

“(s)(1) The Under Secretary for Nuclear Stewardship shall not be required to obtain the approval of any officer or employee of the Department of Energy, except the Secretary, or any officer or employee of any other Federal agency or department for the preparation or delivery of any report required by this section.

“(2) No officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct or otherwise interfere with the preparation of any report required by this section.

“(t) For purposes of this section—

“(1) the term ‘personnel of the Agency for Nuclear Stewardship’ means each officer or employee within the Department of Energy, and any officer or employee of any contractor of the Department (pursuant to the terms of the contract), whose—

“(A) responsibilities include carrying out a function of the Agency for Nuclear Stewardship; or

“(B) employment is funded primarily under the;

“(i) Weapons Activities, or;

“(ii) Non-proliferation, Fissile Materials Disposition or Naval Reactors portions of the Other Defense Activities budget functions of the Department;

“(2) the term ‘nuclear weapons production facility’ means the following facilities:

“(A) the Kansas City Plant, Kansas City, Missouri;

“(B) the Pantex Plant, Amarillo, Texas;

“(C) the Y-12 Plant, Oak Ridge, Tennessee;

“(D) the tritium operations facilities at the Savannah River Site, Aiken, South Carolina;

“(E) the Nevada Test Site, Nevada, and;

“(F) any other facility the Secretary designates.

“(3) the term ‘national security laboratory’ means the following laboratories:

“(A) the Los Alamos National Laboratory, Los Alamos, New Mexico;

“(B) the Lawrence Livermore National Laboratory, Livermore, California; and

“(C) the Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.

“(v) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

“(w) In addition to any personnel occupying senior-level positions in the Department on the date of enactment of this section, there shall be within the Agency not more than 25 additional employees in senior-level positions, as defined by title 5, U.S.C. who shall be employed by the Agency for Nuclear Stewardship and who shall perform such functions as the Under Secretary for N.S. shall prescribe from time to time.”

(d) Within 180 days of the date of enactment of this Act, the Secretary shall report to the Senate and the House of Representatives on the adequacy of the Department's procedures and policies for protecting na-

tional security information, including national security information at the Department's laboratories, nuclear weapons facilities and other facilities, making such recommendations to Congress as may be appropriate.

(e) The following technical and conforming amendments are made:

(1) Section 5314 of title 5, United States Code is amended by striking “Under Secretary, Department of Energy” and inserting “Under Secretaries of Energy (2), one of whom serves as the Director, Agency for Nuclear Stewardship.”

(2) Section 202(b) of the Act is amended in the third sentence by striking “Under Secretary” and inserting “Under Secretaries”.

(3) Section 212 of the Act is amended by striking subsection 212(b) and redesignating subsection 212(c) as subsection 212(b).

(4) Section 309 of the Act is amended by striking “Assistant Secretary to whom the Secretary has assigned the functions listed in section 203(a)(2)(E)” and inserting “Under Secretary for Nuclear Stewardship”.

(5) The Table of Contents of the Act is amended by inserting after the item relating to section 212 the following new item:

“Sec. 213. Agency for Nuclear Stewardship.”

## 2000 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

### GREGG (AND HOLLINGS) AMENDMENT NO. 1271

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1217) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 6, line 14, strike “any other provision of law” and insert “31 U.S.C. 3302 (b)”.

On page 6, line 18, strike “(15 U.S.C. 18(a))” and insert “(15 U.S.C. 18a)”

On page 25, line 23, insert after “(106 Stat. 3524)”, “of which \$5,000,000 shall be available to the National Institute of Justice for a national evaluation of the Byrne program.”

On page 30, line 17, strike after “1999”; “of which \$12,000,000 shall be available for the Office of Justice Programs’ Global Information Integration Initiative;”

On page 50, line 6, insert before the period: “to be made available until expended”.

On page 73, between lines 12 and 13, insert the following:

“SEC. 306. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ‘, and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees’ Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States.’”

On page 75, line 15, insert the following after “period”: “, unless the Secretary of State determines that a detail for a period more than a total of 2 years during any 5 year period would further the interests of the Department of State”.

On page 75, line 21, insert the following after “detail”: “, unless the Secretary of

State determines that the extension of the detail would further the interests of the Department of State”.

On page 76, line 11, insert before the period: “: *Provided further*, That of the amount made available under this heading, not less than \$11,000,000 shall be available for the Office of Defense Trade Controls”.

On page 110, strike lines 15 through 23 and insert in lieu thereof:

“(ii) Notwithstanding otherwise applicable law, for each license or construction permit issued by the Commission under the subsection for which a debt or other monetary obligation is owed to the Federal Communications Commission or to the United States, the Commission shall be deemed to have a perfected, first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation.”

On page 111, insert after the end of Sec. 619:

“SEC. 620. (a) DEFINITION.—For the purposes of this section—

(1) the term “agency” means the Federal Communications Commission.

(2) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is serving under an appointment without time limitation, and has been currently employed by such agency for a continuous period of at least 3 years; but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) an employee who has been duly notified that he or she is to be involuntarily separated for misconduct or unacceptable performance.

(D) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of that title.

(3) The term “Chairman” means the Chairman of the Federal Communications Commission.

(b) AGENCY PLAN.—

(1) IN GENERAL.—The Chairman, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organization chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced, eliminated, and increased, as appropriate, identified by organizational unit, geographic location, occupational category and grade level;

(B) the time period during which incentives may be paid;

(C) the number and amounts of voluntary separation incentives to be offered; and

(D) a description of how the agency will operate without the eliminated positions and functions and with any increased or changed occupational skill mix.

(3) **CONSULTATION.**—The Director of the Office of Management and Budget shall review the agency's plan and may make appropriate recommendations for the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraph (2)(B)–(C).

(C) **AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**—

(1) **IN GENERAL.**—A voluntary separation incentive payment under this section may be paid by the Chairman to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) **AMOUNT AND TREATMENT OF PAYMENTS.**—A voluntary incentive payment—

(A) shall be paid in a lump sum, after the employee's separation

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payments made) or

(ii) an amount determined by the Chairman, not to exceed \$25,000;

(C) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) under the provision of this section by not later than September 30, 2001;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) **ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.**—

(1) **IN GENERAL.**—in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final base pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) **DEFINITION.**—for the purpose of paragraph (1), the term “final basic pay,” with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) **EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.**—

(1) An individual who has received a voluntary separation incentive payment from the agency under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the lump sum incentive payment to the agency.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the

United States Postal service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for this position.

(f) **INTENDED EFFECT ON AGENCY EMPLOYMENT LEVELS.**—

(1) **IN GENERAL.**—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Federal Communications Commission. The agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

(2) **ENFORCEMENT.**—The president, through the office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) **REGULATIONS.**—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

(h) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment. (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies of Appropriations Act, 1999, as included in Public Law 105-277, section 101(b)).

At the end of title VI, insert the following:

“SEC. 621. The Secretary of Commerce (hereinafter the “Secretary”) is hereby authorized and directed to create an “Inter-agency Task Force on Indian Arts and Crafts Enforcement” to be composed of representatives of the U.S. Trade Representative, the Department of Commerce, the Department of Interior, the Department of Justice, the Department of Treasury, the International Trade Administration, and representatives of other agencies and departments in the discretion of the Secretary to devise and implement a coordinated enforcement response to prevent the sale or distribution of any product or goods sold in or shipped to the United States that is not in compliance with the Indian Arts and Crafts Act of 1935, as amended.”.

#### GREGG AMENDMENT NO. 1272

Mr. GREGG proposed an amendment to the bill, S. 1217, *supra*; as follows:

At the end of title I, insert the following:

(a) **IN GENERAL.**—Section 310001(b) of the violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

- (1) for fiscal year 2001, \$6,025,000,000;
- (2) for fiscal year 2002, \$6,169,000,000;
- (3) for fiscal year 2003, \$6,316,000,000;
- (4) for fiscal year 2004, \$6,458,000,000; and
- (5) for fiscal year 2005, \$6,616,000,000.

(b) **DISCRETIONARY LIMITS.**—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

#### SEC. 310002. DISCRETIONARY LIMITS.

For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term “discretionary spending limit” means—

(1) with respect to fiscal year 2001—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,458,000,000 in new budget authority and \$6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,616,000 in new budget authority and \$6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.”.

#### NOTICE OF HEARING

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that S. 1377, To amend the Central Utah Project Completion Act regarding the use of funds for water development for the Bonneville Unit, and for other purposes, S. 986, To direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority, have been added to the agenda of the hearing that is scheduled for Wednesday, July 28, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony