

# NATIONAL GUARD EMPLOYMENT PROTECTION ACT OF 2010

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1879) to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1879

*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 “National Guard Employment Protection Act of 2010”.

## SEC. 2. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) REEMPLOYMENT RIGHTS.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.”

(b) EFFECTIVE DATE.—Subparagraph (F) of section 4312(c)(4) of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32, United States Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

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

The Chair recognizes the gentleman from California.

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

I would like to thank Congressman MIKE COFFMAN of Colorado who is here with us for introducing the National Guard Employment Protection Act of 2010. One of the protections provided by the Uniformed Services Employment and Reemployment Rights Act, or USERRA, is to require employers to support a servicemember's absence for up to 5 years if called to active military duty. At the time when USERRA was enacted into law back in 1994, Congress intended to minimize the disruption to the lives of servicemembers as well as to their employers and prohibit discrimination against persons because of their service in the military.

Unfortunately, current statute does not provide National Guard members who are ordered to full-time active duty with the same protections. This is especially disheartening at a time when our Guard is called up to active duty in support of missions to secure the homeland or provide relief abroad. And of course since 9/11, the Guard has been doing almost half of the fighting

in Iraq and Afghanistan. Many of them are bumping against the 5-year USERRA protection for their civilian jobs, and H.R. 1879 seeks to address this inequity and extend reemployment rights for those ordered to full-time National Guard duty.

Congressman HARRY TEAGUE of New Mexico worked with Congressman COFFMAN to add a provision to allow the Secretary of Defense to designate which duties qualify. So I would like to thank the gentleman from Colorado and the gentleman from New Mexico for their bipartisan efforts on this important bill. It is time, Madam Speaker, that Congress ensures that members of the National Guard are afforded the employment protections they deserve. I urge all my colleagues to join me in support of this legislation.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I rise in support of H.R. 1879, as amended.

This bill amends title 38 United States Code to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. Madam Speaker, it's well known that the National Guard and Reserve units have carried a significant load in the wars in Iraq and Afghanistan. Many of these units have served multiple combat tours, and others have provided homeland security services, such as maintaining an airborne alert here in the D.C. area. Additionally, Guard units have performed heroically at times when natural disasters like Hurricane Katrina devastated New Orleans.

As a result of these demands, many of the members of the Guard have accumulated significant active duty time and are now in danger of exceeding the 5-year limit on active duty that is protected under the Uniform Services Employment and Reemployment Rights Act, or USERRA. So I'm pleased that our colleague MIKE COFFMAN from Colorado has taken the action to recognize that active duty performed under title 32 should be added to the types of duties exempted from the 5-year limit. I also thank Chairman HERSETH SANDLIN and Ranking Member BOOZMAN of the Subcommittee on Economic Opportunity for their bipartisan work, as well as Chairman FILNER for bringing this bill to the floor.

With that, Madam Speaker, I yield such time as he may consume to Mr. COFFMAN, a fellow veteran who served in the Army and the Marines in the first gulf war and second gulf war in Iraq.

Mr. COFFMAN of Colorado. I thank the gentleman from Florida.

Madam Speaker, I am proud to stand before you today in strong support of H.R. 1879, the National Guard Employment Protection Act. I created this legislation in order to extend the same reemployment rights for all of our National Guard personnel regardless of whether they are assigned to a homeland security mission or deployed over-

seas to Iraq or Afghanistan. Under current law, the members of the National Guard who are called up for active duty in support of homeland security missions inside the United States are not provided the same reemployment rights to their civilian occupations that other members of the National Guard and Reserve have when they are called to active duty for overseas military assignments.

There is no doubt that the soldiers and the airmen serving in the National Guard must have the same reemployment rights irrespective of where they are ordered to serve. The bill recognizes that those who are called up for homeland security missions can face the same hardships and challenges in trying to return to their civilian employment as someone who has been away from their civilian occupation due to an overseas military assignment.

With the passage of H.R. 1879, National Guard members will no longer have to worry about being put into a position where they are forced to choose between retaining their civilian employment or serving our Nation in a critical homeland security mission.

Mr. STEARNS. Madam Speaker, I urge my colleagues to support H.R. 1879, as amended, the National Guard Employment Protection Act of 2010.

I have no further requests for time, so I yield back the balance of my time.

## GENERAL LEAVE

Mr. FILNER. Madam Speaker, 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. 1879, as amended.

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

There was no objection.

Mr. FILNER. I want to urge everybody to support this important legislation.

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. 1879, as amended.

The question was taken.

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

Mr. FILNER. 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.

# RECOGNIZING THE 65TH ANNIVERSARY OF THE BLINDED VETERANS ASSOCIATION

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

## H. J. RES. 80

Whereas, at 8:45 a.m. on March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association at Avon "Old Farms" Army Convalescent Hospital in Connecticut;

Whereas the founders of the Blinded Veterans Association were a cross-section of heroes and pioneers who not only shaped the rich history, philosophy, and knowledge of education and rehabilitation of the blind, but also provided insight into current and future challenges facing the blind and engaged in continual advocacy efforts to ensure that services for all blinded persons would be unique and specialized;

Whereas, on March 28, 2010, the Blinded Veterans Association will mark its 65th anniversary of dedication to blinded members of the Armed Forces, veterans, and their families;

Whereas in 1946, General Omar Bradley, of the Veterans Administration, appointed the Blinded Veterans Association as the first official representative for blinded veterans for the filing of claims and appeals to the Veterans Administration, making the Blinded Veterans Association only the eighth veterans service organization to receive such authorization;

Whereas the Blinded Veterans Association was originally incorporated in New York State as a nonprofit association, and then moved to Washington, DC, in 1947;

Whereas in 1958, the 58th Congress approved the Congressional Charter for the Blinded Veterans Association;

Whereas from its early beginnings, the Blinded Veterans Association encouraged the blinded veterans it served "to take their rightful place in the community with their fellow men and work with them toward the creation of a peaceful world", and it has continued to advocate for the war-blinded to regain independence, confidence, and self-esteem through rehabilitation and training; and

Whereas many people of the United States recognize March 28 of each year as Blinded Veterans Day; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) expresses appreciation for the efforts of the Blinded Veterans Association in improving the rehabilitation services, education, and benefits for blinded veterans of the United States;

(2) supports the goals and ideals of Blinded Veterans Day; and

(3) calls upon the people of the United States to observe Blinded Veterans Day with appropriate programs and activities.

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

The Chair recognizes the gentleman from California.

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

I rise in support of House Joint Resolution 80, recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families, sponsored by Mrs. HALVORSON of Illinois. Mrs. HALVORSON, as a first-term Member, has been incredibly active and committed to veterans on our committee.

I yield to the gentlewoman from Illinois to further explain the bill.

Mrs. HALVORSON. I thank Chairman FILNER for yielding.

Madam Speaker, it was truly a privilege to introduce H.J. Res. 80, which recognizes and honors the Blinded Veterans Association on its 65th anniversary. Madam Speaker, this simple resolution helps to honor the service and sacrifice of the more than 165,000 blind or visually impaired veterans.

The resolution helps us to remember that on March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association in order to help veterans and their families meet and overcome the challenges of blindness. The following year, in 1946, General Omar Bradley of the Veterans Administration, appointed the BVA as the first official representative for blinded veterans for the filing of claims and appeals to the Veterans Administration. This made the Blinded Veterans Association only the eighth Veterans Service Organization to receive such distinction and responsibility.

In 1958, Congress followed General Bradley's lead and echoed his recognition of the BVA by officially approving the BVA congressional charter. Since that time, the BVA has encouraged and assisted blinded veterans to take their rightful place in the community with their fellow men and work with them towards the creation of a peaceful world.

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Their leadership continues to advocate for the war-blinded to regain independence, confidence and self-esteem through rehabilitation and training. Almost 13 percent of the evacuated wounded servicemembers in Iraq and Afghanistan have suffered a serious eye injury of one type or another. This means that the Blinded Veterans Association's services are just as crucial today as they were 65 years ago.

H.J. Res. 80 recognizes the extraordinary members and work of the BVA, and the good that they do for America's visually impaired veterans. I thank the members of the BVA for their service and strongly encourage my colleagues to do the same by voting in favor of this resolution.

Mr. FILNER. I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, not only does the BVA provide support for our Nation's blind veterans, the organi-

zation also provides inspiration and support for their family members via the Kathern F. Gruber Scholarship Awards. This worthy scholarship enables spouses and dependent children of blinded veterans to achieve their goals in higher education.

Our blinded veterans have made tremendous sacrifices on behalf of our Nation to ensure our safety and our freedom. It is altogether appropriate that we honor them this day and join the Blinded Veterans Association in celebrating its 65th anniversary.

Obviously I am a strong supporter of H.J. Res. 80, a resolution to recognize and honor the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families. As all of us know, recovering from the tragic loss of sight is a traumatic and life-changing event. Veterans who are burdened with this loss are forced to relearn almost every task associated with normal daily activities. Such rehabilitation is a difficult but necessary challenge blinded veterans must overcome to integrate back into civilian life. The Blinded Veterans Association was established specifically to help these severely injured veterans and their families during this most difficult period.

On March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association. Just a year later, in 1946, General Bradley of the Veterans Administration appointed the BVA as the first official representative for blinded veterans who were filing claims and appeals to the Veterans Administration. This made the Blinded Veterans Association the eighth veterans service organization to receive such authorization.

Chartered by Congress in 1958, the BVA has worked throughout the years assisting blind veterans in acquiring Department of Veterans Affairs disability compensation and health care benefits, as well as other Federal and local benefits. Thanks in large part to the efforts of the BVA, there are now ten blindness rehabilitation centers located at various VA medical centers across this country.

Madam Speaker, along with this legislation, which obviously you can see how important it is, we wanted to honor today these blinded veterans on their 65th anniversary. But, Madam Speaker, our committee also had requested consideration of H.R. 4360, a bill to designate the blind rehabilitation center in Long Beach, California, as the Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center. This legislation has the support of the entire California delegation and the major veterans service organizations in California and would further honor blind veterans to whom Major Soltes provided so much service and so much sacrifice.

I would like to inquire, if it is appropriate to the Speaker, or perhaps