

## PERSONAL EXPLANATION

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2007*

Mr. PENCE. Madam Speaker, I was granted a leave of absence. Had I been present, I would have voted in the following manner:

Rollcall No. 157 (On the Motion to Suspend the Rules and Agree to H. Res. 138)—“Aye”;  
Rollcall No. 158 (On the Motion to Suspend the Rules and Pass H. R. 658)—“Aye”;

Rollcall No. 159 (On the Motion to Suspend the Rules and Pass H.R. 839)—“Aye”;

Rollcall No. 160 (On Agreeing to the Resolution on H. Res. 254)—“Nay”;

Rollcall No. 161 (On the Motion to Suspend the Rules and Agree to H. Con. Res. 42, as amended)—“Aye”;

Rollcall No. 162 (On the Motion to Suspend the Rules and Pass H.R. 759)—“Aye”;

Rollcall No. 163 (On Approving the Journal)—“No”;

Rollcall No. 164 (On Agreeing to the Amendment to H.R. 1227 by Mr. Hensarling of Texas) “Aye”;

Rollcall No. 165 (On Agreeing to the Amendment to H.R. 1227 by Ms. Biggert of Illinois) “Aye”;

Rollcall No. 166 (On Agreeing to the Amendment to H.R. 1227 by Mr. Al Green of Texas) “Nay”;

Rollcall No. 167 (On the Motion to Permit to Proceed in Order on This Day)—“Nay”;

Rollcall No. 168 (On Agreeing to the Amendment to H.R. 1227 by Mr. Neugebauer of Texas) “Aye”;

Rollcall No. 169 (On Agreeing to the Amendment to H.R. 1227 by Mr. Price of Georgia) “Aye”;

Rollcall No. 170 (On Agreeing to the Amendment to H.R. 1227 by Mr. Al Green of Texas) “Nay”;

Rollcall No. 171 (On the Motion to Recommit H.R. 1227 with Instructions)—“Aye”;

Rollcall No. 172 (On Passage of H.R. 1227)—“Nay”;

Rollcall No. 173 (On the Motion to Suspend the Rules and Pass H.R. 835, as amended)—“Nay”;

Rollcall No. 174 (On the Motion to Suspend the Rules and Pass H.R. 327, as amended)—“Aye”;

Rollcall No. 175 (On the Motion to Suspend the Rules and Pass H.R. 797)—“Aye”;

Rollcall No. 176 (On the Motion to Suspend the Rules and Pass H.R.1284)—“Aye”;

Rollcall No. 177 (On the Motion to Suspend the Rules and Pass H.R. 1130)—“Aye”;

Rollcall No. 178 (On the Motion to Suspend the Rules and Pass H.R. 740)—“Aye”.

**IMPROVING COMPENSATION BENEFITS FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES**

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 21, 2007*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 797, to amend

A member of the Veterans of Foreign Wars (VFW) for approximately fifteen years, Commander Bohn now serves as Chaplain for the VFW Pleasanton Post #6298. In the course of her service with the VFW, Commander Bohn has participated in numerous color guards for various community groups and organizations. She was also instrumental in leading drives to obtain phone cards and other essential items for our nation's troops. Her efforts not only won her Post an award, but more importantly, they improved the morale of our men and women in uniform deployed overseas. On March 17, 2007, Commander Bohn's Post presented her with a special award for her unquestioned patriotism and continued diligence to recognize and honor all veterans.

Commander Bohn has resided in Pleasanton for the past 20 years. Each year, Pleasanton hosts a Veterans Day Parade honoring those who have served and continue to serve our great nation. Commander Bohn is instrumental in the planning and implementation of this event, which honors the many sacrifices made by our fighting men and women. Through Commander Bohn's tireless efforts, the people of Pleasanton and the 11th Congressional district are assured that our veterans will not be forgotten.

Equally committed to public service and to her family, Commander Bohn is a dedicated wife, mother and grandmother. She is married to a retired Navy Commander, and together they have two children and four grandchildren.

Commander Bohn's dedication is in keeping with the highest traditions of the Armed Forces of the United States and serves as an example to all. For that reason, I ask my Colleagues to join me in recognizing this outstanding citizen and leader.

**PERMITTING USE OF ROTUNDA FOR A CEREMONY COMMEMORATING THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST**

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 21, 2007*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 66, which authorizes the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Holocaust was not a random act of mass murder but a systematic campaign of genocide carried out by the Nazis against the Jews. The world must never forget the more than six million Jews who perished in the Holocaust. In total, the victims accounted for more than 60 percent of the pre-World War II Jewish population of Europe.

We must never forget the evil acts that happened during that era and continue the fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism in every form today.

More than 60 years later, the Holocaust is still a presence, and there are living memorials all over the world dedicated to the memory of those who lost their lives in one of history's darkest hour and to the continuing education to conquer prejudice, hatred, and injustice.

As we authorize the rotunda of the Capitol to be used on April 19, 2007 for a ceremony as part of the commemoration for the days of remembrance of victims of the Holocaust, let us also be careful not to repeat history. We remember the atrocities that surround us today in the Darfur region of Sudan. It is right that we should gather at the rotunda to remember a period of such unspeakable horror that it will never be forgotten and which we must never again allow to happen.

I strongly urge my colleagues to support H. Con. Res. 66 and authorize the use of the rotunda of the Capitol to commemorate those who perished in the Holocaust.

**VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2007**

SPEECH OF

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 21, 2007*

Mr. SPACE. Mr. Speaker, I support H.R. 1284, a bill that will increase the rates of compensation for veterans with service-connected disabilities and also increase the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

As a member of the Veterans' Affairs Committee, and as the son and grandson of American veterans, I fully support the implementation of this bill. Passing H.R. 1284 is a matter of fairness to our veterans. These brave men and women sacrificed the best years of their lives in service to our nation, and they deserve all the resources they were promised and have earned.

As the cost of living increases each year, so should the funds set aside for our nation's wounded warriors. It is unreasonable to ask our veterans to pay out of pocket for the services that they were promised, but that is unfortunately what happens when day-to-day living costs exceed veterans' disability compensation. For many veterans living on fixed incomes, they need the annual cost of living adjustment. Congress has an obligation to pass a cost of living adjustment measure to ensure that these veterans can continue their current standards of living and cover the costs of their basic needs.

H.R. 1284 also makes certain that the rates of dependency and indemnity compensation for the survivors of disabled veterans keep pace with annual inflation. The spouses and children of veterans often suffer silently on the sidelines as their loved ones struggle with combat-related disabilities. We owe it to veterans' strongest support network—the families of veterans—to meet their needs when addressing a cost of living adjustment.

I believe that Members on both sides of the aisle can and should rally behind this bill, as well as H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, and H.R. 797, a bill to improve vision compensation benefits for veterans.

I urge the speedy passage of all three of these bills on behalf of Ohio 18's 66,000 veterans and all of America's veterans,

title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes. I strongly support veterans and more specifically blind veterans. I am a co-sponsor of this legislation. A few weeks ago I introduced H.R. 1240, the "Vision Impairment Specialist Training Act" to help our Nation's blind veterans.

Mr. Speaker, H.R. 797 modifies the standard of awarding disability compensation to veterans for loss of vision to require payment of compensation for impairment of vision involving both eyes due to a service-connected and non-service connected disability.

There are 160,000 legally blind veterans in the United States, but only 44,000 are currently enrolled in Veterans Health Administration services. In addition, it is estimated that there are over 1 million low-vision veterans in the United States, and incidences of blindness among the total veteran population of 26 million are expected to increase by about 40% over the next few years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing; the current average age is about 80 years old.

Members of the armed forces are important to our Nation and we show them our appreciation by taking care of them after they no longer serve. It is important to amend title 38 to ensure that our veterans are taken care of and that they receive the compensation that they deserve. Their service to this nation could never be repaid my monetary means, but we can ensure that the veterans that faithfully served our country are taken care of and amending this legislation sends a message to our veterans that we care about their health and well being long after their duty has expired.

In addition to enhancing compensation benefits for veterans, H.R. 797 requires the Secretary of Veterans Affairs to provide the Secretary of Health and Human Services with information for comparison with the National Directory of New Hires to determine eligibility for certain benefits and services. This process ensures that the proper protocol is followed in issuance of these benefits and that the benefits are distributed to the proper recipients.

Mr. Speaker, I support H.R. 797 and I urge all members to do likewise.

INTRODUCTION OF THE "RE-EMPOWERMENT OF SKILLED AND PROFESSIONAL EMPLOYEES AND CONSTRUCTION AND TRADES WORKERS (RESPECT) ACT."

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2007*

Mr. ANDREWS. Madam Speaker, today I rise to fight for middle class Americans by introducing the "Re-empowerment of Skilled and Professional Employees and Construction and Tradesworkers (RESPECT) Act." Day after day, middle class families are struggling to survive as their real incomes decline and the costs of basic necessities increase. A major contributor to this middle class squeeze is the decline in workers' freedom to organize and collectively bargain. Organized workers earn

more, have greater access to healthcare benefits, and are more likely to have guaranteed pensions than unorganized workers. When workers get their fair share, the economy benefits and the middle class grows stronger.

Yet the freedom to organize and collectively bargain has been under severe assault in recent decades, thanks to weak federal labor laws in dire need of reform. It has also been rolled back by a number of misguided decisions by the National Labor Relations Board (NLRB) in the last few years. These decisions have operated to strip millions of workers entirely of their freedom to organize. The RESPECT Act serves to restore that freedom by addressing a series of decisions which stray dramatically from and undermine the original intent of the National Labor Relations Board and which fly in the face of common sense. This bill provides clarity in the National Labor Relations Act (NLRA) on one aspect of the fundamental question of coverage: who is an employee and who is a supervisor.

Last year, the NLRB issued a trio of decisions, collectively often referred to as the "Kentucky River" decisions, which eviscerated the meanings of "employee" and "supervisor" under the NLRA. The NLRA protects employees' freedom to organize and collectively bargain. Supervisors are not considered employees and are therefore not covered by the Act's protections. If an individual is determined to be a supervisor, she has no right to organize, no right to engage in concerted activity with her fellow employees, and no right to collectively bargain. Every fundamental right protected by the Act may turn on this question of whether she is a supervisor or an employee. The Kentucky River decisions dramatically expanded the definition of supervisor far beyond the limits that the framers of the Act intended and far beyond the limits of common sense. In so doing, it stripped an estimated 8 million workers—particularly skilled and professional employees—of the freedom to organize.

In the workplace, people know who the supervisor is. A supervisor has the power to discipline, reward, promote, hire, and/or fire employees. The legislative history of the NLRA reflects these common sense understandings of who is or is not a supervisor. Congress drafted the NLRA to exclude from its protections only genuine supervisors with true management prerogatives, not minor supervisory employees, professionals, or skilled workers.

Yet the NLRB ignored common sense and legislative history in the Kentucky River decisions. For professional and skilled employees, who often provide direction to other employees, the NLRB's action is devastating. A nurse who directs another person to conduct a single, discrete task, such as clipping a patient's toenails, would be considered to have supervisory authority under these recent decisions. So would a nurse who assigns a patient to a nurse for a single shift.

A carpenter who tells an apprentice how to form a joint would also be considered to have supervisory authority. These skilled and professional workers have no power to promote, discipline, reward, hire, or fire—and yet they would be supervisors, according to the NLRB, even if they only held the authority to "direct" a person on single, discrete tasks just 10 percent of the time. Having been classified as a supervisor without realizing it, these employees may be subject to lawful discipline for trying to organize a union when they thought

they were employees with every right to organize.

Because of these decisions, over 8 million American workers are denied their fundamental freedom of association today. As the dissent pointed out in one of the decisions, 34 million Americans may fall into this category of workers stripped of their statutory rights by 2012.

The impact of the Kentucky River decisions is already being felt, particularly in the health care industry, where respect for workers' rights is critical to efficient health care delivery and high quality patient care. In a case in Utah, an NLRB Regional Director, applying the NLRB's new definition of "supervisor," found that virtually all of the registered nurses in a potential bargaining unit, 64 out of 88, were designated as supervisors, with the remaining 24 nurses excluded only because they had less than one year's service. Those remaining nurses will likely qualify as supervisors after they have completed their first year of nursing. Absurd decisions breed absurd results. As the New York Times explained in an October 7, 2006 editorial: "[R]esponsibilities like making out a schedule do not amount to management. If they did, interns would be the only non-managers in many of today's workplaces."

The Kentucky River decisions are not an anomaly for the current Board. In the last five years, the Board has repeatedly ruled to deny or restrict the fundamental rights of entire categories of workers. These include 45,000 disabled workers who lost their right to organize; 51,000 teaching and research assistants who lost their right to organize; and 2 million temporary workers who have had their right to organize severely curtailed.

The RESPECT Act will make two simple and clarifying changes to the definition of supervisor under the NLRA. It will: (1) eliminate the terms "assign" and "responsibility to direct" from the list of supervisory duties; and (2) require that employees possess supervisory duties during a majority of their work time in order to be excluded from coverage under the Act as a supervisor. Eliminating "assign" and "responsibility to direct" from the supervisor definition will effectuate Congress' intent to define supervisors as only those individuals who have genuine management prerogatives and the real authority to affect employees' terms of employment. As the NLRB has proven, these terms are open to abuse and misinterpretation, far afield from their common-sense and originally intended meanings, by those seeking to roll back workers' freedoms.

Requiring that employees possess supervisory duties for a majority of their work time will create a fair, bright-line rule when determining whether an individual is a supervisor. Someone who possesses a modicum of supervisory authority a minority of the time should not be denied their fundamental rights.

Madam Speaker, the NLRA guarantees the freedom to organize and collectively bargain for America's private sector workforce. That freedom is a fundamental human right and a proven key to a strong middle class. It is unconscionable that the rights of an estimated 8 million Americans—and many more in coming years—be put at risk by such deeply flawed decisionmaking as we have seen in the Kentucky River line of cases. The RESPECT Act does nothing more than clarify the law to ensure it is not misinterpreted or undermined on