

IN HONOR OF CÉSAR CHÁVEZ DAY

Mr. REID. Mr. President, I rise today in appreciation of the life and lasting legacy of civil rights activist and labor leader, César Chávez.

César Chávez came from humble beginnings, born on March 31, 1927, in a small farm outside of Yuma, AZ. Through his experiences as a laborer and migrant worker in the fields of the southwest United States, he recognized a need for change; change that would bring social and economic equality to those who tilled America's soil and harvested America's crops. The exploitation and discrimination experienced and observed by Mr. Chávez energized his courageous fight for fair and equal treatment for his hardworking colleagues of all backgrounds.

As a member of the U.S. Navy he served in the western Pacific during the end of World War II to protect the freedoms that he often did not enjoy. He demonstrated his dedication to two great values—community and compassion—by building a powerful coalition of grass roots organizations and inspiring individuals of all backgrounds to join a campaign for social equality.

César Chávez is not only an icon for Mexican-American communities across this great country, but also an American icon for all those who have felt the pain of injustice and for those who recognize the continuing need to allow equal access to the resources of our great Nation. His tireless efforts to help bring our country closer to its ideals of freedom and equality of opportunity shall be recognized today as they were when he posthumously received the Presidential Medal of Freedom. His legacy inspires hope, action, and prosperity for those who are often burdened by marginalization and discrimination. Our society owes gratitude to the indelible mark that Mr. Chávez has left on our Nation.

I appreciate the Clark County Commission for commemorating the legacy of a giant in our Nation's labor movement by declaring March 31, 2008, as César Chávez Day. I join the Commission, and many throughout Nevada, in honoring Mr. Chávez's visionary leadership. We must continue to recognize the value in César Chávez's legacy, which has become a symbol of dignity and perseverance for all workers, whether in the fields, in the factories, or behind the counter.

VETERANS EMPLOYMENT OPPORTUNITIES REGULATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(3)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF ADOPTED VETERANS' EMPLOYMENT OPPORTUNITIES REGULATIONS

When approved by the House of Representatives for the House of Representatives,

these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

- Sec.
- 1.101 Purpose and scope.
- 1.102 Definitions.
- 1.103 Adoption of regulations.
- 1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

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SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of