speaker, last June, I along with Veterans' Affairs Committee Ranking Member LANE EVANS and others, introduced H.R. 2667, the Department of Defense-Department of Veterans Affairs Health Resources Access Improvement Act of 2001, legislation designed to increase the level of cooperation and sharing between the health care systems of DOD and VA. Despite legislation authorizing resource sharing being on the books for two decades, these massive health care systems of VA, Army, Navy and Air Force, have failed to take significant or even commonsense actions to cooperate and collaborate to share their resources when and where appropriate. Our legislation was designed to jump-start this process through practical and achievable means.

On March 7, 2002, our Subcommittee on Health held a joint hearing with the Armed Services Subcommittee on Military Personnel to examine H.R. 2667. At that hearing, we received significant support from veterans' organizations, Administration officials and Members of both Subcommittees. Using the feedback from that hearing, we were able to achieve a significant compromise that is now incorporated in the Conference Report.

Specifically, the Conference agreement would: Mandate, rather than permit sharing where feasible; require VA and DOD to jointly plan for the future of both health care systems; provide funding incentives for facilities that have forged ahead and demonstrated the advantages of sharing resources—initially limited to three sites; make VA and DOD develop information systems and management structures to allow their respective pharmacy services to become interoperable; and encourage combined training for health care providers.

Let me be very clear what these provisions do not do.

They do not combine the Federal health care systems; they do not merge the two systems; they do not reduce overall delivery of medical services; and they do not lower the level of funding for either health care system. Rather, this legislation takes advantage of opportunities to better serve both populations—when and where it makes sense. By sharing equipment, facilities, technology or personnel, VA and DOD can achieve efficiencies that would then be reinvested to provide expanded services to even more veterans, active duty military, retirees, and military dependents and survivors.

I am pleased to report to my colleagues that the Conference language on sharing has the support of The American Legion, the Veterans of Foreign Wars, the National Military Veterans' Alliance, the Military Coalition for Health Care, the Paralyzed Veterans of America, and the Disabled American Veterans.

While legal authority for resource sharing between the departments has existed for 20 years, the level of sharing between the VA and DOD remains abysmally low, accounting for only two-tenths of one percent of their combined $40 billion health care budgets. My committee staff made 16 site visits last year to DOD–VA sites, and just recently during our August recess Health Chairman Moran and fellow Committee Member Jeff Miller visited the Navy Medical Center in Pensacola, Florida and Eglin Air Force Base. They reported to me that this particular Panhandle area, with so many military facilities and a growing population of older veterans and military retirees, is ripe for additional DOD–VA sharing.

All our visits to sites where VA and DOD health care activities are in very close proximity are carefully documented in a Committee staff report filed earlier this year. I commend that report to all the conferees here today, but let me briefly give you a couple of compelling examples of what we believe are the kinds of problems this legislation can solve.

Charleston, South Carolina is home to a Navy Hospital and a VA Medical Center. During a visit last year by our Committee staff, the Navy Hospital's Executive Officer, in the course of discussing the issue of resource sharing, talked about the difficulty he had in recruiting and retaining pharmacy technicians to handle a daily backlog of 500 prescriptions. Directly across the street from the Navy Hospital is a VA Consolidated Mail-out Pharmacy, which fills 60,000 mail-out prescriptions daily for VA's patients. The Navy hospital officer was completely unaware of this facility's capabilities.

Crossing the street with my staff, they visited the VA pharmacy for the first time, took a tour, and talked to the chief pharmacist, who said that he would have no difficulty filling 500 daily prescriptions for the Navy, an amount barely noticeable in his massive workload. To date, a year later, it appears nothing has changed. It's inexcusable in my view to waste such opportunities.

I know from my own experience how difficult it can sometimes be to just get the four service branches to cooperate between themselves. My own congressional district in New Jersey over the past 22 years has either contained or been in close proximity to several military installations, including the Army's Fort Dix, the Air Force's McGuire Air Force Base, and the Navy's Naval Research Laboratory in Lakehurst. I remember visiting them some years ago and it seemed as though you needed to get a passport just to cross from Fort Dix to McGuire.

We all know of institutional resistance to change, but that resistance must be overcome. With the demand for health care services rising, and the cost of care also going up, we cannot wait any longer to take real, meaningful actions to find ways to serve both populations more effectively and more efficiently. For two decades, VA and DOD have had the authority and the charge to improve sharing of health care resources, and the results have been dismal. We don't need more studies or more reports; we need action.

Our VA–DOD sharing language in the Bob Stump Authorization Act will be a major step forward in that regard, and I commend the conferees for retaining the provisions in the final conference agreement that is now before the House. I want to thank our Committee's Ranking Democratic Member, LANE EVANS, Health Subcommittee Chairman JERRY MORAN, and Subcommittee Ranking Member BOB FILNER for their hard work in this legislation. In addition, I want to thank Armed Services Committee Chairman BOB STUMP, a former Chairman of the Veterans' Affairs Committee, Ranking Member IKE SKELTON, Subcommittee Chairman BOB MCHUGH, and Ranking Member Dr. VIC SNYDER, for all of their work to reach this agreement.

Mr. Speaker, the conference report also includes language providing additional benefits to military retirees who have incurred significant combat related disabilities. Unfortunately, this agreement is not as generous as an earlier provision on concurrent receipt that was approved by the House and I expect that many Members will be working on this issue during the 108th Congress. I will support these efforts.

Finally, Mr. Speaker, I cannot let the opportunity pass without also adding some words to commend my dear friend, predecessor and long-term colleague, the Honorable BOB STUMP. It is indeed a fitting tribute to BOB STUMP that this measure be titled the ''BOB STUMP National Defense Authorization Act for Fiscal Year 2003''. BOB STUMP has been a friend of those who serve in the Armed Forces since his own experience as a Navy corpsman serving in the South Pacific theater during World War II. Although Chairman STUMP has

been known to shun the spotlight, his words and actions speak volumes about his dedication to all those who served.

For those who may not be familiar with some of his more notable legislative accomplishments, I would like the record to reflect the following list of his accomplishments during the six years that he served as Chairman of the House Committee on Veterans' Affairs from 1995 to 2000. Working on a bipartisan basis in cooperation with veterans' service organizations, the House Committee on Veterans' Affairs achieved significant legislative success on behalf of our Nation's veterans and their families. The following items only highlight what was accomplished during the six years of BOB STUMP's chairmanship.

VA Health Care Budget—For fiscal year 2000, Congress provided the largest budget increase for VA health care in history, $1.7 billion.

Health Care Eligibility Reform—In 1996, under CHAIRMAN STUMP's leadership, Congress passed eligibility reforms that removed barriers to outpatient care and allowed greater flexibility to the VA so it could pay for care closer to where the veteran lives.

1998 Benefits Expansion—In 1998, Congress passed a significant benefits expansion totaling $1.5 billion over five years for improvement to veterans' and survivors' education benefits and benefits for disabled veterans and surviving spouses of totally disabled veterans.

Veterans Millennium Health Care and Benefits Act—What has been called the Millennium Act is the most comprehensive veterans' benefits improvement legislation in decades. Some of the more significant provisions mandate nursing home and long-term care and allow the VA to pay for some emergency health care services.

Montgomery GI Bill Enhancement—Public Law 106–419 increased the value of the monthly education benefit by nearly $100 per month to $650. During the six years of Chairman Stump's tenure, the Congress increased the monthly benefit by 48 percent.

National Cemetery Expansion—Since 1997, 7 new national veterans' cemeteries have opened, including one in Oklahoma that was required by the Veterans' Committee as part of the Millennium Act. Under Chairman STUMP's guidance, Congress also required the VA to begin immediately the planning for 5 national cemeteries in Atlanta, Miami, Pittsburgh, Oklahoma, Sacramento, and Detroit.

Arlington National Cemetery—Legislation was enacted in 1999 to expand the boundaries of Arlington National Cemetery, extending its useful life beyond the projected closing date of 2025 so that in-ground burials of veterans can continue until approximately the year 2041. Chairman STUMP also cared passionately about preserving the integrity of the Nation's premier National Cemetery at Arlington, Virginia. During the 105th, 106th, and 107th Congress, BOB STUMP sponsored legislation that was approved by the entire House of Representatives to codify eligibility requirements for Arlington. His legislation would have preserved eligibility for career service members while denying eligibility to Members of Congress who did not have the requisite military service.

For these and all of the other measures which Chairman STUMP helped to move through this and many preceding Congresses, I extend the gratitude of the millions of veterans of this nation who benefited so much from BOB STUMP's leadership. We all wish him the very best as he returns to his home in Arizona.

Mr. Speaker, I urge approval of this Conference Report. It deserves to become part of BOB STUMP's legislative legacy.

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 4546, the Fiscal Year 2003, National Defense Authorization Act. It represents a down payment on military readiness sustainment that we all recognize as critical to national security.

It is not a perfect bill. I wish more money were available to address some of the readiness matters that have been deferred. I remain perplexed when I reflect on the impact that the resource shortages are having on every facet of our military. For example, we need to do more to ensure the readiness of our reserve components. Much more is required to adequately address the training readiness of our dedicated civilian workforce. The core infrastructure maintenance accounts remain short of the desired level of funds.

Let there be no doubt that this bill will not do all that needs to be done. But, Mr. Speaker, this bill is better than no bill.

I am especially pleased that we were able to reach some accommodations with the administration on concurrent receipt. At a time when we are preparing to become engaged in another conflict situation, we can ill afford not to address a matter than affects those who have already served. While concurrent receipt is not addressed as a directly related readiness matter, no one can deny that it does have a potential significant readiness impact. It is the right thing to do at this time. I urge my colleagues to support the conference report. Today provides another opportunity for us to do our part in providing for the national security of this great nation during a very trying period.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the conference report on the bill, H.R. 4546.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9896. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendment to the Beef Promotion and Research Rules and Regulations [No. LS-99-20] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9897. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus [Docket No. FV02-905-4 IFR] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9898. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV02-906-1 IFR] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9899. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Increased Assessment Rate [Docket No. FV02-920-4 FR] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9900. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Removing Dancy and Robinson Tangerine Varieties From the Rules and Regulations [Docket No. FV02-905-3 FIR] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9901. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, and Irish Potatoes Imported Into the United States; Modification of Handling and Import Regulations [Docket No. FV00-945-2 FR] received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9902. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Financial Institutions (RIN: 1506-AA28) received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9903. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Farm Labor Housing Technical Assistance (RIN: 0575-AC25) received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9904. A letter from the Assistant Secretary for Management and Chief Information Officer, Department of the Treasury, transmitting the Department of Treasury's Commercial and Government Activities Inventory in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

9905. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acquisition Regulation: Contractor Performance Evaluations [FRL 7402-8] received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9906. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 100702A] received