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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20585-0001

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November 22, 1996

MEMORANDUM TO: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan *Linda Portner for*

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

SUBJECT: FINAL ACTION ON GOVERNMENT-WIDE ISSUES

**ADMINISTRATIVE DISPUTE RESOLUTION**

P.L. 104-320 permanently authorizes the use of alternative methods for resolving disputes out of court both between federal agencies and between federal agencies and their employees.

**ELECTRONIC FOIA/ELECTRONIC REPORTING**

Congress completed action on and the President signed H.R. 3802 into law, P.L. 104-231. The law requires agencies to provide records in the format requested, if reasonably possible. Additionally, agencies are to make reasonable efforts to search electronic records, except when such a search would interfere with an agency's automated information system.

**FEDERAL ADMINISTRATIVE JUDICIARY REORGANIZATION**

Legislation to create a central Administrative Law Judge (ALJ) agency failed to be enacted this year. This ALJ agency would have assigned ALJs to cases, rather than have agencies employ them.

**FEDERAL PENSIONS**

No change was made to the amount contributed by federal employees to their pensions. Although earlier this year the Congressional Budget Resolution recommended that pension contributions be increased by .5%, this recommendation was not enacted into law.

**OMNIBUS CONSOLIDATED APPROPRIATIONS ACT: Buyouts, Professional Liability Insurance, Survivor Benefits, RIFs, Federal Financial Management Improvement, regulatory reform, TSP**

[Note: the text of the Omnibus Consolidated Appropriations Act was attached to P.L. 104-208, the FY97 DOD Appropriations Act.] This Act authorizes through December 1997 the option of buyouts, should agencies decide to utilize them, to meet downsizing goals. Additionally, the P.L. 104-208 allows certain employees to be reimbursed up to  $\frac{1}{2}$  of costs incurred for professional liability

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or health benefit due to their marriage to have that benefit restored upon divorce, and allows employees subject to a RIF to use annual leave to remain on the agency's rolls after the RIF in order to qualify for an immediate annuity. The law also includes the text of the Federal Financial Management Improvement Act which provides for uniform accounting standards among federal agencies. P.L. 104-208 also contains provisions relating to regulatory reform and to the Thrift Savings Plan; see those sections below.

#### **PAY RAISE**

The President approved a 2.3% pay raise for virtually all federal employees effective in January 1997 with an additional .7% available for locality adjustments; a decision will be made by the end of November regarding the allocation of this .7%. The President has not decided whether a raise will be granted to members of the SES Levels 5 or below or to members of the SLS. P.L. 104-208 precludes a payraise for individuals paid on the Executive Schedule or SES Level 6.

#### **REGULATORY REFORM**

Language was included in P.L. 104-208, FY97 DOD Appropriations Act, requiring OMB to submit a report by September 30, 1997 calculating the cost and benefit of federal regulatory programs and major rules and recommending for termination or reform regulations that are inefficient or ineffective.

#### **THRIFT SAVINGS PLAN**

P.L. 104-208, FY97 DOD Appropriations Act, adds two new investment funds to the TSP: International and Small Capitalization Stock Indices. These funds are expected to be available for investment within three years. Also, the law eases loan restrictions from the TSP so that loans can now be made for any purpose. An earlier proposal to eliminate the cap on contributions to the IRS limit, currently \$9500 per year, was not approved due to concerns about its budgetary impact.

#### **TRAVEL REFORM**

P.L. 104-201, FY97 DOD Authorization Act, includes a section on Federal Employee Travel Reform. These changes modify relocation benefits.

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