

us tell our constituents if you were there," and he said, "Tell the American people our success is their success, and that the President of Afghanistan said congratulations, America, on being a part of freedom and stability and opportunity coming to the good people of this historic land."

So, Mr. Speaker, with a grateful heart for the opportunity to have led CODEL Pence through Pakistan and Afghanistan, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WYNN (at the request of Ms. PELOSI) for today on account of personal business.

Mr. REICHERT (at the request of Mr. DELAY) for today and the balance of the week on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. DAVIS of Tennessee, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Mr. COSTA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. BEAN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. COX, for 5 minutes, today.

Mr. POE, for 5 minutes, February 17.

Mr. FLAKE, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, February 17.

#### ADJOURNMENT

Mr. PENCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Thursday, February 17, 2005, at 10 a.m.

#### NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,

Washington, DC, February 15, 2005.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Section 304(b)(1) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(1), requires that, with regard to the initial proposal of substantive regulations under the CAA, the Board "shall publish a general notice of proposed rulemaking" and "shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The Board of Directors of the Office of Compliance is transmitting herewith the enclosed Notice of Proposed Rulemaking which accompanies this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to William W. Thompson II, Executive Director of the Office of Compliance, 110 2nd Street, SE., Room LA-200, Washington, DC 20540; 202-724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFOGEL,

Chair of the Board of Directors.

#### FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

#### Notice of Proposed Rulemaking, and Request for Comments From Interested Parties

#### NEW PROPOSED REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS FOR VETERANS, AS REQUIRED BY 2 U.S.C. 1316a, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA).

#### Background

The purpose of this Notice is to issue proposed substantive regulations which will implement the 1998 amendment to the CAA which applies certain veterans' employment rights and protections to employing offices and employees covered by the CAA.

What is the authority under the CAA for these proposed substantive regulations? In 1998, the CAA was amended through addition of 2 U.S.C. 1316a, a provision of the Veterans' Employment Opportunities Act of 1998 (VEOA), which states in relevant part: "The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35 of Title 5, shall apply to covered employees." As will be described in greater detail below, these sections of Title 5 accord certain hiring and retention rights to veterans of the uniformed services. Section 1316a(4)(B) states that "The regulations issued . . . shall be the same as the most relevant substantive regulations (applicable with respect to the Executive Branch) promulgated to implement the statutory provisions . . . except insofar as the Board

may determine for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

#### Will these regulations, if approved, apply to all employees otherwise covered by the CAA?

No. Subsection (5) of 2 U.S.C. 1316a, states that, for the purpose of application of these veterans' employment rights, the term "covered employee" shall not apply to any employee of an employing office: (A) whose appointment is made by the President with the advice and consent of the Senate; (B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or (C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position. . . . These regulations would apply to all other covered employees.

#### Do other veterans' employment rights apply via the CAA to Legislative Branch employing offices and covered employees?

Yes. Another statutory scheme regarding veterans' and armed forces members' employment rights is incorporated in part through section 206 of the Congressional Accountability Act of 1995 (CAA). Section 206 of the CAA, 2 U.S.C. 1316, applies certain provisions of Title 38 of the U.S. Code regarding "Employment and Re-employment Rights of Members of the Uniformed Services." Section 206 of the CAA also requires the Board of Directors to issue substantive regulations patterned upon the regulations promulgated by the Secretary of Labor to implement the Title 38 rights of members of the uniformed services. As of this date, the Secretary of Labor has not finally promulgated any such regulations. Therefore, regulations implementing CAA section 206 rights will not be proposed by the Board until the Labor Department regulations have been promulgated. The proposed regulations in this Notice are not based on section 206 of the CAA, but solely on the other veterans' rights referenced in 2 U.S.C. 1316a.

#### What are the veterans' employment rights applied to covered employees and employing offices in 2 U.S.C. 1316a?

In recognition of their duty to country, sacrifice, and exceptional capabilities and skills, the United States government has accorded veterans a preference in federal employment through a series of statutes and Executive Orders, beginning as the Civil War drew to a close. While interpreting regulations have been modified over time, many of the current core statutory protections have remained largely unchanged since they were first codified in the historic Veterans' Preference Act of 1944, Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, U.S.C. In 1998, Congress passed the Veterans Employment Opportunities Act ("VEOA"), Pub. L. 105-339, 112 Stat. 3186 (October 31, 1998), which "strengthen[s] and broadens" (Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998)) the rights and remedies available to military veterans who are entitled to preferred consideration in hiring and in retention during reductions in force ("RIFs"). Among other provisions of the VEOA, Congress clearly stated, in the law itself, that henceforth the "rights and protections" of certain veterans' preference law provisions, originally drafted to cover certain Executive Branch employees, "shall apply" to certain "covered employees" in the Legislative Branch. VEOA §§4(c)(1) and (5) (emphasis added).

The selected statutory sections which Congress determined "shall apply" to covered