

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for Federal human resources management innovations, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.**

**S. 2452**

To establish the Department of National Homeland Security and the National Office for Combating Terrorism.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. VOINOVICH

Viz:

1 On page 154, insert between lines 15 and 16 the following:  
2

3 **TITLE V—FEDERAL HUMAN RE-**  
4 **SOURCES MANAGEMENT IN-**  
5 **NOVATIONS**

6 **SEC. 501. STREAMLINED PERSONNEL MANAGEMENT DEM-**  
7 **ONSTRATION PROJECTS.**

8 Chapter 47 of title 5, United States Code, is  
9 amended—

10 (1) in section 4701—

1 (A) in subsection (a)—

2 (i) by striking “(a)”;

3 (ii) by striking paragraph (1) and in-  
4 sserting the following:

5 “(1) ‘agency’ means an Executive agency and  
6 any entity that is subject to any provision of this  
7 title that could be waived under section 4703, but  
8 does not include—

9 “(A) the Federal Bureau of Investigation,  
10 the Central Intelligence Agency, the Defense In-  
11 telligence Agency, the National Imagery and  
12 Mapping Agency, the National Security Agency,  
13 and, as determined by the President, any Exec-  
14 utive agency or unit thereof which is designated  
15 by the President and which has as its principal  
16 function the conduct of foreign intelligence or  
17 counterintelligence activities; or

18 “(B) the General Accounting Office;”;

19 (iii) in paragraph (4), by striking  
20 “and” at the end;

21 (iv) by redesignating paragraph (5) as  
22 paragraph (6); and

23 (v) by inserting after paragraph (4)  
24 the following:

1           “(5) ‘modification’ means a significant change  
2           in 1 or more of the elements of a demonstration  
3           project plan as described in section 4703(b)(1);  
4           and”;

5                       (B) by striking subsection (b); and

6           (2) in section 4703—

7                       (A) in subsection (a)—

8                               (i) by striking “conduct and evaluate  
9                               demonstration projects” and inserting  
10                              “conduct, modify, and evaluate demonstra-  
11                             tion projects”;

12                           (ii) by striking “, including any law or  
13                           regulation relating to—” and all that fol-  
14                           lows and inserting a period; and

15                           (iii) by adding at the end the fol-  
16                           lowing: “The decision to initiate or modify  
17                           a project under this section shall be made  
18                           by the Office.”;

19                       (B) by striking subsection (b) and insert-  
20           ing the following:

21           “(b) Before conducting or entering into any agree-  
22           ment or contract to conduct a demonstration project, the  
23           Office shall ensure—

24                       “(1) that each project has a plan which  
25           describes—

1           “(A) its purpose;

2           “(B) the employees to be covered;

3           “(C) its anticipated outcomes and resource  
4 implications, including how the project relates  
5 to carrying out the agency’s strategic plan, in-  
6 cluding meeting performance goals and objec-  
7 tives, and accomplishing its mission;

8           “(D) the personnel policies and procedures  
9 the project will use that differ from those other-  
10 wise available and applicable, including a spe-  
11 cific citation of any provisions of law, rule, or  
12 regulation to be waived and a specific descrip-  
13 tion of any contemplated action for which there  
14 is a lack of specific authority;

15           “(E) the method of evaluating the project;  
16 and

17           “(F) the agency’s system for ensuring that  
18 the project is implemented in a manner con-  
19 sistent with merit system principles;

20           “(2) notification of the proposed project to em-  
21 ployees who are likely to be affected by the project;

22           “(3) an appropriate comment period;

23           “(4) publication of the final plan in the Federal  
24 Register;

1           “(5) notification of the final project at least 90  
2 days in advance of the date any project proposed  
3 under this section is to take effect to employees who  
4 are likely to be affected by the project;

5           “(6) publication of any subsequent modification  
6 in the Federal Register; and

7           “(7) notification of any subsequent modification  
8 to employees who are included in the project.”;

9           (C) in subsection (c)—

10                   (i) by striking paragraph (1) and in-  
11 sserting the following:

12                   “(1) any provision of chapter 63 or subpart G  
13 of part III of this title;”;

14                   (ii) by redesignating paragraphs (4)  
15 and (5) as paragraphs (6) and (7), respec-  
16 tively;

17                   (iii) by inserting after paragraph (3)  
18 the following:

19                   “(4) section 7342, 7351, or 7353;

20                   “(5) the Ethics in Government Act of 1978 (5  
21 U.S.C. App.);”;

22                   (iv) in paragraph (6) as redesignated,  
23 by striking “paragraph (1), (2), or (3) of  
24 this subsection; or” and inserting “para-  
25 graphs (1) through (5);”;

1 (D) by striking subsections (d) and (e) and  
2 inserting the following:

3 “(d)(1) Unless terminated at an earlier date in ac-  
4 cordance with this section, each demonstration project  
5 shall terminate at the end of the 10-year period beginning  
6 on the date on which the project takes effect.

7 “(2) Before the end of the 5-year period beginning  
8 on the date on which a demonstration project takes effect,  
9 the Office shall submit a recommendation to Congress on  
10 whether Congress should enact legislation to make that  
11 project permanent.

12 “(e) The Office may terminate a demonstration  
13 project under this chapter if the Office determines that  
14 the project—

15 “(1) is not consistent with merit system prin-  
16 ciples set forth in section 2301, veterans’ preference  
17 principles, or the provisions of this chapter; or

18 “(2) otherwise imposes a substantial hardship  
19 on, or is not in the best interests of, the public, the  
20 Government, employees, or eligibles.”; and

21 (E) by striking subsections (h) and (i) and  
22 inserting the following:

23 “(h) Notwithstanding section 2302(e)(1), for pur-  
24 poses of applying section 2302(b)(11) in a demonstration  
25 project under this chapter, the term ‘veterans’ preference

1 requirement' means any of the specific provisions of the  
2 demonstration project plan that are designed to ensure  
3 that the project is consistent with veterans' preference  
4 principles.

5       “(i) The Office shall ensure that each demonstration  
6 project is evaluated. Each evaluation shall assess—

7               “(1) the project's compliance with the plan de-  
8 veloped under subsection (b)(1); and

9               “(2) the project's impact on improving public  
10 management.

11       “(j) Upon request of the Director of the Office of  
12 Personnel Management, agencies shall cooperate with and  
13 assist the Office in any evaluation undertaken under sub-  
14 section (i) and provide the Office with requested informa-  
15 tion and reports relating to the conducting of demonstra-  
16 tion projects in their respective agencies.”.

17 **SEC. 502. EFFECTIVE DATE.**

18       This title shall take effect 180 days after the date  
19 of enactment of this Act.

20       On page 208, line 17, strike all through page 223,  
21 line 24.