

104TH CONGRESS
2D SESSION

H. R. 4131

To establish a commission to investigate exposure to chemical and biological warfare agents as a result of the Persian Gulf conflict.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1996

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

A BILL

To establish a commission to investigate exposure to chemical and biological warfare agents as a result of the Persian Gulf conflict.

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. SHORT TITLE.**

4 This Act may be cited as the “Commission on Chemi-
5 cal and Biological Warfare Agent Exposure Act”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is established a com-
8 mission to be known as the “Commission on Chemical and
9 Biological Warfare Agent Exposure” (in this Act referred
10 to as the “Commission”).

1 (b) COMPOSITION.—The Commission shall be com-
2 posed of 9 members (in this Act referred to as the “mem-
3 bers”) who shall be appointed as follows:

4 (1) 3 members shall be appointed by the Presi-
5 dent.

6 (2) 2 members shall be appointed by the Speak-
7 er of the House of Representatives.

8 (3) 1 member shall be appointed by the minor-
9 ity leader of the House of Representatives.

10 (4) 2 members shall be appointed by the Presi-
11 dent pro tempore of the Senate.

12 (5) 1 member shall be appointed by the minor-
13 ity leader of the Senate.

14 (c) QUALIFICATIONS.—

15 (1) IN GENERAL.—Members shall be appointed
16 from among individuals with knowledge and exper-
17 tise relevant to the duties of the Commission, and
18 may not be officers or employees of the United
19 States.

20 (2) EXCEPTION.—A member who, when ap-
21 pointed to the Commission, was not an officer or
22 employee of the United States, and who later be-
23 comes such an officer or employee may continue as
24 a member for not longer than the 30-day period be-

1 ginning on the date that the member becomes such
2 an officer or employee.

3 (d) INITIAL APPOINTMENTS.—All initial appoint-
4 ments to the Commission shall be made not later than 90
5 days after the date of the enactment of this Act.

6 (e) CHAIRMAN.—The Chairman of the Commission
7 (in this Act referred to as the “Chairman”) shall be elect-
8 ed by the members.

9 (f) PERIOD OF APPOINTMENT.—Each member shall
10 be appointed for the life of the Commission.

11 (g) SECURITY CLEARANCES.—All members of the
12 Commission shall apply for appropriate security clear-
13 ances. The Secretary of Defense shall provide expedited
14 processing of security clearances of members.

15 (h) INITIAL MEETING.—The Commission shall con-
16 vene its first meeting not later than 30 days after the date
17 as of which all initial appointments to the Commission
18 have been made.

19 **SEC. 3. INVESTIGATION.**

20 The Commission shall investigate the following:

21 (1) The presence of chemical and biological
22 warfare agents in the Persian Gulf theater during
23 the Persian Gulf conflict, the amounts and locations
24 of the agents present, and the proximity of members
25 of the Armed Forces to such locations.

1 (2) The location and nature of all releases, de-
2 tections, or reports of chemical or biological warfare
3 agents in connection with the Persian Gulf conflict,
4 the identity of the units of the Armed Forces and
5 the number of individuals potentially exposed to the
6 agents, and the degree of exposure to the agents.

7 (3) The level of preparedness of members of the
8 Armed Forces to recognize and respond to possible
9 exposure to chemical and biological warfare agents
10 during the Persian Gulf conflict, the appropriateness
11 of standards used by the Armed Forces to evaluate
12 low levels of exposure to the agents, the adequacy of
13 medical training and procedures of the Armed
14 Forces for identifying and treating exposure to the
15 agents, the adequacy of information provided to
16 members of the Armed Forces on the possible pres-
17 ence or release of the agents, and the appropriate-
18 ness of instructions and procedures followed to pro-
19 tect members of the Armed Forces from exposure to
20 the agents.

21 (4) The handling by the Department of Defense
22 of reports on the use, presence, destruction, storage,
23 and transportation of chemical and biological weap-
24 ons in connection with the Persian Gulf conflict.

1 (5) The adequacy of the recordkeeping and re-
2 porting procedures of the Department of Defense
3 with respect to exposure to chemical and biological
4 warfare agents.

5 (6) The adequacy of Department of Defense
6 training, preparation, detection, and safety proce-
7 dures concerning chemical and biological warfare
8 agents.

9 **SEC. 4. REPORT.**

10 Not later than 2 years after the first meeting of the
11 Commission, the Commission shall submit to the Presi-
12 dent and the Congress a report containing—

13 (1) the results and findings of the investigation
14 conducted under section 3; and

15 (2) recommendations for such changes as the
16 Commission considers appropriate, in the record-
17 keeping, reporting, preparation, and training proce-
18 dures of the Department of Defense with respect to
19 exposure to chemical and biological warfare agents,
20 to improve the safety and readiness of members of
21 the Armed Forces.

22 **SEC. 5. POWERS.**

23 (a) **HEARINGS AND SESSIONS.**—The Commission
24 may, for the purpose of carrying out this Act, hold such
25 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers appropriate. The Commission may administer
3 oaths to witnesses appearing before it.

4 (b) OBTAINING INFORMATION.—The Commission
5 may secure directly from any department or agency of the
6 United States information necessary to enable it to carry
7 out this Act. Upon request of the Chairman, the head of
8 that department or agency shall furnish that information
9 to the Commission in a full and timely manner.

10 (c) SUBPOENA POWER.—

11 (1) IN GENERAL.—The Commission may issue
12 a subpoena to require the attendance and testimony
13 of witnesses and the production of evidence relating
14 to any matter under investigation by the Commis-
15 sion.

16 (2) FAILURE TO OBEY AN ORDER OR SUB-
17 POENA.—If a person refuses to obey an order or
18 subpoena of the Commission that is issued in con-
19 nection with a Commission proceeding, the Commis-
20 sion may apply to the United States district court in
21 the judicial district in which the proceeding is held
22 for an order requiring the person to comply with the
23 subpoena or order.

1 (d) IMMUNITY.—The Commission is an agency of the
2 United States for purposes of part V of title 18, United
3 States Code (relating to immunity of witnesses).

4 (e) CONTRACT AUTHORITY.—The Commission may
5 contract with and compensate government and private
6 agencies or persons for services without regard to section
7 3709 of the Revised Statutes (41 U.S.C. 5).

8 **SEC. 6. COMMISSION PROCEDURES.**

9 (a) MEETINGS.—The Commission shall meet at the
10 call of the Chairman.

11 (b) QUORUM.—5 members of the Commission shall
12 constitute a quorum but a lesser number may hold hear-
13 ings.

14 (c) DELEGATION OF AUTHORITY.—Any member or
15 agent of the Commission may, if authorized by the Com-
16 mission, take any action which the Commission is author-
17 ized to take by this Act.

18 **SEC. 7. PERSONNEL MATTERS.**

19 (a) PAY OF MEMBERS.—Members shall not be paid
20 by reason of their service as members.

21 (b) TRAVEL EXPENSES.—Each member shall receive
22 travel expenses, including per diem in lieu of subsistence,
23 in accordance with sections 5702 and 5703 of title 5,
24 United States Code.

1 (c) DIRECTOR.—The Commission shall have a Direc-
2 tor who shall be appointed by the Chairman.

3 (d) STAFF.—With the approval of the Commission
4 and as the Director considers appropriate, the Director
5 may—

6 (1) appoint trained investigators and other
7 Commission personnel; and

8 (2) fix the pay of such trained investigators and
9 other Commission personnel.

10 (e) APPLICABILITY OF CERTAIN CIVIL SERVICE
11 LAWS.—The Director and staff of the Commission shall
12 be appointed subject to the provisions of title 5, United
13 States Code, governing appointments in the competitive
14 service, and shall be paid in accordance with the provisions
15 of chapter 51 and subchapter III of chapter 53 of that
16 title relating to classification and General Schedule pay
17 rates.

18 **SEC. 8. OTHER ADMINISTRATIVE PROVISIONS.**

19 (a) POSTAL AND PRINTING SERVICES.—The Com-
20 mission may use the United States mails and obtain print-
21 ing and binding services in the same manner and under
22 the same conditions as other departments and agencies of
23 the United States.

24 (b) ADMINISTRATIVE SUPPORT SERVICES.—Upon
25 the request of the Commission, the Administrator of Gen-

1 eral Services shall provide to the Commission, on a reim-
2 bursable basis, the administrative support services nec-
3 essary for the Commission to carry out its duties under
4 this Act.

5 (c) EXPERTS AND CONSULTANTS.—The Commission
6 may procure temporary and intermittent services under
7 section 3109(b) of title 5, United States Code.

8 **SEC. 9. BUDGET ACT COMPLIANCE.**

9 Any spending authority (as defined in subparagraphs
10 (A) and (C) of section 401(e)(2) of the Congressional
11 Budget Act of 1974) authorized by this Act shall be effec-
12 tive only to such extent and in such amounts as are pro-
13 vided in advance in appropriations Acts.

14 **SEC. 10. TERMINATION OF COMMISSION.**

15 The Commission shall terminate 60 days after sub-
16 mitting its report pursuant to section 4.

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