

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.