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

April 8, 1993

CHAIRMAN

The Honorable Albert Gore
President of the United States Senate
Washington, D.C. 20510

Dear Mr. President:

I am enclosing a Nuclear Regulatory Commission (NRC) legislative proposal in the form of a draft bill that would provide the NRC with the authority to repay student loans as a means to enhance employee recruitment. Our legislation amends 5 U.S.C. § 5379, which was enacted as part of section 1206 of the National Defense Authorization Act for Fiscal Year 1991. Certain technical references in the drafting of that Act resulted in the omission of excepted service agencies, such as the NRC, from the provision authorizing Federal agencies to employ a student loan repayment program. The draft bill would provide a means for such agencies to participate in the program. In the last session of the 102d Congress, language similar to the attached corrective legislation was approved by the House Committee on Post Office and Civil Service.

The Commission believes that enactment of this legislation would improve the NRC's ability to recruit and retain the highly qualified technical staff it needs to fulfill its mission. This task has been made more difficult in recent years by the declining number of students in fields such as nuclear engineering and health physics. Without the legislation, we are at a disadvantage when competing for students against other Federal agencies and the private sector. A draft bill (Enclosure 1), an analysis of its provisions (Enclosure 2), a comparative text (Enclosure 3), and a memorandum explaining the need for the legislation (Enclosure 4) are provided.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this legislative proposal to the Congress.

Sincerely,

Ivan Selin

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Enclosures:

- 1. Draft Bill
- 2. Analysis of Proposal
- 3. Comparative Text
- 4. Memorandum

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NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 8, 1993

CHAIRMAN

The Honorable Thomas S. Foley
Speaker of the United States
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Ivan Selin".

Ivan Selin

Enclosures:

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3. Comparative Text
4. Memorandum

ENCLOSURE 1

DRAFT BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

"(2) An employee shall be ineligible for benefits under this section if such employee occupies a position which--

(A) is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character, or

(B) is not subject to subchapter III of this chapter, unless, at the request of the head of the employee's agency, the President authorizes the application of this section to one or more categories of such positions within that agency."

ENCLOSURE 2

Enclosure 2

ANALYSIS OF STUDENT LOAN AMENDMENT

Section 5379 of title 5, United States Code, added by section 1206 of the National Defense Authorization Act for Fiscal Year 1991, is amended to allow the President to authorize the inclusion of positions currently excepted from the authority of agencies to enter into student loan repayment agreements that are made in order to recruit or retain highly qualified personnel. The amendment will enable the NRC and other excepted service agencies to repay student loans of newly hired employees.

ENCLOSURE 3

COMPARATIVE TEXT

The amended section 5379(a)(2) of title 5, United States Code, would read as follows:

"(2) An employee shall be ineligible for benefits under this section, if such employee occupies a position which--

(A) is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character, or

(B) is not subject to subchapter III of this chapter, unless, at the request of the head of the employee's agency, the President authorizes the application of this section to one or more categories of such positions within that agency."

ENCLOSURE 4

LEGISLATIVE MEMORANDUM IN SUPPORT OF PROPOSED BILL

To help Federal agencies to recruit and retain highly qualified employees, the National Defense Authorization Act for Fiscal Year 1991 authorized repayment of student loans in exchange for agreements by the benefitting employees to remain with the agency for a period of not less than three years. However, this provision of the Act is drafted so as to omit certain categories of positions, including positions not in the competitive service. Thus, excepted service agencies, such as the NRC, are barred from offering this incentive to potential employees.

This places excepted service agencies at a disadvantage when competing for potential employees against the private sector and Federal agencies with a student loan repayment program. This is especially onerous for an agency such as the NRC, which must look for individuals with highly specialized education in areas that draw a relatively small number of students. This legislation will allow excepted service agencies, with the approval of the President, to be included among the Federal agencies that may establish a student loan repayment program.