

1.120 WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE

(a) Except as provided under subsection (b), a covered employee may not be released, due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area;

(7) the place where the covered employee may inspect the regulations and records pertinent to him/her, as detailed in section 1.121(b) below; and

(8) a description of any appeal or other rights which may be available.

(c) (1) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(2) No notice period may be shortened to less than 30 days under this subsection.

SEC. 1.121 INFORMATIONAL REQUIREMENTS REGARDING VETERANS' PREFERENCE DETERMINATIONS

(a) Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall state at a minimum:

(1) Whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible. If the applicant is not considered preference eligible, the explanation need not address the remaining matters described in subparagraphs (2) and (3).

(2) If the applicant is preference eligible, whether he/she is a qualified applicant and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not a qualified applicant. If the applicant is not considered a qualified applicant, the explanation need not address the remaining matters described in subparagraph (3).

(3) If the applicant is preference eligible and a qualified applicant, the employing office's explanation shall advise whether the person appointed to the covered position for which the applicant was applying is preference eligible.

(b) Upon written request by a covered employee who has received a notice of reduction in force under section 1.120 above (or his/her representative), the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's retention decision regarding that covered employee. Such explanation shall state:

(1) Whether the covered employee is preference eligible and, if not, the reasons for the employing office's determination that the covered employee is not preference eligible.

(2) If the covered employee is preference eligible, the employing office's explanation shall include:

(A) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible,

(B) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were not retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(C) a brief statement of the reason(s) for the employing office's decision not to retain the covered employee.

END OF PROPOSED REGULATIONS

RECOGNITION OF MARK MORSE

Mr. REID. Mr. President, today I wish to recognize the public service of Mark Morse of Las Vegas, NV.

Mark has served as field manager for the Bureau of Land Management's Las Vegas Field Office for the last 5 years. Serving as a field manager for any BLM office is a challenge, but nowhere are the competing demands of recreation and conservation, urban development and species preservation more pronounced than in southern Nevada.

Some might throw up their hands in the face of such challenges, but Mark confronted them head on. He is respected by such diverse groups as local and county government officials, environmental organizations, and recreation advocates for balancing the needs of all who take an interest in our public lands.

He has forged partnerships between the BLM and local organizations, including the Red Rock Canyon Interpretive Association, Friends of Red Rock Canyon, the National Wild Horse Association, Master Gardeners, UNLV, and the Clark County School District. These partnerships have not only included the local community in the stewardship of our public lands; they have ensured that these lands are better cared for than they would be under only BLM supervision. Red Rock enthusiasts are improving the BLM's interpretation of Red Rock Canyon; students from a local high school are discovering the unique history of Tule Springs. It was Mark's vision that made these partnerships happen.

We in Nevada's congressional delegation have also handed Mark his share of challenges. The Nevada BLM oversees an enormously successful program that disposes of Federal land in southern Nevada while using the proceeds to preserve Nevada's natural treasures. This program has made federal land agencies work together in ways that

have no precedent in our country. Mark has helped create interagency teams that improve both the care of Federal lands and the efficiency of the agencies charged with that care. Without Mark's leadership, this program would not be such a success story.

Mark has helped the Las Vegas Field Office adapt to the unique nature of managing Federal land in this growing urban setting. He is proud of his team, and he would say it has embraced change and achieved excellence. The BLM is not always a popular entity in Nevada, but Mark's accomplishments have greatly improved its reputation.

Mark's retirement is the culmination of 39 years of service with the BLM in the West, including time in northern California and Colorado as well as Nevada. I wish Mark the best, and I hope I will have the privilege of working with him again in the future.

BALTAZAR CERVANTES' 100TH BIRTHDAY

Mr. REID. Mr. President, I speak today in recognition of Mr. Baltazar Cervantes' 100th birthday.

Mr. Cervantes was born and raised in Mexico, and he came to the United States in 1919, making Nevada his home in 1958.

He worked for the Southern Pacific Railroad for 36 years, then worked part time for the city of Elko, in northeast Nevada, for the next 20 years. He finally retired in 1993 at the age of 88.

Throughout his life, Mr. Cervantes has dedicated himself to his family, a group that has continued to grow over time. Today his extended family include 10 children, 44 grandchildren, 54 great grandchildren, and 1 great-great-grandchild.

Mr. Cervantes has experienced many things during his life, and he has seen some historic figures. When he was a young boy, he saw Pancho Villa in Mexico, and after he moved to the United States he was fortunate enough to see the legendary Babe Ruth play baseball.

Mr. Cervantes has long been an avid baseball fan, and his favorite team is the Atlanta Braves. He tells his children that even though the Braves didn't enjoy much success during the early years when he watched them, he always knew they would turn it around. I am sure Mr. Cervantes has enjoyed the Braves' 13 consecutive playoff appearances.

Today Mr. Cervantes lives with his daughter Norma and her daughter Kara, and he enjoys watching Braves games in the company of his loving family. It gives me great pleasure to offer my sincerest congratulations to this special man on the occasion of his 100th birthday.

EGYPT

Mr. McCONNELL. Mr. President, in his recent State of the Union address, President Bush stated:

the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

In light of the President's statement, I would like to submit for the RECORD an op-ed by Jackson Diehl that appeared in today's Washington Post titled "Egypt's Gamble."

In this piece, Mr. Diehl notes with concern that the Egyptian Government appears to be acting under the assumption that, despite the President's strong statement on the need for democratic reforms in the country, the United States will still turn a blind eye to the recent heavy-handed actions taken by the Egyptian authorities toward prodemocracy activists. Mr. Diehl's piece notes:

The U.S. Embassy in Cairo is urging caution; it argues that an overly aggressive U.S. reaction [to the crackdown] would play into the hands of Egyptian "hardliners."

Mr. President, I am deeply troubled about these reports, if they are true.

President Bush's statement of policy with respect to Egypt could not be more clear. Nonetheless, it appears that there are those in the Bureau of Near Eastern Affairs at the State Department who are attempting to return to "business as usual" with respect to U.S. policy toward Egypt. I would like to go on record as reiterating my strong support for the need for Egypt to reform its political and economic institutions, and I look forward to working with Secretary Rice to ensure that the President's vision of democracy in the region is not diluted at lower levels of the Department through bureaucratic inertia and intransigence.

I ask unanimous consent that the op-ed be printed in the RECORD.

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

[From the Washington Post, Feb. 14, 2005]

EGYPT'S GAMBLE

(By Jackson Diehl)

The appearance of Egyptian Foreign Minister Ahmed Aboul Gheit and intelligence chief Omar Suleiman in Washington this week should bring to a head a bold attempt by their country's strongman, Hosni Mubarak, to neuter President Bush's campaign for democracy in the Middle East within weeks of his inaugural address.

Mubarak's brazen gambit was encapsulated by two events on successive days last week. On Tuesday he played host in Sharm el-Sheikh as Israeli Prime Minister Ariel Sharon and Palestinian President Mahmoud Abbas declared a cease-fire. On Wednesday his police in Cairo arrested the deputy leader of the new, liberal democratic Tomorrow political party and banned its newspaper from publishing its first issue—even though 10 days before the Bush administration had strongly objected to the arrest of the party's chairman, Ayman Nour.

Mubarak is betting that Gheit and Suleiman will be greeted at the State De-

partment and White House as close collaborators in a budding Israeli-Palestinian detente, not as representatives of a government engaged in an expanding crackdown on its secular and democratic opposition. If so, the 76-year-old president will feel secure in continuing a campaign aimed at crushing what has been mounting opposition among the Egyptian political and business elite to his plan to extend his quarter-century in office by six years through a rigged referendum this fall. His son, Gamal, waits in the wings to succeed him.

Bush, who in his State of the Union speech called on Egypt to "show the way" toward democracy in the Middle East, will look feckless and foolish if a regime so deeply dependent on U.S. military and economic aid stages another fraudulent election while jailing the very politicians who support his vision. But Mubarak is betting that this U.S. president, like those who preceded him, won't seriously confront him or threaten his economic lifeline at a sensitive moment in the "peace process."

He may or may not be right. Some officials tell me that the Egyptians will get a cool, if not cold, reception in Washington and will be told that the jailing of Nour and his deputy, Moussa Mustafa, is unacceptable. Bush, one source said, is "furious" about the arrests. A U.S. diplomatic letter has been drafted, but not yet dispatched, to other members of the Group of Eight industrial nations; it describes Mubarak's political crackdown in harsh terms and suggests that G-8 participation in an early March meeting in Egypt with the Arab League should be reconsidered.

One official I spoke to pointed out that Condoleezza Rice is due to pay her first visit as secretary of state to the Arab Middle East for the Arab League meeting. If Nour is not freed, the official predicted, Rice may cancel the trip: "She is not going to sit there like a potted plant while the Egyptians do this." But Rice hasn't addressed the issue, and there is no consensus inside the administration on such a tough response. Predictably, the U.S. Embassy in Cairo is urging caution; it argues that an overly aggressive U.S. reaction would play into the hands of Egyptian "hard-liners." Such limp logic, of course, is exactly what the chief hard-liner—Mubarak—is counting on.

Whatever comes of the Nour affair, the State Department has launched a committee to review policy toward Egypt. That will give democracy advocates at State and the White House a platform for arguing that relations with Cairo should be fundamentally shifted in the coming year. They can count on support in Congress, where key Republicans, such as Sen. Mitch McConnell of Kentucky, have grown increasingly impatient with Mubarak's refusal to liberalize.

Few believe that Mubarak can now be stopped from granting himself another term as president. But proponents of change will argue that Bush must at least push Mubarak to make a major concession to his moderate opposition. This is not a matter of the United States dictating reform: Nour, a new coalition of political groups and even some officials in the ruling party have been pressing for a constitutional rewrite that would make future elections democratic and limit the president's power and tenure. They also want lifted the "emergency laws" that Mubarak has used to suppress political activity. Bush need only embrace this homegrown agenda.

The old autocrat probably won't yield unless his annual dose of \$1.2 billion in U.S. aid

is put at stake. Critics have been arguing for years that that huge subsidy, which dates to the Cold War, buys the United States little but greater enmity from the millions of Arabs who loathe the region's corrupt autocracies and blame the United States for proping them up.

The fact is, Mubarak has far more to lose than Bush from a rupture in U.S.-Egyptian relations. By contrast, if the dictator sails to reelection with the apparent consent of Washington, it is Bush who will be the big loser.

RULES OF PROCEDURE—SELECT COMMITTEE ON ETHICS

Mr. VOINOVICH. Mr. President, in accordance with rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 109th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

RULE 1: GENERAL PROCEDURES

(a) Officers: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting.