

□ 1530

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

such a Republic, who will exclude them from the rights of Citizens and the fruits of their labor?"

Washington reminded this Congress of its duty to support these new veterans, he said, "so that the officers and soldiers may expect considerable assistance in recommencing the civil occupations."

Well, today, more than 34,000 of America's troops have been wounded as a result of their brave service in Iraq and in Afghanistan. Of these men and women, about 8,000 have suffered traumatic brain injuries and another 1,200 have undergone amputation of a limb.

Battlefield injuries like this don't end on the battlefield, and as General Washington long ago confirmed, neither should our commitment to these wounded warriors. When it comes to recovery, the road back to civilian life can be long, and it can be difficult. Complications arise from amputations. They can force a veteran to return repeatedly to the Veterans Administration for medical care; or what begins as a migraine may turn out to be a traumatic brain injury requiring a battery of time-consuming tests.

Even those veterans that live near a veterans facility find it difficult balancing their medical requirements with other demands on their time; and, of course, many veterans live far away and must travel a long distance, like a veteran in Luling, Texas, who must drive back and forth to the VA hospital in Temple in what may take 4 or 5 hours.

But this is not the only long road that some veterans confront. This legislation is the result of problems that some Texas veterans brought to my attention. They said wounded veterans should not be fired after they exhaust their sick and vacation leave to receive care for injuries that a VA doctor says they need that they incurred while defending our country.

I agree. And they said there ought to be a law supporting our veterans, and I felt confident when the Veterans' Affairs Committee and this Congress heard their plea, they would answer, as they have today.

You see, Madam Speaker, some employers have policies limiting the amount of time that an employee can be out on sick leave. An employee that exceeds that limit may be terminated; and as the law is written today, this means an employer can legally terminate a veteran with a service-related disability for receiving the care that he or she so desperately needs.

I stand here today to say that is not good enough. Our veterans should not have to choose between their lives and their livelihoods. No veteran should have to stand in front of their employer after suffering an injury while serving the Red, White and Blue and be told, you have a pink slip. I am sorry, you can't have a job. But the fact is that this has happened, and it has happened to some simple Texas veterans.

In 1994, when the Congress passed and President Clinton signed the Uni-

formed Services Employment and Reemployment Rights Act to clarify and strengthen the Veterans Reemployment Rights Statute, its first purpose was to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service.

Now that we are 15 years down the road, it is time to take decisive action to develop policies that evolve with the changing needs of our troops. That is what the Wounded Veteran Job Security Act that we consider today that I authored seeks to accomplish. It amends existing law to establish a right of veterans who receive treatment for illness, injuries and disabilities incurred or aggravated by uniform service to the United States to be retained by their employers.

I appreciate the support of the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, and the Disabled American Veterans, important organizations representing our veterans who have endorsed this legislation.

This legislation requires employers to retain a person who is absent from work because they are receiving medical treatment for a service-related injury or disability. It grants the servicemembers the same seniority and other rights and benefits that they had prior to receiving treatment, and it seeks to ensure that these servicemembers receive the same rights and benefits as other employers who are on furlough or leave of absence.

Our service men and women selflessly put aside their civilian lives to step into uniform and serve the cause of freedom and stand up for all of us. Today, it is our responsibility to stand up for them.

I urge my colleagues to support this legislation to ensure no American veteran ever has to choose between getting well and getting paid.

I thank the leadership on the committee.

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

Madam Speaker, I rise in support of the manager's amendment to H.R. 466. This bill would add protections against employment discrimination due to continued treatment for a service-connected disability to the Uniform Service Employment and Reemployment Rights Act, or USERRA; and that is the right thing to do.

Those who are seriously injured serving in the Nation's military should not be disadvantaged in the workplace beyond what their injuries have already put upon them; and allowing a reasonable amount of time off from their jobs for continuing service-connected medical treatment is the least thing that we can do. I believe that including them in USERRA is appropriate because it leaves no doubt as to an employer's obligation to service-disabled employees.

I extend my appreciation to the distinguished chairwoman, Ms. HERSETH SANDLIN, who has worked with us to improve the bill. Together we have clarified issues related to service-connected disability leave as well as other issues such as pension benefits and protections for businesses whose circumstances have changed so significantly that the application of these provisions would impose a serious burden on the employer.

This is a very worthy bill, and we appreciate Mr. DOGGETT bringing it forward. I would urge my colleagues certainly to support it.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I have no further speakers.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of veterans and military personnel in America. As one who believes in the Constitution under the original intent of the writers of that document and one who believes that most of what we do here in this House and in this Congress is unconstitutional, according to that original intent, supporting our veterans and our military personnel is absolutely critical for the national security of America.

We are not doing what we are supposed to do for our veterans. We have broken promises over and over again. The veterans are not getting the benefits that they have been promised; and I think that is immoral and verges on criminal, because we have broken as a Federal Government the promises that we have made to the veterans and military personnel in America. We need to fulfill those promises. We need to do what we have said we would do for them, and that is to take care of them, to take care of their spouses. We need to do so for their lifetime.

On the other hand, what we are doing here is we are going further and further down the road away from the Constitution and the original intent. We are stealing our grandchildren's future by spending more and more money that we don't have.

It is right and good and proper for us to spend money on national defense and supporting our veterans. It is right and good and proper to spend money on military personnel, on the national defense, on homeland security. It is not right and proper for us to continue spending our grandchildren's future.

The American people are going to have to stand up and say no to this robbing their future. They are going to have to contact their Members of Congress and say no to cap-and-trade, no to bailing out Big Business, no to doing all the things that we are doing over and over again here in this Congress. It is up to the American people to stand up and say no.

I say yes to veterans, yes to the military, yes to strong national defense,

yes to good policies for the veterans, and no to this steamroll to socialism.

Mr. FILNER. I am not sure whether the previous speaker supported or opposed the bill. I guess he opposes any help for health care for our citizens, any help for job security for our citizens, any help for the environmental protection of our citizens, any help for education for our citizens, any help for housing for our citizens. I still don't know where he stands on this bill.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, having no more speakers on the bill, I would like to extend my appreciation once again to Mr. DOGGETT for bringing the bill forward, to Ms. HERSETH SANDLIN, Chairman FILNER and Ranking Member BUYER for their support and everyone working together to improve the Uniform Services Employment and Reemployment Rights Act.

Again, you know where I am at on this bill. I urge all of my colleagues to support H.R. 466, as amended.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 466, as amended.

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

There was no objection.

Mr. FILNER. I urge all of my colleagues to join us in reaffirming our Nation's commitment to care for our servicemembers, veterans and their dependents, unanimously supporting H.R. 466, as amended.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in strong support of H.R. 466, the "Wounded Veteran Job Security Act." I would like to thank my colleague Representative LLOYD DOGGETT for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this legislation because it will prevent employers from discriminating against disabled veterans, who have to take a leave of absence from their jobs to receive medical treatment for illnesses, injuries, and other disabilities that they incurred during their time in the armed services. This bill will also entitle a disabled veteran to use vacation, annual, medical, or similar leave with pay before the beginning of their treatment.

Like all Americans, the 102,261 disabled veterans in the state of Georgia, rely upon the incomes that they earn from their jobs, because receiving disability payments alone is not enough. When veterans receive disability payments, the amount of their compensation is dependent upon the evaluation of the severity of their disabilities and then the severity of the injury is rated in increments of 10, ranging between 10 and 100 percent.

As of the beginning of the 2009 fiscal year, the largest category of veterans was at the 10 percent disability rate. These 782,000 veterans of the 2.9 million in total receiving disability payments are only being paid approximately \$123 per month which totals to \$1,476 a year. Presently, it is impossible to make a

living and support a family on this amount of money, especially in Georgia's Fourth Congressional District. In the Georgia Fourth Congressional District the average yearly household income is approximately \$49,000. The termination of a veteran because of their need to obtain medical treatment for an injury or injuries incurred while they were in the armed services of their country is not fair. We owe these individuals a great deal. These veterans have given so much to the United States, and were willing to pay the ultimate sacrifice—their lives for freedom. The least we can do is protect their well being after their service.

Mr. FILNER. 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. 466, as amended.

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

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities."

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1736, by the yeas and nays;

H.R. 1709, by the yeas and nays;

H. Res. 420, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

INTERNATIONAL SCIENCE AND TECHNOLOGY COOPERATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill, H.R. 1736, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1736, as amended.

The vote was taken by electronic device, and there were—yeas 341, nays 52, not voting 40, as follows:

[Roll No. 311]

YEAS—341

Abercrombie	Davis (TN)	Kanjorski
Ackerman	DeFazio	Kaptur
Aderholt	Delahunt	Kildee
Adler (NJ)	DeLauro	Kilpatrick (MI)
Alexander	Dent	Kilroy
Altmire	Diaz-Balart, L.	King (NY)
Andrews	Diaz-Balart, M.	Kirk
Arcuri	Dicks	Kirkpatrick (AZ)
Austria	Dingell	Kissell
Baca	Doggett	Klein (FL)
Baird	Donnelly (IN)	Kline (MN)
Baldwin	Doyle	Kosmas
Barrow	Dreier	Kratovil
Bartlett	Driehaus	Kucinich
Barton (TX)	Edwards (MD)	Lance
Bean	Edwards (TX)	Langevin
Becerra	Ehlers	Larsen (WA)
Berkley	Ellison	Larson (CT)
Berman	Ellsworth	Latham
Berry	Emerson	LaTourette
Biggert	Engel	Latta
Bilbray	Eshoo	Lee (CA)
Bilirakis	Etheridge	Lee (NY)
Bishop (GA)	Fallin	Levin
Bishop (NY)	Farr	Lewis (CA)
Blackburn	Fattah	Lipinski
Blumenauer	Filner	LoBiondo
Bocchieri	Fleming	Loebsack
Boehner	Forbes	Logren, Zoe
Bonner	Fortenberry	Lowe
Boozman	Foster	Lucas
Boren	Frank (MA)	Luetkemeyer
Boswell	Frelinghuysen	Lujan
Boucher	Fudge	Lynch
Brady (PA)	Gallely	Maffei
Brady (TX)	Gerlach	Manzullo
Braley (IA)	Giffords	Markey (CO)
Bright	Goodlatte	Markey (MA)
Brown (SC)	Gordon (TN)	Marshall
Brown, Corrine	Granger	Massa
Brown-Waite,	Graves	Matheson
Ginny	Grayson	Matsui
Buchanan	Green, Al	McCarthy (CA)
Burton (IN)	Green, Gene	McCaul
Buyer	Griffith	McCollum
Calvert	Guthrie	McCotter
Camp	Gutierrez	McDermott
Cantor	Hall (NY)	McHugh
Cao	Hall (TX)	McIntyre
Capito	Halvorson	McKeon
Capps	Hare	McMahon
Capuano	Harman	McMorris
Cardoza	Harper	Rodgers
Carnahan	Hastings (FL)	McNerney
Carney	Heinrich	Meek (FL)
Carson (IN)	Heller	Meeks (NY)
Cassidy	Hergert	Melancon
Castle	Herseth Sandlin	Mica
Castor (FL)	Higgins	Michaud
Chandler	Hill	Miller (MI)
Childers	Himes	Miller (NC)
Clarke	Hinche	Minnick
Clay	Hinojosa	Mitchell
Clyburn	Hirono	Mollohan
Cohen	Holden	Moore (KS)
Cole	Holt	Moore (WI)
Connolly (VA)	Honda	Murphy (CT)
Conyers	Hoyer	Murphy (NY)
Cooper	Inglis	Murphy, Patrick
Costa	Inslee	Murphy, Tim
Crenshaw	Israel	Murtha
Crowley	Jackson (IL)	Myrick
Cuellar	Jackson-Lee	Nadler (NY)
Cummings	(TX)	Napolitano
Dahlkemper	Jenkins	Neal (MA)
Davis (AL)	Johnson (GA)	Nye
Davis (CA)	Johnson, E. B.	Oberstar
Davis (IL)	Jones	Obey
Davis (KY)	Kagen	Olson