

United States Senate

WASHINGTON, DC 20510

January 6, 2004

The Honorable Donald Rumsfeld
Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Mr. Rumsfeld:

The Senate Governmental Affairs Committee worked closely with the Department of Defense (DoD) to establish the National Security Personnel System (NSPS), which became law as part of this year's National Defense Authorization Act on November 24, 2003. During the Committee's deliberations on S. 1166, the Senate version of NSPS, Senator Voinovich offered an amendment which was adopted by unanimous consent to exclude DoD research laboratories from inclusion in NSPS. The laboratories were previously granted special personnel demonstration project authority pursuant to section 342 of the National Defense Authorization Act of Fiscal Year 1995 and section 1101 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. The purpose of these flexibilities was to establish innovative human resources systems to facilitate scientific and technical excellence.

The Defense Authorization conference committee decided to retain but modify the Voinovich amendment to continue the personnel flexibilities currently enjoyed by the labs while the authorities established in NSPS are implemented. Section 1101 of the National Defense Authorization Act for Fiscal Year 2004, chapter 99, section 9902(c) is a compromise that allows for the inclusion of the labs in NSPS after October 1, 2008, but only if the Secretary determines that the flexibilities provided by NSPS are greater than those already provided to the labs.

It has come to our attention, however, that DoD is seeking to standardize the personnel flexibilities currently enjoyed by the labs under a best practices initiative that is intended to reflect the not yet established NSPS. We understand this to be an administrative step before full integration of the labs into NSPS.


Following this course of action would be a mistake. It would contravene Congressional intent, which is that the labs should continue to enjoy their personnel flexibilities until October 1, 2008, outside of either NSPS or a best practices initiative. The Senate-House conference established the October 1, 2008, decision date because it will take many years for DoD to establish and implement NSPS. The new system will face countless challenges and undergo many modifications. It would be hasty to standardize the labs

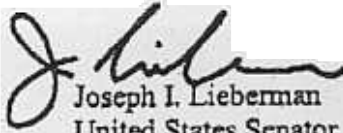
when the final architecture of NSPS is far from complete. By comparison, the Department of Homeland Security, which was established over a year ago and which has one-third the number of civilian employees, has not yet issued the regulations for its new personnel system.

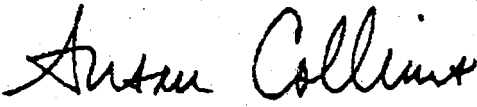
Waiting until 2008 provides the opportunity to determine if NSPS or the existing personnel demonstration authority is more advantageous for the labs. As such, we would expect that you will continue to use the existing laboratory personnel authority to create a truly preeminent national security laboratory system so that the Secretary could make a real choice in 2008.

Please advise us at as soon as possible of the intentions of the Department of Defense regarding efforts to include the labs in NSPS. Thank you.


Sincerely,


George V. Voinovich
United States Senator


Joseph I. Lieberman
United States Senator


Susan Collins
United States Senator


Mike DeWine
United States Senator


Jeff Sessions
United States Senator