

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2040

To establish a commission on the commercial application of certain defense-related facilities, equipment, processes, and technologies.

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IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1993

Mr. SKEEN introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To establish a commission on the commercial application of certain defense-related facilities, equipment, processes, and technologies.

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 the  
5       Dual-Use Application of Facilities and Resources at White  
6       Sands Missile Range Act”.

7       **SEC. 2. FINDINGS.**

8       Congress makes the following findings:

9               (1) The end of the Cold War, the fall of com-  
10       munist governments, and the spread of democratic

1 principles and governments across the world will  
2 permit the Federal Government to continue the  
3 thoughtful reduction in the amount spent by the  
4 United States for national defense.

5 (2) The reallocation of amounts that would oth-  
6 erwise be spent for that purpose offers an oppor-  
7 tunity for the Federal Government to expand the  
8 utilization of defense-related equipment, processes,  
9 and technologies by the private sector, thereby pro-  
10 moting growth and job creation in the United States  
11 economy.

12 (3) The Department of Defense has spent bil-  
13 lions of dollars on the research, development, test,  
14 and evaluation of a variety of such equipment, proc-  
15 esses, and technologies, including the facilities,  
16 equipment, processes, and technologies utilized at  
17 White Sands Missile Range, New Mexico.

18 (4) The Department of Defense has not ade-  
19 quately studied or provided guidance for the manner  
20 in which defense-related facilities, equipment, proc-  
21 esses, and technologies may be utilized effectively by  
22 the private sector.

23 (5) A study of the facilities and resources of  
24 White Sands Missile Range provides an excellent op-  
25 portunity to examine the defense-related facilities,

1 equipment, processes, and technologies of the De-  
2 partment of Defense and their utilization by sci-  
3 entific personnel engaged in a variety of research,  
4 development, test, and evaluation programs.

5 (6) The establishment of a commission for the  
6 study of such facilities, equipment, processes, and  
7 technologies will provide timely, relevant information  
8 on potential dual-use applications of such facilities,  
9 equipment, processes, and technologies by the pri-  
10 vate sector.

11 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

12 (a) ESTABLISHMENT.—There is established a com-  
13 mission to be known as the Commission on the Dual-Use  
14 Application of Facilities and Resources at White Sands  
15 Missile Range (hereafter in this Act referred to as the  
16 “Commission”).

17 (b) MEMBERSHIP.—The Commission shall be com-  
18 posed of 10 members appointed by the Secretary of De-  
19 fense, of whom—

20 (1) not less than one shall be a senior official  
21 or employee of the Department of Energy national  
22 laboratories who is familiar with the experiences of  
23 the Department of Energy with cooperative research  
24 and development agreements and dual-use tech-  
25 nologies;

1           (2) not less than one shall be a chief executive  
2 officer of a corporation that has worked with the  
3 Department of Defense or the Department of En-  
4 ergy on cooperative research and development agree-  
5 ments or have significant experience in the research,  
6 development, test, and evaluation of high technology;

7           (3) not less than one shall be a senior official  
8 or employee of a department or agency of the Fed-  
9 eral Government who is an expert in the commercial  
10 utilization or application of high technology by the  
11 private sector; and

12           (4) the remainder, if any, shall be such persons  
13 as the Secretary determines appropriate.

14       (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
15 bers shall be appointed for the life of the Commission. Any  
16 vacancy in the Commission shall not affect its powers, but  
17 shall be filled in the same manner as the original appoint-  
18 ment.

19       (d) QUORUM.—Six members of the Commission shall  
20 constitute a quorum, but a lesser number may hold hear-  
21 ings.

22       (e) CHAIRMAN.—The Commission shall select a  
23 Chairman from among its members.

1 (f) MEETINGS.—(1) Not later than 30 days after the  
2 date on which all members of the Commission have been  
3 appointed, the Commission shall hold its first meeting.

4 (2) The Commission shall meet at the call of the  
5 Chairman.

6 (g) TERMINATION.—The Commission shall terminate  
7 1 year after the date on which all members of the Commis-  
8 sion have been appointed.

9 **SEC. 4. DUTIES OF THE COMMISSION.**

10 (a) STUDY.—The Commission shall conduct a study  
11 of the manner in which the defense-related equipment, fa-  
12 cilities, processes, and technologies at White Sands Missile  
13 Range, New Mexico, may be utilized by the private sector.

14 (b) REPORT.—Not later than 1 year after the date  
15 on which all members of the Commission have been ap-  
16 pointed, the Commission shall submit to the Committees  
17 on Armed Services and the Committees on Appropriations  
18 of the Senate and House of Representatives a report on  
19 the results of the study conducted under subsection (a)  
20 which shall contain a detailed statement of the findings  
21 and conclusions of the Commission, together with its rec-  
22 ommendations for such legislation and administrative ac-  
23 tions as the Commission considers appropriate.

1 **SEC. 5. POWERS OF THE COMMISSION.**

2 (a) HEARINGS.—For the purpose of carrying out this  
3 Act, the Commission may hold such hearings, sit and act  
4 at such times and places, take such testimony, and receive  
5 such evidence, as the Commission considers appropriate.  
6 The Commission may administer oaths of affirmations to  
7 witnesses appearing before the Commission.

8 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
9 Commission may secure directly from any Federal depart-  
10 ment or agency such information as the Commission con-  
11 siders necessary to carry out the provisions of this Act.  
12 Upon the request of a member of the Commission, the  
13 head of such department or agency shall furnish such in-  
14 formation to the Commission.

15 (c) DELEGATION OF POWERS.— Any member of the  
16 Commission may, if authorized by the Commission, take  
17 any action which the Commission is authorized to take by  
18 this Act.

19 (d) POSTAL SERVICE.—The Commission may use the  
20 United States mails in the same manner and under the  
21 same conditions as other departments and agencies of the  
22 United States.

23 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

24 (a) COMPENSATION.—(1) Each member of the Com-  
25 mission who is not an officer or employee of the United  
26 States shall be compensated at a rate established by the

1 Commission not to exceed the daily equivalent of the an-  
2 nual basic pay prescribed for level IV of the Executive  
3 Schedule under section 5315 of title 5, United States  
4 Code, for each day (including travel time) during which  
5 such member is engaged in the actual performance of du-  
6 ties as a member of the Commission. Each member of the  
7 Commission who is an officer or employee of the United  
8 States shall receive no additional compensation for service  
9 on the Commission.

10 (2) While away from their homes or regular places  
11 of business in the performance of their duties for the Com-  
12 mission, the members of the Commission shall be allowed  
13 travel expenses, including per diem in lieu of subsistence,  
14 at a rate established by the Commission not to exceed  
15 rates authorized for employees of agencies under sub-  
16 chapter I of chapter 57 of title 5, United States Code.

17 (b) ADMINISTRATIVE PROVISIONS.—(1) The Com-  
18 mission shall appoint an executive director who shall be  
19 compensated at a rate established by the Commission not  
20 to exceed the rate of basic pay prescribed for level V of  
21 the Executive Schedule under section 5316 of title 5,  
22 United States Code.

23 (2) With the approval of the Commission, the execu-  
24 tive director may appoint and fix the compensation of such

1 additional personnel as the executive director considers  
2 necessary to carry out the duties of the Commission.

3 (3) Service of an individual as a member of the Com-  
4 mission, or employment of the individual by the Commis-  
5 sion as an expert in any business or professional field, on  
6 a part-time or full-time basis, with or without compensa-  
7 tion, shall not be considered as service or employment  
8 bringing such individual within the provisions of any Fed-  
9 eral law relating to conflicts of interest or otherwise im-  
10 posing restrictions, requirements, or penalties in relation  
11 to the employment of persons, the performance of services,  
12 or the payment or receipt of compensation in connection  
13 with claims, proceedings, or matters involving the United  
14 States. Service as a member of the Commission, or as an  
15 employee of the Commission, shall not be considered serv-  
16 ice in an appointive or elective position in the Government  
17 for purposes of section 8344 of title 5, United States  
18 Code, or comparable provisions of Federal law.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such  
21 amounts as are necessary to carry out the purposes of this  
22 Act.

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