



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

MEMORANDUM TO: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: Dennis K. Rathbun, Director *DR*  
Office of Congressional Affairs

SUBJECT: FY 2001 APPROPRIATIONS AND AUTHORIZATION BILLS

One month into FY 2001, Congress is working to complete action on authorization and appropriations bills. The purpose of this memorandum is to provide a status report on certain bills that Congress must complete before adjournment; OCA will provide more detailed information on relevant legislative activity in the 106<sup>th</sup> Congress in the near future.

On October 30, 2000, the President signed H.R. 4205, the Floyd D. Spence National Defense Authorization Act, which has some provisions of interest to the NRC. On October 30, the President vetoed H.R. 4516, the Legislative Branch and Treasury and General Government Appropriations Act since "...it provides funds for the legislative branch and the White House at a time when the business of the American people remains unfinished." Senator Ted Stevens (R-Alaska), Chairman of the Senate Appropriations Committee, referred to this veto as an open declaration of war against Congress. H.R. 4516 included a pay raise for federal employees. However, the Transportation Appropriations bill, which was signed into law, eliminates the .5% higher pension contribution rates federal employees would otherwise have paid through 2002.

The White House has received, but not acted on H.R. 4392, Intelligence Authorization and H.R. 4811, Foreign Operations Appropriations. The President has not yet received H.R. 4942, the District of Columbia/Commerce, Justice, State and the Judiciary Appropriations bill, or H.R. 4577, the Labor/HHS/Education Appropriations bill.

The White House press releases regarding Defense Authorization and the H.R. 4516 veto are attached.

Attachments:  
As Stated

cc:	EDO	SECY	OCAA
	OGC/Cyr	CFO	
	OGC	OIP	
	OIG	CIO	
	ACRS/ACNW	OPA	

Contact: Linda Portner, 415-1673

**Statement by the President: Veto of the Legislative Branch and the Treasury and General Appropriations Act, 2001 (10/30/00)**

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

October 30, 2000

STATEMENT BY THE PRESIDENT

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval, H.R. 4516, the Legislative Branch and the Treasury and General Government Appropriations Act, 2001. This bill provides funds for the legislative branch and the White House at a time when the business of the American people remains unfinished.

The Congress' continued refusal to focus on the priorities of the American people leaves me no alternative but to veto this bill. I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools, and protecting our workers.

With the largest student enrollment in history, we need a budget that will allow us to repair and modernize crumbling schools, reduce class size, hire more and better trained teachers, expand after-school programs, and strengthen accountability to turn around failing schools.

I would sign this legislation in the context of a budget that puts the interests of the American people before self interest or special interests. I urge the Congress to get its priorities in order and send me, without further delay, balanced legislation I can sign.

WILLIAM J. CLINTON

THE WHITE HOUSE,  
October 30, 2000

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## MEMORANDUM FOR THE SECRETARY OF DEFENSE: Signing of the National Defense Authorization Act

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 31, 2000

October 30, 2000

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Implementation of Section 1111 of H.R. 4205, the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001"

Today I have signed into law H.R. 4205, the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001." Section 1111 of this bill authorizes you to create a pilot program to resolve equal employment opportunity complaints by civilian employees of the Department of Defense that is not subject to certain procedural requirements prescribed by the Equal Employment Opportunity Commission (EEOC). The EEOC is responsible for equal employment opportunity throughout the Government and it has longstanding expertise in this area. My Administration recently completed a major regulatory initiative to make the Federal equal employment opportunity process fairer and more effective. To operate any pilot program that eliminates the procedural safe-guards incorporated in that initiative would leave civilian employees without important means to ensure the protection of their civil rights.

For these reasons, I am directing that the following steps be taken in the implementation of this provision:

? First, you must personally approve the creation and implementation of any pilot program created under section 1111 of H.R. 4205.

? Second, you must approve the implementation of this pilot program in no more than one military department and two Defense agencies.

? Third, in order to ensure that the participation in these pilot programs by civilian employees is truly voluntary, I direct you to ensure that the pilot programs provide that complaining parties may opt out of participation in the pilot programs at any time.

? Fourth, I direct you to submit an assessment of the pilot programs, together with the relevant underlying data, to the EEOC within 180 days of the completion of the 3-year pilot program period.

These steps will ensure that important civil rights of civilian employees of the Department of Defense are protected while preserving congressional intent with regard to the creation of the pilot programs.

WILLIAM J. CLINTON

## Statement by the President: Signing of the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001" (10/30/00)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 30, 2000

### STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 4205, the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001," which authorizes FY 2001 appropriations for military activities of the Department of Defense (DOD), military construction, and defense activities of the Department of Energy (DOE). While I have concerns with several provisions in this Act, I have determined that H.R. 4205 generally reflects my strong commitment to the Nation's security. It provides for critical national defense needs and priorities, maintains the readiness of our Armed Forces, supports my continued commitment to improving the quality of life for our military personnel and their families, and allows for the modernization of our weapons systems.

In particular, this Act authorizes key elements of my plan to improve military compensation, including my request for a 3.7 percent across-the-board increase in basic pay for our Armed Forces. I am also pleased that the Act authorizes my request for increases in housing allowances, which will reduce servicemembers' out-of-pocket expenses. In providing service members with a supplemental subsistence allowance, H.R. 4205 begins to address the concern the Congress and I share with regard to servicemembers. In addition, the bill provides military retirees access to prescription drugs with low out-of-pocket costs, a significant benefit. I strongly support enactment of the Administration's prescription drug benefit for all Medicare retirees through the Medicare program. As prescription drugs play an increasingly important role in health care, it is imperative that our seniors have prescription drug coverage. Finally, the Act provides comprehensive health care coverage to military retirees over the age of 65. Although I am concerned that the Congress fails to deal fully with the high, long-term cost of this new benefit, I am pleased overall with the way the Act supports individuals, who dedicated so much to the service of our country.

I am also pleased that the Act supports my request for key programs to continue modernizing our military forces and reaffirms the \$60 billion in overall procurement funding I requested to meet the recommendation of the 1997 Quadrennial Defense Review. I am encouraged that the Act includes funding for the Navy's LPD-17 Amphibious Ship, DD-21 (the next-generation destroyer), the F/A-18 E/F, the Air Force's F-22 tactical fighter aircraft, the Joint Strike Fighter, and support for the Army's transformation effort. These programs are critical to ensuring our Nation's military superiority into the 21st century. I am disappointed, however, that the Congress has again failed to support my proposal to authorize two additional rounds of base closure and realignment. The Department of Defense's base infrastructure is far too large for its military forces and must be reduced if the Department is to obtain adequate appropriations for readiness and modernization requirements during the next decade.

I am pleased that the bill includes a program to compensate individuals who have suffered disabling and potentially fatal illnesses as a result of their work in the Department of Energy's nuclear weapons complex. My Administration has advocated

compensating these workers for their heroic sacrifices in a manner that is fair, science-based, and workable, and I commend those in the Congress and in my Administration who have worked tirelessly toward this goal. The passage of this legislation is very encouraging and, while there are constitutional concerns with this provision that I will interpret as advisory, I recognize that much work will need to be done to ensure that this program is successfully implemented so that these workers can be fully and fairly compensated for their sacrifices.

I am also pleased that the conferees included a provision transferring a majority of Naval Oil Shale Reserve No. 2 to the Ute Indian Tribe in Utah, and providing for cleanup of a former uranium mill tailings site near Moab, Utah, on the Colorado River. About 84,000 acres would be returned to the Ute Indian Tribe.

H.R. 4205 also enacts provisions of the Directives I issued regarding the Navy range on Vieques, Puerto Rico. The Directives reflect an agreement with the Government of Puerto Rico that meets local concerns and enables our military personnel to resume training at Vieques. Like the agreement, the Act, most importantly, provides that the residents will determine through a referendum whether there will be any training at Vieques beyond that which is critical to the readiness of the Navy and the Marine Corps to conduct at Vieques. This is training with nonexplosive ordnance for no more than 90 days per year through May 1, 2003. In addition to \$40 million for projects to address the residents' current concerns related to the training, if they decide to allow the Navy to extend it, the Act authorizes \$50 million to provide benefits typically enjoyed by residents in the vicinity of important military installations.

The Act, additionally, requires the Navy to relinquish ownership of land not used for training. But, different from the agreement, it would have some of this land transferred to the Interior Department rather than local ownership and set a deadline for the transfer of May 1, 2001, rather than December 31, 2000. Further, if the Viequenses vote for all training to end, it requires the Navy to relinquish the land used for training, but would have most of that land transferred to Interior rather than the General Services Administration for disposal. These variations are relatively minor, but they are neither justifiable nor prudent. They are not justifiable because Interior and Puerto Rico would together manage the land not used for training that requires protection under either the Act or the agreement. Further, if the people of Vieques vote for all training to end May 1, 2003, there is no known reason why the Federal Government would want to continue to maintain most of the land used for training. The changes are not prudent because they resurrect a basic part of the issue that had largely been put to rest by the agreement -- the military's credibility on Vieques community matters. We are, therefore, submitting legislation to further transfer the land at issue to Puerto Rican ownership or to GSA for disposal as is appropriate. And the Navy will transfer the land that the Act already would transfer to local ownership by December 31.

I am concerned with two provisions of H.R. 4205 relating to the Department of Energy. First, the Act would limit to 3 years the term of office for the first person appointed to the position of Under Secretary for Nuclear Security at the Department of Energy and would restrict the President's ability to remove that official to cases of "inefficiency, neglect of duty, or malfeasance in office." Particularly in light of the sensitive duties assigned to this officer in the area of national security, I understand the phrase "neglect of duty" to include, among other things, a failure to comply with the lawful directives or policies of the President.

Second, I am deeply disappointed that the Congress has taken upon itself to set greatly increased polygraph requirements that are unrealistic in scope, impractical in execution, and that would be strongly counterproductive in their impact on our national security. The bill also

micromanages the Secretary of Energy's authority to grant temporary waivers to the polygraph requirement in a potentially damaging way, by explicitly directing him not to consider the scientific vitality of DOE laboratories. This directs the Secretary not to do his job, since maintaining the scientific vitality of DOE national laboratories is essential to our national security and is one of the Secretary's most important responsibilities. I am therefore signing the bill with the understanding that it cannot supersede the Secretary's responsibility to fulfill his national security obligations.

I am disappointed that the Congress did not fund the chemical weapon destruction facility in Shchuch'ye, Russia. It is vital to U.S. security and nonproliferation interests to work with Russia to eliminate the 5,450 tons of modern, nerve agent munitions at this site. I urge the Congress to restore funding for this critical threat reduction program next year.

My Administration has worked hard to modernize our export controls and protect our national security while strengthening the global competitiveness of our high tech companies. Through our efforts, U.S. companies have been allowed to export computers that do not pose a threat to our national security. That is why I asked the Congress to reduce the congressional review period required from 180 to 30 days before I can adjust the notification threshold for high performance computer exports. Although the bill makes an adjustment that is an improvement from the status quo (60 days, but excluding time when the Congress has adjourned sine die), this notification period is still too long. Neither U.S. national security nor the global competitiveness of U.S. companies will be well served by such delays.

The Act also would require the Department of Defense to contract only with U.S. air carriers that participate in the Civil Reserve Air Fleet program for the transportation abroad of passengers and property. This provision would limit the ability of the executive branch, including DOD, to use the narrow authority in current law to waive Fly America restrictions on international transport of U.S. Government passengers and property in cases where the United States receives "rights or benefits of similar magnitude." It could also impair the executive branch's ability to open foreign aviation markets, thus denying economic benefits to U.S. airlines, communities and consumers. My Administration strongly opposed this provision and favors its repeal.

I am disappointed that the conferees did not include hate crimes legislation in this Act. The hate crimes legislation would have enhanced the Federal Government's ability to prosecute violent crimes motivated by race, color, religion, or national origin, and would have authorized Federal prosecution of crimes motivated by a victim's sexual orientation, gender, or disability. I will continue to fight for this important legislation, and urge Congress to enact it before it adjourns.

The Act also raises other constitutional concerns. The constitutional separation of powers does not allow for a single Member of Congress to direct executive branch officers to take specified action through means other than duly enacted legislation. Thus, I will instruct the Secretaries concerned to treat congressional members' requests for the review and determination of proposals for posthumous or honorary promotions or appointments as precatory rather than mandatory. Another provision establishes a Board of Governors for the Civil Air Patrol. Insofar as this Board is an office of the Federal Government exercising significant authority, the provision for the appointment of the Board's members would raise concerns under the Appointments Clause. Accordingly, I will instruct the Secretary of the Air Force, in issuing the regulations authorized by this provision, to retain a degree of control over the Board that appropriately limits its authority. Finally, because the Constitution

vests in the President the authority and responsibility to conduct the foreign and diplomatic relations of the United States, the Congress cannot purport to direct the executive branch to enter into an agreement with another country, and thus I will treat such language as advisory only.

With respect to Government Information Security Reform, the Act directs the Director of the Office of Management and Budget to delegate certain security policy and oversight authorities to the Secretary of Defense, the Director of Central Intelligence, and another agency head. The policies, programs, and procedures established by the Secretary of Defense, the Director of Central Intelligence, and other agency heads will remain subject to the approval of and oversight by the President and by offices within the Executive Office of the President in a manner consistent with existing law and policy.

Finally, I have serious concerns with several personnel provisions. One provision of this Act requires the Secretary of Defense to authorize a pilot program for the resolution of equal employment opportunity complaints of civilian employees of the Department of Defense that waives procedural requirements of the Equal Employment Opportunity Commission (EEOC). Eliminating these procedural safeguards could leave civilian employees without important means to ensure the protection of their civil rights. Therefore, I am directing the Secretary of Defense to personally approve any pilot program, and that the Secretary approve no more than 3 pilot programs, 1 in a military department and 2 in Defense agencies. In order to assure that participation by civilian employees is truly voluntary, I am directing that the pilots provide that complaining parties may opt out of participation in the pilot at any time. Finally, I am directing that the Secretary submit an assessment of the pilots, together with the underlying data, to the EEOC within 180 days of the completion of the 3-year pilot period.

I am also troubled by a provision affecting personnel demonstration projects that could undermine the merit system principles and might result in adverse budgetary consequences. I am, therefore, directing the Department of Defense to work with the Office of Personnel Management to resolve these issues before developing any plan to implement this new authority.

Notwithstanding these concerns, I have signed this Act because it demonstrates this Nation's commitment to the readiness and well-being of our Armed Forces and provides for a modernization effort that will ensure the acquisition of weapon systems with the technologies necessary to meet the challenges of this new century.

WILLIAM J. CLINTON

THE WHITE HOUSE,  
October 30, 2000.

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