

# Congress of the United States

Washington, DC 20515

May 1, 2002

The Honorable Bob Stump  
Chairman  
House Armed Services Committee  
2120 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Stump:

We write today in opposition to the environmental exemptions slated for inclusion in the Defense Authorization bill. Many of these provisions are under the jurisdiction of other committees, and we believe until those committees have had the opportunity to review and debate these issues, and until other stakeholders in these laws have a full opportunity to do the same, the House Armed Services Committee should not include these provisions in the Defense Authorization bill.

The Department of Defense (DoD) has submitted a legislative proposal to exempt the department from six of our most important environmental and public safety laws:

- Endangered Species Act
- Marine Mammal Protection Act
- Migratory Bird Treaty Act
- Clean Air Act
- Resource Conservation and Recovery Act (RCRA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

We are particularly concerned that there is an attempt to rush this significant legislative proposal into law without sufficient public scrutiny. This package was submitted to your Committee on the evening of Friday, April 19, only a few days before scheduled mark-up of the Defense Authorization bill. There has been no hearing on the specifics of this proposal, and only one hearing this year in the House Armed Services Committee on the general issue, at which no representatives of communities, state or local governments, tribal governments, industry or environmental organizations were allowed to testify.

We recognize the needs of the Armed Services for adequate training facilities to promote operational readiness. At the same time, we cannot ignore that the American public has a long standing and well demonstrated demand for protection of their natural heritage and interest in keeping the communities in which they live clean and healthy. We are concerned that rushed consideration of DoD's proposal could undo the balance our society has achieved over the past three decades by carving out a special exemption for one aspect of society, the U.S. military, from the laws with which all other Americans must comply. Specific statutory exemptions or regulatory alternatives already exist in current law that address DoD's concerns.

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To address the issue of so-called environmental "encroachment," we favor a broad and cooperative approach that involves not just the views of Administration officials, but also those of the wide array of stakeholders in our nation's environmental laws, including federal agencies, state and local governments, industry representatives, tribal governments, citizen groups and others. Likewise, the effort to address this issue must involve the full consideration of these proposals by relevant Committees with jurisdiction over these laws.

Therefore, we ask that before action is taken in your Committee on the proposal, the committees of jurisdiction receive full opportunity to study and comment on the Administration's proposal, and to solicit the views of the states, the environmental community, and other stakeholders, and advocate for the interests of the American public, before action is taken in your Committee on the legislation.

We appreciate your attention to these concerns, and look forward to working with you on a comprehensive and balanced approach to address this issue.

Sincerely,

<u>Tom Allen</u>	<u>Frank Pallone, Jr.</u>
<u>Paul H. Geer</u>	<u>Jim Oberstar</u>
<u>George Miller</u>	<u>A. Keefe</u>
<u>Sam Lane</u>	<u>Bill Keene</u>

cc: The Honorable Ike Skelton, Ranking Member  
The Honorable Joel Hefley, Chairman, Readiness Subcommittee  
The Honorable Solomon Ortiz, Ranking Member, Readiness Subcommittee

Mike Thompson

Mark Udall

Ann Kennedy-Vilg

Phil Wyle

ma Shaw

Jane Harman

Hyd Doggett

Cynthia McKinney

Rich Bowker

Ward Prie

Pat Leahy

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Lynn Woolley

David E. Brown

Lucille Kayser-Alford

Patty [unclear]

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Jerrald Zedler

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