

104TH CONGRESS
2D SESSION

H. R. 3767

To require the Secretary of Defense to carry out a pilot program to identify and demonstrate feasible alternatives to demilitarization of assembled chemical munitions under the baseline incinerator program.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1996

Mr. BAESLER introduced the following bill; which was referred to the
Committee on National Security

A BILL

To require the Secretary of Defense to carry out a pilot program to identify and demonstrate feasible alternatives to demilitarization of assembled chemical munitions under the baseline incinerator program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEMILITARIZATION OF ASSEMBLED CHEMICAL**
4 **MUNITIONS.**

5 (a) PILOT PROGRAM.—The Secretary of Defense
6 shall conduct a pilot program to identify and demonstrate
7 feasible alternatives to incineration for the demilitarization
8 of assembled chemical munitions.

1 (b) PROGRAM REQUIREMENTS.—(1) The Secretary
2 of Defense shall designate an executive agent to carry out
3 the pilot program required to be conducted under sub-
4 section (a).

5 (2) The executive agent shall—

6 (A) be an officer or executive of the United
7 States Government;

8 (B) be accountable to the Secretary of Defense;
9 and

10 (C) not be, or have been, in direct or immediate
11 control of the chemical weapon stockpile demili-
12 tarization program established by 1412 of the De-
13 partment of Defense Authorization Act, 1986 (50
14 U.S.C. 1521) or the alternative disposal process pro-
15 gram carried out under sections 174 and 175 of the
16 National Defense Authorization Act for Fiscal Year
17 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

18 (3) The executive agent may—

19 (A) carry out the pilot program directly;

20 (B) enter into a contract with a private entity
21 to carry out the pilot program; or

22 (C) transfer funds to another department or
23 agency of the Federal Government in order to pro-
24 vide for that department or agency to carry out the
25 pilot program.

1 (4) A department or agency that carries out the pilot
2 program under paragraph (3)(C) may not, for purposes
3 of the pilot program, contract with or competitively select
4 the organization within the Army that exercises direct or
5 immediate management control over either program re-
6 ferred to in paragraph (2)(C).

7 (5) The pilot program shall terminate not later than
8 September 30, 2000.

9 (c) ANNUAL REPORT.—Not later than December 15
10 of each year in which the Secretary carries out the pilot
11 program, the Secretary shall submit to Congress a report
12 on the activities under the pilot program during the pre-
13 ceding fiscal year.

14 (d) EVALUATION AND REPORT.—Not later than De-
15 cember 31, 2000, the Secretary of Defense shall—

16 (1) evaluate each demilitarization alternative
17 identified and demonstrated under the pilot program
18 to determine whether that alternative—

19 (A) is as safe and cost efficient as inciner-
20 ation for disposing of assembled chemical muni-
21 tions; and

22 (B) meets the requirements of section
23 1412 of the Department of Defense Authoriza-
24 tion Act, 1986; and

1 (2) submit to Congress a report containing the
2 evaluation.

3 (e) LIMITATION ON LONG LEAD CONTRACTING.—(1)
4 Except as provided in paragraph (2), the Secretary may
5 not enter into any contract for the purchase of long lead
6 materials considered to be baseline incineration specific
7 materials for the construction of an incinerator at any site
8 in Kentucky, within one year of the date of enactment of
9 this Act or, thereafter until the executive agent designated
10 for the pilot program submits an application for such per-
11 mits as are necessary under the law of the State of Ken-
12 tucky for the construction at that site of a plant for de-
13 militarization of assembled chemical munitions by means
14 of an alternative to incineration.

15 (2) The Secretary may enter into a contract described
16 in paragraph (1) beginning 60 days after the date on
17 which the Secretary submits to Congress—

18 (A) the report required by subsection (d)(2);

19 and

20 (B) the certification of the executive agent that
21 there exists no alternative technology as safe and
22 cost efficient as incineration for demilitarizing chem-
23 ical munitions at non-bulk sites that can meet the
24 requirements of section 1412 of the Department of
25 Defense Authorization Act, 1986.

1 (f) ASSEMBLED CHEMICAL MUNITION DEFINED.—

2 For the purpose of this section, the term “assembled
3 chemical munition” means an entire chemical munition,
4 including component parts, chemical agent, propellant,
5 and explosive.

6 (g) FUNDING.—(1) Of the amount authorized to be
7 appropriated for the chemical demilitarization program for
8 fiscal year 1997, \$60,000,000 shall be available for the
9 pilot program under this section. Such funds may not be
10 derived from funds to be made available under the chemi-
11 cal demilitarization program for the alternative tech-
12 nologies research and development program at bulk sites.

13 (2) Funds made available for the pilot program pur-
14 suant to paragraph (1) shall be made available to the exec-
15 utive agent for use for the pilot program.

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