

personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term "personnel records relevant to the claim", for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

**SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.**

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA;

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. § 1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. § 1302(a)(3); and

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of "preference eligible" as set forth in 5 U.S.C. § 2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to cov-

ered positions, including any procedures the employing office shall use to identify preference eligible employees; and

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

**SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.**

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 include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to 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.

**SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.**

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. § 2108 or any superseding legislation, providing the actual, current definition along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidance regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

**SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.**

(a) Except as provided under subsection (c), 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, by providing:

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

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

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

(c) The head 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.

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

**EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

193. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Subpart B — Advanced Biofuel Payment Program (RIN: 0570-AA75) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

194. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Biorefinery Assistance Guaranteed Loans (RIN: 0570-AA73) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

195. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Disclosure for Asset-Backed Securities Required by Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Release Nos. 33-9175; 34-63741; File No. S7-24-10] (RIN: 3235-AK75) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

196. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Issuer Review of Assets in Offerings of Asset-Backed Securities [Release Nos. 33-9176, 34-63742; File No. S7-26-10] (RIN: 3235-AK76) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

197. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-638, "Annual Financial Reporting Modernization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

198. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-630, "Veterans License Plates Authorization Amendment

Act of 2010"; to the Committee on Oversight and Government Reform.

199. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-649, "Rental Housing Commission Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

200. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-637, "Computation of Gross Income Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

201. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-650, "Rental Housing Act Extension Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

202. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-627, "Extension of Time Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

203. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-642, "Long-Term Care Ombudsman Program Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

204. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-641, "14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

205. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-628, "Fiscal Year 2011 Income Tax Secured Revenue Refunding Bond Issuance Temporary Approval Act of 2010"; to the Committee on Oversight and Government Reform.

206. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-640, "Settlement Payment Integrity Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

207. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-626, "Performance Parking Extension Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

208. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-629, "Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2010"; to the Committee on Oversight and Government Reform.

209. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-639, "Closing of a Public Alley in Square 0441, S.O. 09-8516, Act of 2010"; to the Committee on Oversight and Government Reform.

210. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-648, "Miss B's Center, the Bernice Elizabeth Fonteneau Building Designation Act of 2010"; to the Committee on Oversight and Government Reform.

211. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-625, "Department of Health Functions Clarification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

212. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-624, "Solar Col-

lector Certification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

213. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-632, "Samuel J. Simmons NCBA Estates No. 1 Limited Partnership Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Oversight and Government Reform.

214. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-634, "District of Columbia Uniform Law Commission Act of 2010"; to the Committee on Oversight and Government Reform.

215. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-631, "Artist Protection Act of 2010"; to the Committee on Oversight and Government Reform.

216. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-647, "District of Columbia Good Time Credits Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

217. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-646, "Reverend Donald Robinson Field Designation Act of 2010"; to the Committee on Oversight and Government Reform.

218. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-645, "Processing Sales Tax Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

219. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-644, "Closing of G Street, S.E., adjacent to Square 1104, S.O. 06-5665, Act of 2010"; to the Committee on Oversight and Government Reform.

220. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-635, "Saving D.C. Homes from Foreclosure Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

221. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-643, "Capital Access Program Act of 2010"; to the Committee on Oversight and Government Reform.

222. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-636, "Alternative Money Lending and Services Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

223. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-633, "Prevention of Child Abuse and Neglect Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

224. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting notice of proposed rulemaking regulations under Section 304(b)(1) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b)(1); to the Committee on House Administration.

225. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers [CMS-6028-FC] (RIN: 0938-AQ20) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to

the Committees on Ways and Means and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 54. Resolution providing for consideration of the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns and party conventions (Rept. 112-5). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself, Mr. BARTLETT, Mr. BURGESS, Mr. DUNCAN of Tennessee, Mr. GRAVES of Missouri, Mr. HERGER, Mr. HUNTER, Mr. JONES, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCKINLEY, Mr. PAUL, Mr. ROSS of Arkansas, Mr. SCHOCK, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. TERRY, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 412. A bill to amend the lead prohibition provisions of the Consumer Product Safety Improvement Act of 2008 to provide an exemption for certain off-highway vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 413. A bill to reduce the budget of the Department of Defense to the level provided for fiscal year 2008 and to freeze the budget at such level through fiscal year 2016; to the Committee on Armed Services.

By Mr. PRICE of North Carolina (for himself and Mr. VAN HOLLEN):

H.R. 414. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. RANGEL, Ms. LEE of California, Mr. MARKEY, and Ms. NORTON):

H.R. 415. A bill to amend the Elementary and Secondary Education Act of 1965 to allow a local educational agency that receives a subgrant under section 2121 of such Act to use the funds to provide professional development activities that train school personnel about restorative justice and conflict resolution; to the Committee on Education and the Workforce.

By Ms. SCHAKOWSKY (for herself, Mr. ANDREWS, Mrs. CAPPS, Ms. DELAURO, Mr. DOGGETT, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Ms. HIRONO, Mr. KILDEE, Ms. LEE of California, Mr. LEVIN, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms.