

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1996

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

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## 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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