

exceed 10 percent of the total number of Senior Executive Service positions allocated to the Administration.

“(c) Notwithstanding sections 3132 and 3394(b)—

“(1) the Administrator may appoint an individual to any Senior Executive Service position in the Administration as a limited term appointee under this section for a period of—

“(A) 4 years or less to a position the duties of which will expire at the end of such term; or

“(B) 1 year or less to a position the duties of which are continuing; and

“(2) in rare circumstances, the Administrator may authorize an extension of a limited appointment under—

“(A) paragraph (1)(A) for a period not to exceed 2 years; and

“(B) paragraph (1)(B) for a period not to exceed 1 year.

“(d) A limited term appointee who has been appointed in the Administration from a career or career-conditional appointment outside the Senior Executive Service shall have reemployment rights in the agency from which appointed, or in another agency, under requirements and conditions established by the Office of Personnel Management. The Office shall have the authority to direct such placement in any agency.

“(e) Notwithstanding section 3394(b) and section 3395—

“(1) a limited term appointee serving under a term prescribed under this section may be reassigned to another Senior Executive Service position in the Administration, the duties of which will expire at the end of a term of 4 years or less; and

“(2) a limited term appointee serving under a term prescribed under this section may be reassigned to another continuing Senior Executive Service position in the Administration, except that the appointee may not serve in 1 or more positions in the Administration under such appointment in excess of 1 year, except that in rare circumstances, the Administrator may approve an extension up to an additional 1 year.

“(f) A limited term appointee may not serve more than 7 consecutive years under any combination of limited appointments.

“(g) Notwithstanding section 5384, the Administrator may authorize performance awards to limited term appointees in the Administration in the same amounts and in the same manner as career appointees.

“§ 9838. Superior qualifications pay

“(a) In this section the term ‘employee’ means an employee as defined under section 2105 who is employed by the Administration.

“(b) Notwithstanding section 5334, the Administrator may set the pay of an employee paid under the General Schedule at any step within the pay range for the grade of the position, based on the superior qualifications of the employee, or the special need of the Administration.

“(c) If an exercise of the authority under this section relates to a current employee selected for another position within the Administration, a determination shall be made that the employee’s contribution in the new position will exceed that in the former position, before setting pay under this section.

“(d) Pay as set under this section is basic pay for such purposes as pay set under section 5334.

“(e) If the employee serves for at least 1 year in the position for which the pay determination under this section was made, or a successor position, the pay earned under such position may be used in succeeding actions to set pay under chapter 53.

“(f) The Administrator may waive the restrictions in subsection (e), based on criteria

established in the plan required under subsection (g).

“(g) Before setting any employee’s pay under this section, the Administrator shall submit a plan to the Office of Personnel Management, that includes—

“(1) criteria for approval of actions to set pay under this section;

“(2) the level of approval required to set pay under this section;

“(3) all types of actions and positions to be covered;

“(4) the relationship between the exercise of authority under this section and the use of other pay incentives; and

“(5) a process to evaluate the effectiveness of this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for subchapter I of part III of title 5, United States Code, is amended by adding after the item relating to chapter 97 the following:

“98. National Aeronautics and Space Administration ..... 9801”.

(2) COMPENSATION FOR CERTAIN EXCEPTED PERSONNEL.—Subparagraph (A) of section 203(c)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(2)(A)) is amended by striking “the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,” and inserting “the rate of basic pay payable for level III of the Executive Schedule.”.

(3) COMPENSATION CLARIFICATION.—Section 209 of title 18, United States Code, as amended by section 209(g)(2) of the E-Government Act of 2002 (Public Law 107-347; 116 Stat. 2932), is amended by adding at the end the following:

“(h) This section does not prohibit an employee of a private sector organization, while assigned to the National Aeronautics and Space Administration under section 9832 of title 5, from continuing to receive pay and benefits from that organization in accordance with section 9832 of that title.”.

(4) CONTINUED TSP ELIGIBILITY.—Section 125(c)(1) of Public Law 100-238 (5 U.S.C. 8432 note), as amended by section 209(g)(3) of the E-Government Act of 2002 (Public Law 107-347; 116 Stat. 2932), is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking “and” at the end and inserting “or”; and

(C) by adding at the end the following:

“(E) an individual assigned from the National Aeronautics and Space Administration to a private sector organization under section 9832 of title 5, United States Code; and”.

(5) ETHICS PROVISIONS.—

(A) ONE-YEAR RESTRICTION ON CERTAIN COMMUNICATIONS.—Section 207(c)(2)(A)(v) of title 18, United States Code, is amended by inserting “or section 9832” after “chapter 37”.

(B) DISCLOSURE OF CONFIDENTIAL INFORMATION.—Section 1905 of title 18, United States Code, is amended by inserting “or section 9832” after “chapter 37”.

(6) CONTRACT ADVICE.—Section 207(l) of title 18, United States Code, is amended by inserting “or section 9832” after “chapter 37”.

(7) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(A) in section 3111(d), by inserting “or section 9832” after “chapter 37”; and

(B) in section 7353(b)(4), by inserting “or section 9832” after “chapter 37”.

**SA 756.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize ap-

propriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 213. GUARDFIST II FIRE SUPPORT TRAINING SYSTEM.**

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, \$791,000 shall be available for Non-System Training Devices Combined Arms (PE 0604715F) for the GUARDFIST II fire support training system.

(2) The amount available under paragraph (1) for the purpose specified in that section is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount available for Next Generation Training and Simulation Systems (PE 0603015A) for the Institute for Creative Technologies (ICT) is hereby reduced by \$791,000.

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 21, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Reorganization of the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 22, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Status of Telecommunications in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 20, 2003, at 2:00 P.M. to conduct an oversight hearing on “overview of the fair credit reporting act and issues presented by the re-authorization of the expiring preemption provisions.”

The committee will also vote on the nominations of Dr. Nicholas Gregory Mankiw, of Massachusetts, to be a member of the council of economic advisors, executive office of the president; Mr. Steven B. Nesmith, of Pennsylvania, to be assistant secretary for