

take to "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105-340 (105th Cong., 2d Sess. Sept. 21, 1998), at 17)?

(11) With respect to positions restricted to preference eligible individuals under 5 USC § 3310, namely guards, elevator operators, messengers, and custodians, the Board seeks information and comment on the following issues and questions:

(a) The identity, in the legislative branch, of guard, elevator operator, messenger, and custodian positions within the meaning of these terms under 5 USC § 3310.

(b) The identity of covered employing offices responsible for personnel decisions affecting employees who fill positions of guard, elevator operator, messenger, and custodian within the meaning of 5 USC § 3310 and the implementing regulations.

(c) Would police officers and other employees of the United State Capitol Police be considered "guards" under the application of the rights and protections of this section to covered employees under VEO?

(d) Whether the current methods of hiring include an entrance examination within the meaning of 5 CFR § 330.401 and, if not, whether the affected employing offices believe that the statute mandates the creation of such an examination and/or allows such an examination to be required of the employing offices?

(e) What changes, if any, in the regulations are required to effectuate the rights and protections of 5 USC § 3310 as applied by VEO?

(12) Which executive branch regulations, if any, should not be adopted because they are promulgated to implement inapplicable statutory provisions of veterans' preference law or are otherwise inapplicable to the legislative branch?

(13) What modification, if any, of the executive branch regulations would make them more effective for the implementation of the rights and protections made applicable under VEO as provided by VEO § 4(c)(4)(B)?

Signed at Washington, D.C. on this 16th day of February, 2000.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

FOOTNOTES

¹ Pub. L. 105-339 (Oct. 31, 1998).

² Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

³ Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, USC.

⁴ Generally, these are positions that are excepted by law, by executive order, or by the action of OPM placing a position or group of positions in what are known as excepted service Schedules A, B, or C. For example, certain entire agencies such as the Postal Service, the Federal Bureau of Investigation, and the Central Intelligence Agency are excepted by law. In other cases, certain jobs or classes of jobs in an agency are excepted by OPM. 5 CFR Part 213. This includes attorneys, chaplains, student trainees, and others.

⁵ These generally are high-level, managerial positions in the executive department whose appointment does not require Senate confirmation. See 5 USC § 3123 (a)(2), which defines the term "Senior Executive Service position."

⁶ The definition of "covered employee" under section VEO § 4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC § 1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO § 4(c)(5), the following employees are excluded from the term "covered employee": (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee

or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service.

⁷ Compare VEO § 4(c)(3)(B) with CAA §§ 202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 210(e)(2), 215(d)(2), 220(d)(2)(A).

⁸ See, e.g., 5 CFR § 351.205 ("The Office of Personnel Management may establish further guidance and instructions for planning, preparation, conduct and review of reductions in force through the Federal Personnel Manual System. OPM may examine an agency's preparations for reduction in force at any stage.').

⁹ Sen. Rept. 105-340, 105 Cong., 2d Sess. at 17 (Sept. 21, 1998).

¹⁰ Compare Administrative Office of the United States Courts Personnel Act of 1990, Pub. L. 101-474, 104 Stat. 1097, § 3. Individuals in this office of the judicial branch are afforded the right to veterans' preference "in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch." § 3(a)(11). However, the Congress also empowered the Director the Administrative Office to establish by regulation a personnel management system that parallels many of the features of the executive branch's personnel system regulated by OPM. VEO contains no comparable provisions giving similar powers to the Board or any other legislative branch entity.

¹¹ For a description of the "excepted service," see note 4 *infra*.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, February 25, 2000, the Federal debt stood at \$5,748,251,779,017.69 (Five trillion, seven hundred forty-eight billion, two hundred fifty-one million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents).

One year ago, February 25, 1999, the Federal debt stood at \$5,620,928,000,000 (Five trillion, six hundred twenty billion, nine hundred twenty-eight million).

Fifteen years ago, February 25, 1985, the Federal debt stood at \$1,695,295,000,000 (One trillion, six hundred ninety-five billion, two hundred ninety-five million).

Twenty-five years ago, February 25, 1975, the Federal debt stood at \$496,984,000,000 (Four hundred ninety-six billion, nine hundred eighty-four million) which reflects a debt increase of more than \$5 trillion—\$5,251,267,779,017.69 (Five trillion, two hundred fifty-one billion, two hundred sixty-seven million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Compounds" (Docket No. 92F-0111), received February 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7715. A communication from the Board Members, Railroad Retirement Board, transmitting the justification of budget estimates for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-7716. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-7717. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Federal Housing Finance Board Regulations" (RIN3069-AA87), received February 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7718. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures: Mandatory License Application Form for Unblocking Funds Transfers" (31 CFR 501.801), received February 23, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7719. A communication from the Deputy Chief, National Forest System, Department of Agriculture transmitting, pursuant to law, detailed boundary maps for the East Fork Jemez and Pecos Rivers, NM; to the Committee on Energy and Natural Resources.

EC-7720. A communication from the Secretary of Energy, transmitting the "Advanced Automotive Technologies" annual report for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-7721. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB cost estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC-7722. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR part 170, Distribution of Fiscal Year 2000 Indian Reservation Roads Funds" (RIN1076-AD99), received February 24, 2000; to the Committee on Indian Affairs.

EC-7723. A communication from the Assistant Attorney General, Office of Justice Programs transmitting, pursuant to law, the report of a rule entitled "Timing of Police Corps Reimbursement of Educational Expenses" (RIN1121-AA50), received February 24, 2000; to the Committee on the Judiciary.

EC-7724. A communication from the Assistant Attorney General, Legislative Affairs transmitting a draft of proposed legislation to amend the Inspector General Act; to the Committee on the Judiciary.

EC-7725. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a report relative to the Chemical Weapons Convention Implementation Act of 1998; to the Committee on Foreign Relations.

EC-7726. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment Act of 2000"; to the Committee on Veterans' Affairs.

EC-7727. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Importation of Chemicals Subject to the Toxic Substances Control Act" (RIN1515-AC04), received February 24, 2000; to the Committee on Finance.

EC-7728. A communication from the Commissioner of Social Security, transmitting a draft of proposed legislation relative to Social Security; to the Committee on Finance.

EC-7729. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Forage Production Crop Provisions; and Forage Seeding Crop Provisions", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7730. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations, Subpart-L Reinsurance Agreement-Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7731. A communication from the Secretary of Defense, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7732. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received February 24, 2000; to the Committee on Governmental Affairs.

EC-7733. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7734. A communication from the Chief Financial Officer, Export-Import Bank, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-225, "Government Employer-Assisted Housing Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-262, "Transfer of Jurisdiction over Georgetown Waterfront Park for Public and Recreational Purposes, S.O. 84-230, Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7737. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 13-250, "Department of Health Functions Clarification Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-254, "District of Columbia Housing Authority Act of 1999"; to the Committee on Governmental Affairs.

EC-7739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-256, "Retail Electric Competition and Consumer Protection Act of 1999"; to the Committee on Governmental Affairs.

EC-7740. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Hurricane Floyd Property Acquisition and Relocation Grants; 65 FR 7270; 02/11/2000", received February 17, 2000; to the Committee on Environment and Public Works.

EC-7741. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the designation of an Acting Deputy Administrator and the nomination of a Deputy Administrator; to the Committee on Environment and Public Works.

EC-7742. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Armored Snail and Slender Campeloma" (RIN1018-AF29), received February 18, 2000; to the Committee on Environment and Public Works.

EC-7743. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of the Dismal Swamp Southeastern Shrew", received February 22, 2000; to the Committee on Environment and Public Works.

EC-7744. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the 'Sylvilagus bachmani riparius' (riparian Brush Rabbit) and 'Neotoma fuscipes Riparia' (riparian or San Joaquin Valley woodrat)" (RIN1018-AE40), received February 16, 2000; to the Committee on Environment and Public Works.

EC-7745. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Use of Collected PM2.5 Data and Parameter Occurrence Codes"; to the Committee on Environment and Public Works.

EC-7746. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of California's Authorization Application"; to the Committee on Environment and Public Works.

EC-7747. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Limited Request for Pre-Proposals Pilot Projects on Improved Drinking Water Management and Source Protection in Honduras"; to the Committee on Environment and Public Works.

EC-7748. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Placement of Proceeds from CERCLA Settlements in Special Accounts"; to the Committee on Environment and Public Works.

EC-7749. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7750. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Municipal Solid Waste Landfills in Knox County" (FRL # 6539-6), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7751. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7752. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Architectural Coatings" (FRL # 6539-2), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7753. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment: Requirements for Preparation, Adoption, and Submittal of State Implementation Plans" (FRL # 6540-1), received February 15, 2000; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-416. A resolution adopted by the Council of the Borough of Ship Bottom, NJ relative to the disposal of dredge materials at the Mud Dump site; to the Committee on Environment and Public Works.

POM-417. A petition from a citizen of the District of Columbia relative to the District of Columbia Housing Authority Act of 1999; to the Committee on Governmental Affairs.