

114TH CONGRESS  
2D SESSION

# S. 3042

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 9, 2016

Mr. BLUMENTHAL (for himself, Mr. LEAHY, Mr. FRANKEN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Justice for Service-  
5 members Act of 2016”.

1 **SEC. 2. CLARIFICATIONS REGARDING SCOPE OF EMPLOY-**  
2 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**  
3 **BERS OF THE UNIFORMED SERVICES.**

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

7 (1) by inserting “(A)” before “The term”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(B) Any procedural protections or provisions  
11 set forth in this chapter shall also be considered a  
12 right or benefit subject to the protection of this  
13 chapter.”.

14 (b) CLARIFICATION REGARDING RELATION TO  
15 OTHER LAW AND PLANS FOR AGREEMENTS.—Section  
16 4302 of such title is amended by adding at the end the  
17 following:

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

1       “(2) For purposes of this subsection, consent shall  
2 not be considered voluntary when a person is required to  
3 agree to arbitrate an action, complaint, or claim alleging  
4 a violation of this chapter as a condition of future or con-  
5 tinued employment, advancement in employment, or re-  
6 ceipt of any right or benefit of employment.”.

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