

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;

(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 covered 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;

(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; and

(3) the employing office may provide other information in its guidances 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 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.

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

COMMENDING SENATOR BARBARA MIKULSKI

Ms. LANDRIEU. Mr. President, on January 5, 2011, Senator BARBARA MIKULSKI of Maryland became the longest-serving female Senator in the history of our country. Breaking this record, which was set by an extraordinary woman in her own time Margaret Chase Smith of Maine—is only one of many milestones BARBARA MIKULSKI has reached during her tenure

in elective office. Additional milestones are: first female Democrat to serve in both Chambers of Congress; the first female Democrat elected to the Senate without succeeding a husband or a father; and the first female to chair one of the most sought-after Appropriations subcommittees. The history books will rightly mark these achievements for the benefit of generations to come.

In addition, BARBARA MIKULSKI is known and will be remembered as a fierce fighter for the people of Maryland, an advocate for working families, the small business owner, and seniors looking for help and support in their later years. Her advocacy for and in defense of Federal workers is legendary. They may be faceless bureaucrats to some, but to Senator MIKULSKI they are her friends and neighbors. And they most certainly have found a champion in BARBARA MIKULSKI. Every day, she brings that definitive fighting spirit to the Senate, championing the causes she holds dear—women's health, extended access to higher education, the concerns of our Nation's veterans and the advancement of our space program, to name just a few. She is renowned in the Halls of Congress for her toughness and tenacity, commanding the respect and appreciation of her constituents and people across the country.

Besides these milestones and significant legislative accomplishments, it is also important to note Senator MIKULSKI's unique willingness and enthusiasm for mentoring others. I have been the beneficiary of her special attention, guidance and sage advice, as have many of my peers. She has helped us find our footing and navigate the peculiar ways of the Senate. It is truly extraordinary—and one of her most admirable qualities—that someone of her stature, who wields so much influence, always seems to be able to find the time to help and take interest in others, women in particular. Senator MIKULSKI is a remarkable leader in that way. She continues to serve as an inspiration to us all. I know she will remain a pathfinder, a visionary and a courageous leader for the people of Maryland and for our Nation. Another Barbara—Barbara Coloroso, the international bestselling author on parenting and teaching—once observed that "the beauty of empowering others is that your own power is not diminished in the process." That truth holds special meaning for those of us fortunate enough to have been empowered through our association and friendship with the senior Senator from Maryland.

Mr. WHITEHOUSE. Mr. President, as we embark on a new year and a new Congress, I stand here today to congratulate my colleague, BARBARA MIKULSKI, on becoming the longest serving female Senator in our Nation's history. Her work in these Halls has made our country stronger. And in a place where partisan rancor too often rules the day, she has established a legacy of

service that stands as an example to us all.

Her political career began in the late 1960s when she launched a campaign to stop the construction of a highway over historic neighborhoods in Baltimore. Once she won that battle, she decided to run for the Baltimore City Council in 1971. Forty years later, and following a successful stint in the U.S. House of Representatives, BARBARA MIKULSKI continues to blaze an impressive trail. During her 26 years in the Senate, she became the first woman to sit on the Senate Appropriations Committee, the first Democratic woman elected to Senate leadership, and now has crossed yet another milestone, passing Senator Margaret Chase Smith of Maine as the longest serving female Senator.

It is not just the length of her service that we celebrate, it is its quality. No one is better at drilling down to the gist of an issue, and expressing it in punchy unforgettable terms. No one cheers us more than when she tells us to “stand tall, square our shoulders, put on our lipstick and rise to the occasion.” No one better combines the idealism of politics with the proactive abilities of government. As she told me once with a twinkle in her eye, “I’m a reformer, and a bit of a ward healer too.” More than anything, she never forgot her roots as a champion for those who need one.

In her years in the Senate, BARBARA MIKULSKI’s dedication to her constituents and women’s rights has been clear: from becoming a champion of women’s health issues and abortion rights, to organizing training seminars for woman of both parties elected to the Senate, to sponsoring and pushing through the Lilly Ledbetter Fair Pay Act of 2009.

During my 4 years as a U.S. Senator, I have had the great privilege to work with her to pass landmark health care reform legislation out of the HELP Committee. I also serve with her on the Intelligence Committee, and worked closely with her on the Senate Intelligence Committee’s Cyber Task Force to evaluate cyber threats and issue recommendations to the full committee.

And, while Rhode Island and Maryland are hundreds of miles apart, Barbara and her staff are truly my neighbors here in the Senate. Her office is next door to mine in the Hart Building. From a friendly hello to each other as we pass in the hall, to accompanying each other as we walk to the Senate floor, to the delicious treats her wonderful receptionist Mrs. O’Malley occasionally makes for our office, it has truly been a pleasure to share our little corner of the Hart Building.

I know that all of us here in this Chamber are proud to call “Senator BARB” our colleague and friend as she makes history. Her hard work and independent spirit have enriched the Senate and I wish her all the best in the years to come. On behalf of all Rhode Islanders, I congratulate you for this milestone in our Nation’s history.

REFORM AMERICA’S BROKEN IMMIGRATION SYSTEM ACT

Mr. LEAHY. Mr. President, once again, at the beginning of a new Congress, Majority Leader REID has signaled his intent to improve our Nation’s immigration system with a plan to transform and modernize our laws to meet the needs of the country.

I support the majority leader in this effort, as I have now for several Congresses. The American people recognize that our current immigration system is deeply flawed. It is far too easily exploited by unscrupulous employers and others who seek to profit from the vulnerabilities of those seeking work and a new life. We can and should put an end to the too common abuses and transform our system into an orderly, secure, and efficient way to strengthen our economy and fulfill our humanitarian traditions.

We must also confront the situation created by the millions of undocumented people who are living and working in the shadows in the United States—the vast majority of whom are otherwise following our laws and making positive contributions to our economy. We can all agree that we have arrived at a point that is not sustainable, and we must face up to it with a solution that is achievable. As both President Bush and President Obama, along with their Secretaries of Homeland Security, have acknowledged, we cannot simply enforce our way out of a broken immigration system. I agree.

We must reject the easy slogans that reduce this highly complex problem to a bumper sticker solution—something the late Senator Ted Kennedy spoke against so passionately. When we talk about the millions of immigrants living and working in the United States as a mass of “illegals” to be sent out of the United States, we denigrate their humanity. As a nation, we can agree that we will have no tolerance for those who are out of status and go on to commit crimes. But for those whose only transgression was entering the United States unlawfully in search of a better life for themselves and their families, we should proceed in a manner that is consistent with our best qualities as a humanitarian and compassionate nation.

Achieving what the majority leader has proposed will not be easy. We have experienced the difficulty again and again in recent years. I am heartened that the legislation the majority leader introduced includes reference to the DREAM Act and to AgJOBS, both of which I have strongly supported for many years. Even if our progress is incremental, I believe that working on behalf of America’s farmers and individuals whose undocumented status is not a result of their own volition is a sound starting place.

Among other important goals, the legislation calls on Congress to “support our national and economic security.” Along with AgJOBS and the DREAM Act, I hope Senators will also

recognize the fundamental unfairness that exists in our immigration laws for gay and lesbian Americans and that this is also an economic issue. I have said many times that no American should be forced to choose between their loved ones and their country. But this is the reality many Americans face, and it is wrong. Due to this false choice, many talented Americans choose to leave their country for nations that treat binational, same-sex couples fairly, often at a cost to their employers and our Nation’s economic growth.

There are existing immigration programs that Congress should strongly support and improve, such as the EB-5 Regional Center Program, which has a proven record as an engine to promote job creation and capital investment in American communities. With permanence, added efficiencies, and strong oversight, this program can continue to operate as an economically productive part of our overall immigration system. We must also reform our refugee laws to ensure that those in need of protection find safety in the United States.

Americans have endured the bitter politics of immigration for far too long. The hurtful rhetoric has obstructed progress and has deepened the divisions on an issue that will require bipartisanship and compromise on all sides. It is my sincere hope that the divisions are not too deep to be repaired and that we can make progress on fixing our struggling system. A rational, economically productive, and humane immigration system should be a cornerstone of our democracy; a source of pride instead of anger, frustration or intolerance. Our history demonstrates that immigration to the United States and the tremendous diversity that has resulted, has set us apart as an example of freedom and unity for the rest of the world. I hope as the 112th Congress begins, we will work together toward a better system for America and all Americans.

APPOINTMENT OF JEFFREY R. IMMELT

Mr. LEAHY. Mr. President, I would like to salute Jeffrey R. Immelt for agreeing to chair the President’s new Council on Jobs and Competitiveness.

Mr. Immelt knows quite a bit about creating jobs, promoting innovation, and competing in the marketplace. As the chairman and chief executive officer of General Electric, Mr. Immelt has led the company through a major expansion into growth markets overseas and made GE a leader in manufacturing a new generation of environmentally friendly technologies. Now, as we transition from stabilizing our economy to increasing employment and growth, Mr. Immelt’s experience leading GE will help him counsel the President through our long-term recovery.

Mr. Immelt knows that innovation is the key to America’s economic growth.