

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

IMPROVED FINANCIAL AND COMMODITY MARKETS OVERSIGHT AND ACCOUNTABILITY ACT

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 885) to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 885

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Improved Financial and Commodity Markets Oversight and Accountability Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Elevation of certain Inspectors General to appointment pursuant to section 3 of the Inspector General Act of 1978.
- Sec. 3. Continuation of provisions relating to personnel.
- Sec. 4. Subpoena authority of certain Inspectors General.
- Sec. 5. Corrective responses by heads of certain establishments to deficiencies identified by Inspectors General.
- Sec. 6. Effective date; transition rule.

SEC. 2. ELEVATION OF CERTAIN INSPECTORS GENERAL TO APPOINTMENT PURSUANT TO SECTION 3 OF THE INSPECTOR GENERAL ACT OF 1978.

(a) **INCLUSION IN CERTAIN DEFINITIONS.**—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the Commodity Futures Trading Commission; the Chairman of the National Credit Union Administration; the Director of the Pension Benefit Guaranty Corporation; or the Chairman of the Securities and Exchange Commission;”; and

(2) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code,” and inserting “the Commissions established under section 15301 of title 40, United States Code, the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission.”.

(b) **EXCLUSION FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.**—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “the Board of Governors of the Federal Reserve System;”;

(2) by striking “the Commodity Futures Trading Commission;”;

(3) by striking “the National Credit Union Administration;”; and

(4) by striking “the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission;”.

SEC. 3. CONTINUATION OF PROVISIONS RELATING TO PERSONNEL.

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8L the following:

“SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ESTABLISHMENTS.

“(a) **DEFINITION.**—For purposes of this section, the term ‘covered establishment’ means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, and the Securities and Exchange Commission.

“(b) **PROVISIONS RELATING TO ALL COVERED ESTABLISHMENTS.**—

“(1) **PROVISIONS RELATING TO INSPECTORS GENERAL.**—In the case of the Inspector General of a covered establishment, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110-409) shall apply in the same manner as if such covered establishment were a designated Federal entity under section 8G. An Inspector General who is subject to the preceding sentence shall not be subject to section 3(e).

“(2) **PROVISIONS RELATING TO OTHER PERSONNEL.**—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of a covered establishment may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General of such establishment and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within such establishment.

“(c) **PROVISION RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**—The provisions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

SEC. 4. SUBPOENA AUTHORITY OF CERTAIN INSPECTORS GENERAL.

The Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized to require by subpoena, from any officer or employee of a contractor or grantee of the establishment, any officer or employee of a subcontractor or subgrantee of such a contractor or grantee, or any person or entity regulated by the establishment, any records and testimony necessary in the performance of functions assigned to the Inspector General under such Act. Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

SEC. 5. CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.

The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

SEC. 6. EFFECTIVE DATE; TRANSITION RULE.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act.

(b) **TRANSITION RULE.**—An individual serving as Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission on the effective date of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, consistent with the amendments made by section 2; and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the effective date of this Act, applied with respect to the Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, and suffer no reduction in pay.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act. This bill, introduced by my friend Representative JOHN LARSON of Connecticut, would enhance the independence of Inspectors General at key financial regulatory agencies.

Right now we have an inconsistent system where some financial agencies like the FDIC have an Inspector General appointed by the President and

confirmed by the Senate, while other large and important agencies like the SEC have an Inspector General who is appointed by and reports to the head of the agency they are supposed to be investigating.

This bill would create a more consistent and independent structure by elevating the Inspectors General at five financial regulatory agencies to be Presidentially appointed and Senate confirmed. This will enhance their independence from the agencies they are overseeing.

This committee has worked on Inspector General reform for the past several years now, and one of our key findings is that the Inspectors General have to be independent from the agency they are supervising if they are going to be effective. The situation at some agencies, where the head of the agency hires and fires the Inspector General and sets the office budget for that Inspector General, does not give these IGs, the Inspectors General, the independence they need.

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Making the Inspector General a Presidential appointee confirmed by the Senate not only gives them independence from their agency management but also gives them more stature to come directly to Congress with any problems that they encounter.

Congresswoman DIANE WATSON, the chairwoman of the Oversight and Government Reform Subcommittee on Government Management, held a hearing on this bill where it had the support of the GAO. At the hearing, the agency Inspectors General made some suggestions on improving the bill, which has been incorporated in an amendment adopted at the committee markup. The amendment specifically clarifies that the Inspector General and the Inspector General staff retain their existing pay and personnel structure. It also clarifies and strengthens the subpoena authority of these Inspectors General, and it requires the heads of the agencies to report to Congress on actions they have taken in response to Inspector General recommendations.

Inspectors General have the unique responsibility of reporting both to the President and to Congress. Congress has to make sure that the Inspectors General have the legal authority and tools they need to continue their roles as nonpartisan, professional, honest brokers; and this bill, I believe, does that.

I urge all Members to support H.R. 885.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself as much time as I may consume.

As we all noted this year, oversight and accountability are vitally important, and the Inspectors General are on the frontline of this effort. This bill will enhance the independence and effectiveness of the IGs at several critical institutions.

Currently the IGs at the Commodity Futures Trading Commission, the National Credit Union Administration, the Securities and Exchange Commission, the Pension Benefit Guaranty Corporation, and the Board of Governors of the Federal Reserve System are appointed and can be removed by the head of the institution. This structure could limit the IG's independence. This bill will make these IGs Presidentially appointed and Senate-confirmed, reducing the risk of undue influence by the heads of these institutions. Although additional Senate-confirmed positions are unnecessary in most cases, it is important that we preserve and enhance their independence within these organizations. I want to thank our colleagues for working with us to improve this bill and making several important changes.

We now ensure that the positions covered by this bill will not suffer a reduction in pay and the individuals will remain on par with similarly situated senior individuals at the institution. More importantly, we also provide IGs with subpoena authority, an important tool for oversight and accountability, as we all know from our work on the Oversight Committee. Finally, the bill requires the regulatory agencies to take some action on the deficiencies identified by the IGs. These agencies cannot simply ignore the findings.

Madam Speaker, given the enormous role these institutions play in our Nation's financial sector, it is important that the IGs have the tools and independence to ensure that these institutions operate above reproach.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I want to thank the gentleman from Utah for his hard work on this bill and his ongoing commitment, and it has been that case on much of the legislation that comes before our committee for his bipartisanship and willingness to work very hard on these issues. I consider it an honor to work with him.

I would like to submit for the RECORD an exchange of letters between the Honorable COLLIN PETERSON, chairman of the House Committee on Agriculture, and the Honorable EDOLPHUS TOWNS, chairman of our Oversight Committee, with respect to their concerns regarding this bill.

COMMITTEE ON AGRICULTURE,

Washington, DC, June 8, 2009.

Hon. EDOLPHUS TOWNS,

Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN TOWNS: I write to you regarding H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act.

H.R. 885 contains provisions that fall within the jurisdiction of the Committee on Agriculture. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Agriculture waiving its jurisdiction over H.R. 885.

Further, the Committee on Agriculture reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

COLLIN C. PETERSON,

Chairman.

COMMITTEE ON OVERSIGHT

AND GOVERNMENT REFORM,

Washington, DC, June 8, 2009.

Hon. COLLIN C. PETERSON,

Chairman, Committee on Agriculture,

House of Representatives, Washington, DC.

DEAR CHAIRMAN PETERSON: Thank you for your letter regarding the Committee on Agriculture's jurisdictional interest in H.R. 885, the "Improved Financial and Commodity Markets Oversight and Accountability Act".

I appreciate your willingness to expedite this legislation for House floor consideration, and agree that certain provisions of the bill are of jurisdictional interest to the Committee on Agriculture. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Agriculture has jurisdiction in H.R. 885.

I will submit a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your support of H.R. 885 and your cooperation as we work towards enactment of this important legislation.

Sincerely,

EDOLPHUS TOWNS,

Chairman.

Madam Speaker, I would now like to yield such time as he may consume to the lead sponsor of this measure, a very diligent Member of Congress and a part of our leadership team, Mr. LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentleman from Massachusetts (Mr. LYNCH). Chairman, you have done an outstanding job, along with the gentleman from Utah (Mr. CHAFFETZ), in outlining what this bill does.

Before I begin, because this has been such a nonpartisan effort in so many respects and a commitment, first and foremost, on the part of the Oversight Committee to take a bill, whose genesis evolved out of the last session, and make it a better bill and perfect it, to those ends, along with Mr. LYNCH and Mr. CHAFFETZ, I would especially like to thank Chairman ED TOWNS. Mr. TOWNS has done such a great job in marshaling this bill forward, along with DIANE WATSON.

I would further like to thank, on their staff, Mike McCarthy, Adam Bordes and Bert Hammond of the Oversight and Government Reform Committee; Austin Burns of the majority leader's staff; and BARNEY FRANK, MEL WATT and DENNIS MOORE for their ongoing efforts to reform the regulation of our markets and financial sectors and for their input into this legislation; my good friend TODD PLATTS, who also assisted in this; and FRANK LOBIONDO, who was a cosponsor of this

bill almost 2 years ago. I especially want to single out for their efforts two reform-minded freshmen who have come to Congress, JOHN BOCCIERI of Ohio and GLENN NYE of Virginia, and especially to Amy O'Donnell of my staff and Jackie Sheltry.

We refer to this bill in the short form, just frankly, as providing an independent Inspector General for the financial services industries that are in such desperate need of this oversight, and I think the chairman outlined it well. The genesis of this bill actually took place from conducting a public forum back in my district and listening to former Republican mayor of South Windsor, Connecticut, John Mitchell, and our attorney general of the State of Connecticut, Richard Blumenthal. When we were looking at speculation in the market and what was happening with the CFTC and oil commodities, when we realized that the more and closer we looked at who was regulating these agencies, it was somewhat a case of the foxes guarding the henhouse.

Many have asked when we went home over this break and since the financial collapse on Wall Street, people have been astounded in trying to answer the question of, how could it be that Bernie Madoff was scamming thousands of innocent Americans into giving up their life savings? Where were the regulators? Where were the agencies? Where were they when speculators were wreaking havoc on the oil markets?

I can think of no sector where honesty, independence and transparency are needed more right now than in our financial and commodity markets, yet the regulators of these markets have been allowed to work with no oversight of what they are doing and whether they are fulfilling their mission to protect the American consumer. That's because the Inspectors General, as the chairman outlined, who should be working on behalf of average Americans, were working for the heads of the agencies they should be overseeing. As I said earlier, this is a classic case of the fox watching the henhouse, and it's having a profound impact on the work of our regulatory agencies.

We have done a review, and this is something that we pointed out at the committee. The review found that offices of the Inspector General, that independent offices where they are appointed by the President and approved by the Senate, completed over 117 investigations in 2008 while their non-independent counterparts completed just 12. That's 117 versus 12. The Inspector General of the Commodity Futures Trading Commission released information, showing that despite the recent economic crisis and the turbulence in the oil market, his office completed just two investigations and updated one from October of last year through March. Simply stated, an independent watchdog ensures better performance from a government agency.

I commend the committee because what they've done is provide greater

accountability and transparency. I also commend United States Senator DODD, who will also be taking this bill up on the Senate side as well. Again, I thank everybody on the committee and especially ED TOWNS for his hard work and dedication to make sure this bill got to the floor.

Mr. CHAFFETZ. Madam Speaker, I want to also echo my compliments to Chairman TOWNS for his bringing this forward; Ranking Member ISSA who has a keen interest in this area for his work; and the Chair of the subcommittee, Mr. LYNCH, who is truly a gentleman and a great person to work with.

I also want to put comments in for the good men and women throughout our Federal Government that are working in all of these types of functions. I was excited to participate on the Oversight and Government Reform Committee because of the tremendous workload that they have. There's a great expectation from the American people that we deal with their money fairly and honestly, that we make sure that every dollar is accounted for; and we've seen too many mishaps where dollars have been overspent or overused. Certainly as we look at what is going to be, surely, the single-largest tax increase in the history of the United States with the so-called cap-and-trade, as the Democrats move this bill forward, if it were to pass, literally hundreds of billions of dollars taken out of the pockets of Americans all across the country that will be spent on who knows what, we have got to make sure that every single one of those dollars is accounted for.

Even though I voted "no," this body passed a \$1 trillion stimulus package, again, pulling \$1 trillion dollars out of our economy, pulling \$1 trillion out of Americans' pockets, handing it out to somebody else, bailouts and the rest of it. We need to make sure that the independent auditing, the people who are involved in oversight and government reform at every agency across the Nation throughout our government are doing their job, paying attention and making sure that every dollar is accounted for.

Having no other speakers, I will yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, we would like to reiterate our strong support for H.R. 885 and its lead sponsor and champion, Mr. LARSON. Again, we appreciate the great work being done by ED TOWNS, the full committee Chair; Mr. ISSA, its ranking member; and the gentleman from Utah, because this will increase the independence of these Inspectors General at financial regulatory agencies at a time when we need these internal watchdogs to be more effective than ever. We do appreciate the work that is being done by our Inspectors General and their staff, investigators and researchers. They work very hard for us. They do work that is not often appreciated, I think, on behalf of the American peo-

ple; and this will, I think, allow them a greater level of independence to do the job that needs to be done. So I urge my colleagues to join Mr. LARSON and all of us in supporting the passage of this measure.

Mr. MOORE of Kansas. Madam Speaker, I rise today to express my support for H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act. The bill is sponsored by my friend and colleague from Connecticut, Congressman LARSON, and I commend his leadership on strengthening oversight and accountability to our government.

As I have told him personally, I appreciate the hard work Congressman LARSON put into crafting H.R. 885, a bill to reform several Offices of Inspector General in an effort to bring a greater level of independence and transparency to the agencies they oversee. And as the sponsor of the bill knows, I initially raised a few concerns with the bill to make sure we maximize the efforts of these Inspectors General to provide strong and tough oversight.

As a former District Attorney, the focus of any investigation should always be quality over quantity. Inspectors General should not focus on meeting some meaningless quota of closed cases. Instead, we want our Inspectors General to uncover waste, fraud and abuse wherever they find it so the agency they supervise and Congress can promptly address those abuses.

The House Financial Services Committee, under the leadership of Chairman BARNEY FRANK and of which I chair the Oversight and Investigations Subcommittee, will soon be considering a comprehensive regulatory reform package to overhaul our financial regulatory system.

In that effort, I will be working with Members on both sides of the aisle to identify any additional oversight protections we need to implement to ensure our financial system is transparent and protects consumers, investors and taxpayers. For example, I personally would like to see better coordination between Inspectors General on a regular basis to identify waste, fraud and abuse by creating a "Financial Inspectors General Council" where oversight concerns that may have a broader reach can be identified and corrected quickly.

I appreciate Congressman LARSON listening to me and discussing my concerns. We both agree that we need to move quickly on all fronts to strengthen oversight of our financial system, and it is in that spirit that I support this bill that the House is considering now.

I look forward to working closely with Congressman LARSON, Republicans and Democrats to take the necessary, additional steps to make certain we have an improved oversight structure in place so we don't have a repeat of a financial crisis of this magnitude.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 885, as amended.

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

A motion to reconsider was laid on the table.

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WOUNDED VETERAN JOB
SECURITY ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 466) to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 466

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

SECTION 2. SHORT TITLE.

This Act may be cited as the "Wounded Veteran Job Security Act".

SEC. 3. RIGHTS OF PERSONS WHO RECEIVE TREATMENT FOR ILLNESSES, INJURIES, AND DISABILITIES INCURRED IN OR AGGRAVATED BY SERVICE IN THE UNIFORMED SERVICES.

(a) RIGHTS OF PERSONS WHO RECEIVE TREATMENT.—

(1) IN GENERAL.—Subchapter II of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 4320. Rights of persons absent from employment for treatment of service-connected disabilities

“(a) RETENTION.—Subject to subsection (e), a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability is entitled to be retained by the person's employer.

“(b) SENIORITY.—A person who is absent from employment by reason of the receipt of medical treatment for a service-connected disability and who is entitled to be retained by the person's employer under subsection (a) is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such treatment plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

“(c) BENEFITS.—(1) A person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability and who is entitled to be retained by the person's employer under subsection (a) shall be—

“(A) deemed to be on furlough or leave of absence while receiving such treatment; and

“(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person is so absent.

“(2)(A) Subject to subparagraph (C), a person described in subparagraph (B) is not entitled to rights and benefits under paragraph (1)(B).

“(B) A person described in this subparagraph is a person who—

“(i) is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability; and

“(ii) knowingly provides written notice of intent not to return to a position of employment after receiving such treatment.

“(C) For the purposes of this paragraph, the employer shall have the burden of prov-

ing that a person knowingly provided clear written notice of intent not to return to a position of employment after being absent from employment by reason of the receipt of medical treatment and, in doing so, was aware of the specific rights and benefits to be lost under subparagraph (A).

“(3) A person deemed to be on furlough or leave of absence under this subsection while receiving medical treatment for a service-connected disability shall not be entitled under this subsection to any benefits to which the person would not otherwise be entitled if the person had remained continuously employed.

“(4) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to paragraph (1) to the extent other employees on furlough or leave of absence are so required.

“(5) The entitlement of a person to coverage under a health plan is provided for under section 4317 of this title.

“(d) LEAVE.—Any person who is absent from a position of employment with an employer by reason of the receipt of medical treatment for a service-connected disability shall be permitted, upon request of that person, to use during the period during which the person is so absent, any vacation, annual, medical, or similar leave with pay accrued by the person before the commencement of such period. No employer may require any such person to use vacation, annual, family, medical, or similar leave during such period.

“(e) EXCEPTIONS.—(1) An employer is not required to comply with the requirements of this section if—

“(A) the employer's circumstances have so changed as to make such compliance impossible or unreasonable;

“(B) such compliance would impose an undue hardship on the employer; or

“(C) the employment from which the person is absent by reason of the receipt of medical treatment is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

“(2) In any proceeding involving an issue of whether (A) any compliance referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, (B) such compliance would impose an undue hardship on the employer, or (C) the employment referred to in paragraph (1)(C) is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period, the employer shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4319 the following new item:

“4320. Rights of persons absent from employment for treatment of service-connected disabilities.”.

(b) HEALTH PLAN.—Section 4317 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) This section shall apply with respect to a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title) on the same basis as a person who is absent from a position of employment by reason of service in the uniformed services. In the case of a person who is absent from a position of employ-

ment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title), the period during which the person is so absent shall be treated as a period of service in the uniformed services for purposes of this section.”.

(c) PROHIBITION OF DISCRIMINATION AND ACTS OF REPRISAL.—Section 4311 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after “uniformed service” the following: “. or who has an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by such service.”; and

(B) by striking “or obligation” and inserting “obligation, or receipt of treatment for that illness, injury, or disability”; and

(2) in subsection (c)—

(A) by striking “or obligation for service” the first time it appears and inserting “obligation for service, or receipt of treatment for an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by service”; and

(B) by striking “or obligation for service” the second time it appears and inserting “obligation for service, or receipt of treatment”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical treatment received 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 the great State of California.

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

Madam Speaker, as chairman of the Veterans' Affairs Committee in the House of Representatives, I have been honored to bring bill after bill that says “thank you” to our Nation's veterans, and this is another bill that will in fact do that, to say thank you to those who have served our Nation.

My distinguished colleague from Texas, Mr. DOGGETT, has introduced H.R. 466, the Wounded Veteran Job Security Act. His steadfast commitment to our men and women in uniform and this Nation's veterans is to be commended.

Madam Speaker, I yield such time as he may consume to Mr. DOGGETT to explain the bill.

Mr. DOGGETT. Thank you very much, Chairman FILNER, and thank you Ranking Member BOOZMAN, for the leadership that each of you provides for those who have served our country.

The return of a soldier or sailor to civilian life is a tradition as old as the Republic itself. Just outside this House Chamber in the great rotunda of the Capitol is a portrait of General George Washington resigning his command in the Continental Army at the close of the Revolution.

In his farewell orders to his troops in November of 1783, he praised the brave men, retiring victorious from the field of war to the field of agriculture. He urged his soldiers to participate in “all the blessings which have been obtained,” and asked rhetorically, “In