

118TH CONGRESS
1ST SESSION

H. R. 5516

To amend title 38, United States Code, to clarify the employment and reemployment rights of members of the uniformed services to other law.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Mr. TAKANO introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the employment and reemployment rights of members of the uniformed services to other law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLARIFICATIONS REGARDING SCOPE OF EM-**
4 **PLOYMENT AND REEMPLOYMENT RIGHTS OF**
5 **MEMBERS OF THE UNIFORMED SERVICES.**

6 (a) CLARIFICATION REGARDING DEFINITION OF
7 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
8 United States Code, is amended—

9 (1) by inserting “—” after “‘rights and bene-
10 fits’”;

1 (2) by redesignating the text beginning with
2 “means” and ending with “employment.” as a sub-
3 paragraph (A);

4 (3) in such subparagraph (A), as so redesign-
5 ated, by striking the period at the end and insert-
6 ing “; and”; and

7 (4) by adding at the end the following new sub-
8 paragraph:

9 “(B) includes any procedural protections or
10 provisions set forth in this chapter.”.

11 (b) CLARIFICATION REGARDING RELATION TO
12 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
13 4302 of such title is amended by adding at the end the
14 following:

15 “(c)(1) Pursuant to this section and the procedural
16 rights afforded by subchapter III of this chapter, any
17 agreement to arbitrate a claim under this chapter is unen-
18 forceable, unless all parties consent to arbitration after a
19 complaint on the specific claim has been filed in court or
20 with the Merit Systems Protection Board and all parties
21 knowingly and voluntarily consent to have that particular
22 claim subjected to arbitration.

23 “(2) For purposes of this subsection, consent shall
24 not be considered voluntary when a person is required to
25 agree to arbitrate an action, complaint, or claim alleging

1 a violation of this chapter as a condition of future or con-
2 tinued employment, advancement in employment, or re-
3 ceipt of any right or benefit of employment.”.

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