

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-4843. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Archaeological and Ethnological Materials from Bolivia" (RIN1515-AC95) received on December 5, 2001; to the Committee on Finance.

EC-4844. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC-4845. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC-4846. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Carson Wandering Skipper as Endangered" (RIN1018-AI18) received on December 4, 2001; to the Committee on Environment and Public Works.

EC-4847. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule and Proposed Rule to List the Columbia Basin Pygmy Rabbit as Endangered" (RIN1080-AG17) received on December 4, 2001; to the Committee on Environment and Public Works.

EC-4848. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the MS gopher frog as Endangered" (RIN1018-AF90) received on December 4, 2001; to the Committee on Environment and Public Works.

EC-4849. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Engineering Services" (RIN2125-AE73) received on December 5, 2001; to the Committee on Environment and Public Works.

EC-4850. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "The Lead-Based Paint Pre-Renovation Education Rules"; to the Committee on Environment and Public Works.

EC-4851. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Vermont: Negative Declaration" (FRL7116-6) received on December 6, 2001; to the Committee on Environment and Public Works.

EC-4852. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL7116-3) received on December 6, 2001; to the Committee on Environment and Public Works.

EC-4853. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois" (FRL7098-8) received on December 6, 2001; to the Committee on Environment and Public Works.

EC-4854. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Significant New Uses of Certain Chemical Substances" (FRL6807-3) received on December 6, 2001; to the Committee on Environment and Public Works.

EC-4855. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Ozone" (FRL7114-9) received on December 6, 2001; to the Committee on Environment and Public Works.

EC-4856. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Locational Requirement for Dispatching of United States Rail Operations" (RIN2130-AB38) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4857. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electric-Powered Vehicles; Response to Petitions for Reconsideration; Final Rule" (RIN2127-AI57) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4858. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities, Technical Amendment" ((RIN2120-AH15) (2001-0002)) received on December 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4859. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115-AE47) (2001-0121)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4860. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Crystal River, Florida" ((RIN2115-AA97) (2001-0146)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4861. A communication from the Chief of Regulations and Administrative Law,

United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port of Tampa, Florida" ((RIN2115-AA97) (2001-0147)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4862. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Lake Washington Ship Canal, WA" ((RIN2115-AE47) (2001-0120)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4863. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: LPG Transits, Portland, Maine Marine Inspection Zone and Captain of the Port Zone" ((RIN2115-AA97) (2001-0148)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4864. A communication from the Chief of Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Neponset River, MA" ((RIN2115-AE47)(2001-0119)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4865. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes" ((RIN2120-AA64) (2001-0568)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4866. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 50, 900, and 900EX Series Airplanes" ((RIN2120-AA64) (2001-0563)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4867. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (54); amd. no. 2076" ((RIN2120-AA65) (2001-0059)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4868. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. LTP 101 Series Turboprop and LTS101 Series Turboshaft Engines" ((RIN2120-AA64) (2001-0560)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4869. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model B 17E, F, and G, Airplanes" ((RIN2120-AA64) (2001-0561)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4870. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; correction" ((RIN2120-AA64)(2001-0562)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4871. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Reform, AL" ((RIN2120-AA66)(2001-0174)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4872. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120-AA64)(2001-0564)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4873. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28 Mark 0070 and 0100 Series Airplanes" ((RIN2120-AA64)(2001-0569)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4874. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3 Series Airplanes" ((RIN2120-AA64)(2001-0566)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4875. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28 Series Airplanes" ((RIN2120-AA64)(2001-0567)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4876. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standards Instrument Approach Procedures; Miscellaneous Amendment (43); amdt no. 2079" ((RIN2120-AA65)(2001-0058)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4877. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (19); amdt. no. 2077" ((RIN2120-AA65)(2001-0060)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4878. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company GE90 Series Turbofan Engines" ((RIN2120-AA64)(2001-0559)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4879. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0557)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4880. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Logan, UT" ((RIN2120-AA66)(2001-0175)) received on December 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4881. A communication from the Chair of the Board of the Office of Compliance, transmitting, pursuant to law, the notice of proposed rulemaking which seeks to comment on substantive regulations being proposed to implement section 4(c) of the Veterans Employment Opportunities Act of 1998, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law; to the Committee on Governmental Affairs. (The full text of the report follows:)

OFFICE OF COMPLIANCE

Hon ROBERT C. BYRD,
President pro tempore, United States Senate,
Washington, DC, November 13, 2001.

DEAR SENATOR BYRD: Pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA") (2 U.S.C. §1316a(4)) and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am submitting on behalf of the Office of Compliance, U.S. Congress, this notice of proposed rulemaking for publication in the Congressional Record. This notice seeks comment on substantive regulations being proposed to implement section 4(c) of VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Very truly yours,
SUSAN S. ROBFOGEL,
Chair of the Board.

OFFICE OF COMPLIANCE

The Veterans Employment Opportunities Act of 1998: Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance ("Board") is publishing proposed regulations to implement section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA"), Pub. L. 105-339, 112 Stat. 3186, codified at 2 USC §1316a, as applied to covered employees of the House of Representatives, the Senate, and certain Congressional instrumentalities.

The VEOA applies to the legislative branch the rights and protections pertaining to veterans' preference established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code ("USC").

This Notice proposes that identical regulations be adopted for the Senate, the House of Representatives, and the six Congressional instrumentalities and for their covered employees. Accordingly:

(1) *Senate.* It is proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the

Senate and employees of the Senate, and this proposal regarding the Senate and its employees is recommended by the Office of Compliance's Deputy Executive Director for the Senate.

(2) *House of Representatives.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the House of Representatives and employees of the House of Representatives, and this proposal regarding the House of Representatives and its employees is recommended by the Office of Compliance's Deputy Executive Director for the House of Representatives.

(3) *Certain Congressional instrumentalities.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to 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, and the Office of Compliance, and their employees; and this proposal regarding these six Congressional instrumentalities is recommended by the Office of Compliance's Executive Director.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Notice of Proposed Rulemaking in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, Braille, audio-tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224-2705.

Supplementary Information:

Background

The Veterans Employment Opportunities Act of 1998¹ "strengthen[s] and broadens"² the rights and remedies available to military veterans who are entitled, under the Veterans' Preference Act of 1944³ (and its amendments), to preferred consideration in appointment to the Federal civil service of the executive branch and in retention during reductions in force ("RIFs"). In addition, and most relevant to this NPR, VEOA affords to "covered employees" of the legislative branch (as defined by section 101 of the Congressional Accountability Act ("CAA") (2 USC §1301)) the rights and protections of selected provisions of veterans' preference law. VEOA §4(c)(2). The selected statutory sections made applicable to such legislative branch employees by VEOA may be summarized as follows.

A definitional section prescribes the categories of military veterans who are entitled

¹ Pub. L. 105-339, 112 Stat. 3186 (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.