

help veterans with a wide variety of employment services such as transition assistance and case management.

□ 1245

Through several oversight hearings held by the Subcommittee on Economic Opportunity that we have held throughout the 110th and 111th Congresses, we learned it was taking on average 2.5 years before individuals were completing the National Veterans Training Institute Program. This fact, therefore, leaves untrained specialists who don't have the necessary skills trying to help veterans with their employment needs. So this bill takes an important step in the right direction to providing better employment assistance to those who have bravely served their country.

Again, I thank Chairman FILNER for his support of this important bill, and I urge my colleagues to support this bill.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, providing first-class employment services to veterans is the most basic way to ensure they can support themselves and their families, and that is why I rise in strong support of H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009. This measure would amend title 38 of the United States Code to provide for a 1-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by the National Veterans' Employment and Training Services Institute.

H.R. 1088 was introduced by our distinguished colleague, the chairwoman of the Subcommittee on Economic Opportunity, STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, I was pleased to work with Ms. HERSETH SANDLIN in the 109th Congress to begin the process of improving the training levels of State and employment service staff. We did that because there was a significant backlog of untrained staff and we needed to give States adequate time to train their veterans' employment staff that were paid for with Federal funds. Together, we passed legislation to require State employment services to send their disabled veterans' outreach program specialists—or DVOPS—and local veterans' employment representatives through basic job placement training within 3 years.

States have had sufficient time to meet the initial training backlog, and we should now require that employment specialists be trained within a shorter period of time to ensure veterans' employment staff is trained properly and promptly after being hired by the State employment service.

Again, I appreciate Ms. HERSETH SANDLIN for bringing this forward. I think it's an excellent bill.

Having no other speakers, I want to thank committee Chairman FILNER and Ranking Member STEVE BUYER,

along with our staffs, and urge my colleagues to support H.R. 1088.

With that, I yield back my time.

Mr. FILNER. I, again, thank the chair and the ranking member, and I urge all of my colleagues to unanimously support H.R. 1088, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1088.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1089) to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment Rights Realignment Act of 2009".

SEC. 2. ENFORCEMENT THROUGH OFFICE OF SPECIAL COUNSEL OF VETERANS' EMPLOYMENT OR REEMPLOYMENT RIGHTS WITH RESPECT TO EMPLOYERS THAT ARE FEDERAL EXECUTIVE AGENCIES.

(a) ENFORCEMENT OF RIGHTS THROUGH OFFICE OF SPECIAL COUNSEL.—Section 4322 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a)(1)(A) A person described in subparagraph (B) may file a complaint with the Secretary, and the Secretary shall investigate such complaint.

"(B) A person described in this subparagraph is a person who claims that—

"(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer other than an employer that is a Federal executive agency; and

"(ii) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2)(A) A person described in subparagraph (B) may file a complaint with the Special Counsel established by section 1211 of title 5.

"(B) A person described in this subparagraph is a person who claims that—

"(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer that is a Federal executive agency; and

"(ii)(I) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

"(II) such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.";

(2) by striking subsections (d) and (e) and inserting the following new subsections (d) and (e):

"(d)(1) The Secretary shall investigate each complaint submitted pursuant to subsection (a)(1). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(2) If the efforts of the Secretary with respect to any complaint filed under subsection (a)(1) do not resolve the complaint, the Secretary shall notify the person who submitted the complaint of—

"(A) the results of the Secretary's investigation; and

"(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4323.

"(e)(1) In the case of a complaint filed under subsection (a)(2), the Special Counsel shall investigate the complaint. If the Special Counsel determines as a result of the investigation that the action alleged in such complaint occurred, the Special Counsel shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(2) If the efforts of the Special Counsel with respect to any complaint filed under subsection (a)(2) do not resolve the complaint, the Special Counsel shall notify the person who submitted the complaint of—

"(A) the results of the investigation by the Special Counsel; and

"(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4324."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such title is further amended—

(1) in section 4322(b), by striking "Such complaint" and inserting "Each complaint filed under subsection (a)";

(2) in section 4323(a)—

(A) in paragraph (1), by striking "section 4322(e)" and inserting "section 4322(d)(2)"; and

(B) in paragraph (3)(A), by striking "section 4322(a)" and inserting "section 4322(a)(1)";

(3) in section 4324—

(A) in subsection (a)(1)—

(i) in the first sentence, by striking "Secretary" each place it appears and inserting "Special Counsel";

(ii) by striking "section 4322(e)" and inserting "section 4322(e)(2)"; and

(iii) by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "Secretary" and inserting "Special Counsel"; and

(II) by striking "section 4322(a)" and inserting "section 4322(a)(2) of this title"; and

(ii) in paragraph (2)—

(I) by striking "Secretary" and inserting "Special Counsel"; and

(II) by striking "section 4322(e)" and inserting "section 4322(e)(2) of this title";

(4) in section 4325(c), by striking "section 4322(d)" and inserting "section 4322(d)(1)"; and

(5) in section 4326—

(A) in subsection (a), by inserting "or the Special Counsel's" after "Secretary's"; and

(B) by striking "Secretary" each place it appears and inserting "Secretary or the Special Counsel".

(c) CONFORMING REPEAL.—The Veterans Benefits Improvement Act of 2004 (Public Law 108-454) is amended by striking section 204.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to complaints filed on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would yield myself such time as I may consume and again thank our dynamic duo on the Economic Opportunity Subcommittee for bringing us another bill which will protect the rights of our veterans and especially in job opportunities.

I yield as much time as she may consume to the gentlelady from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Thank you, Mr. Chairman, for being so supportive of the work of the subcommittee.

I rise today in strong support of H.R. 1089, as amended, the Veterans Employment Rights Realignment Act of 2009, which the Economic Opportunity Subcommittee passed on March 19 and the full committee approved on May 6.

Once again, we wouldn't be able to consider this bill today if not for the support and leadership of the chairman and ranking member both of the full committee as well as Mr. BOOZMAN on the subcommittee. And we introduced this bill on February 13, 2009, again in response to a number of hearings that were held in the 110th Congress.

The bill would amend title 38 of the U.S. Code to move the enforcement of the Uniform Services Employment and Reemployment Rights Act—known as USERRA—to the enforcement of those protections, USERRA protections, of veterans and members of the armed services employed by Federal executive agencies to the U.S. Office of Special Counsel.

The Office of Special Counsel is an independent Federal investigative and prosecutorial agency that was created by Congress with the goal of protecting employees, former employees and applicants for employment from prohibited personnel practices.

Under a demonstration project established by Public Law 108-454, the Office of Special Counsel investigated some Federal sector USERRA claims from 2004 until 2007. This demonstration project showed that the Office of Special Counsel had the expertise and ability to quickly obtain corrective action for federally employed veterans.

By granting the Office of Special Counsel initial jurisdiction over all of these Federal USERRA claims, we give claimants a single agency to investigate and resolve their complaint. This will be more efficient than the current circumstance where first the Department of Labor investigates the claim, and then the claim is then transferred to OSC at the veteran's request if the Department of Labor fails to find a resolution, which then prompts a second investigation.

So, again, I want to thank the chairman, Chairman FILNER, for his support. I also want to thank Congresswoman KIRKPATRICK for her amendment during the subcommittee consideration of the bill that clarified the role of the Office of Special Counsel in this important

piece of legislation. Again, I encourage my colleagues to support H.R. 1089.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1089 as amended, the Veterans Employment Rights Realignment Act of 2009 which would amend title 38, United States Code, to provide for the investigation and enforcement of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies through the Office of Special Counsel and for other purposes.

This bill was introduced by the chairwoman of the Subcommittee on Economic Opportunity, Ms. STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, as I stated earlier today when speaking about H.R. 466, as amended, the Uniform Services Employment and Reemployment Rights Act provides significant protections to veterans returning to civilian employment. In the past, enforcement of these rights was limited to the Department of Labor's veterans employment and training services—VETS. Unfortunately, the VETS case investigation and enforcement process took too long and the 108th Congress required a comparison of the time it took the Office of Special Counsel and VETS to process employee claims involving Federal agencies.

I believe that having the Office of Special Counsel handle all Federal claims is the right way to go because of their expertise in dealing with Federal agencies in other similar matters.

I am hopeful that H.R. 1089, as amended, will not only shorten the time it takes to complete action on the case but that veterans will ultimately see a friendlier Federal bureaucracy when it comes to veterans returning to their former Federal employer.

I appreciate Ms. HERSETH SANDLIN's leadership in this area in bringing forward this important legislation. I want to thank Chairman FILNER and Ranking Member STEVE BUYER in moving this bill in a timely manner.

And having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1089, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I ask my colleagues to unanimously support H.R. 1089, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ALL AMERICANS AND PEOPLE OF ALL NATIONALITIES TO VISIT THE NATIONAL CEMETERIES, MEMORIALS, AND MARKERS ON MEMORIAL DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 360) urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 360

Whereas the United States has fought in wars outside and inside of its borders to restore freedom and human dignity;

Whereas the United States has spent its national treasure and shed its blood in fighting those wars;

Whereas the National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries that serve as the final resting place for nearly 3,000,000 veterans and their dependents;

Whereas each year, millions of Americans visit the national cemeteries, memorials, and markers;

Whereas overseas sites annually recognize Memorial Day with speeches, a reading of the Memorial Day Proclamation, wreath laying ceremonies, military bands and units, and the decoration of each grave site with the flag of the United States and that of the host country; and

Whereas these splendid commemorative sites inspire patriotism, evoke gratitude, and teach history: Now, therefore, be it

Resolved, That the House of Representatives strongly urges Americans and people of all nationalities to visit national cemeteries, memorials, and markers on Memorial Day, where the spirit of American generosity, sacrifice, and courage are displayed and commemorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Thank you, Mr. Speaker. I yield myself as much time as I may consume.

I think it is only appropriate, Mr. Speaker, that we bring this resolution to the floor as we approach Memorial Day. The resolution encourages people to visit the cemeteries, memorials, and markers overseen by the American Battle Monuments Commission. Now, that is a commission that I am sure many people have not heard of.

What is the American Battle Monuments Commission, and what do they