

Sec.
4319. Employment and reemployment rights in foreign countries.

SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

4321. Assistance in obtaining reemployment or other employment rights or benefits.
4322. Enforcement of employment or reemployment rights.
4323. Enforcement of rights with respect to a State or private employer.
4324. Enforcement of rights with respect to Federal executive agencies.
4325. Enforcement of rights with respect to certain Federal agencies.
4326. Conduct of investigation; subpoenas.
4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

4331. Regulations.
4332. Reports.
4333. Outreach.
4334. Notice of rights and duties.
4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.

CODIFICATION

This chapter was originally added by Pub. L. 93-508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1594, and amended by Pub. L. 94-286, May 14, 1976, 90 Stat. 517; Pub. L. 94-502, Oct. 15, 1976, 90 Stat. 2383; Pub. L. 96-466, Oct. 17, 1980, 94 Stat. 2171; Pub. L. 97-295, Oct. 12, 1982, 96 Stat. 1287; Pub. L. 98-620, Nov. 8, 1984, 98 Stat. 3335; Pub. L. 99-576, Oct. 28, 1986, 100 Stat. 3248; Pub. L. 102-12, Mar. 18, 1991, 105 Stat. 34; Pub. L. 102-25, Apr. 6, 1991, 105 Stat. 75; Pub. L. 102-568, Oct. 29, 1992, 106 Stat. 4320. This chapter is shown here, however, as having been added by Pub. L. 103-353, § 2(a), Oct. 13, 1994, 108 Stat. 3150, without reference to those intervening amendments because of the general amendment of this chapter by Pub. L. 103-353.

A prior chapter 43 "Mustering-Out Payments", Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1222, 1223, consisted of sections 2101 to 2105, prior to repeal by Pub. L. 89-50, § 1(a), June 24, 1965, 79 Stat. 173.

AMENDMENTS

2008—Pub. L. 110-389, title III, §§ 311(f)(2), 313(b), Oct. 10, 2008, 122 Stat. 4164, 4167, added items 4327 and 4335.

2004—Pub. L. 108-454, title II, § 203(b), Dec. 10, 2004, 118 Stat. 3606, added item 4334.

1998—Pub. L. 105-368, title II, § 212(b)(2), Nov. 11, 1998, 112 Stat. 3331, added item 4319.

SUBCHAPTER I—GENERAL

§ 4301. Purposes; sense of Congress

(a) The purposes of this chapter are—

(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(3) to prohibit discrimination against persons because of their service in the uniformed services.

(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

(Added Pub. L. 103-353, § 2(a), Oct. 13, 1994, 108 Stat. 3150; amended Pub. L. 104-275, title III, § 311(1), Oct. 9, 1996, 110 Stat. 3333.)

PRIOR PROVISIONS

A prior section 4301, added Pub. L. 93-508, title IV, § 404(a), Dec. 3, 1974, 88 Stat. 1594, § 2021; amended Pub. L. 94-502, title VI, § 608(1), (2), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 99-576, title III, § 331, Oct. 28, 1986, 100 Stat. 3279; Pub. L. 102-12, § 5(a), Mar. 18, 1991, 105 Stat. 36; Pub. L. 102-25, title III, § 340(a), Apr. 6, 1991, 105 Stat. 92; renumbered § 4301, Pub. L. 102-568, title V, § 506(a), Oct. 29, 1992, 106 Stat. 4340, related to reemployment rights of persons inducted into the Armed Forces of the United States and benefits protected, prior to the general amendment of this chapter by Pub. L. 103-353. This section, as in effect on the day before Oct. 13, 1994, continues to apply to reemployments initiated before the end of the 60-day period beginning Oct. 13, 1994, see section 8 of Pub. L. 103-353, as amended, set out as an Effective Date note below.

Another prior section 4301 was renumbered section 7601 of this title.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-275 struck out "under honorable conditions" after "upon their completion of such service".

EFFECTIVE DATE OF 1996 AMENDMENT

Section 313 of Pub. L. 104-275 provided that:

"(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle [subtitle B (§§ 311-313) of title III of Pub. L. 104-275, amending this section, sections 4303, 4311 to 4313, 4316 to 4318, and 4322 to 4326 of this title, and provisions set out as a note below] shall take effect as of October 13, 1994.

"(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) [amending section 4312 of this title] shall take effect as of December 1, 1994."

EFFECTIVE DATE

Section 8 of Pub. L. 103-353, as amended by Pub. L. 104-275, title III, § 312, Oct. 9, 1996, 110 Stat. 3336, provided that:

"(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act [see Short Title of 1994 Amendment note set out under section 101 of this title], the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act [Oct. 13, 1994].

"(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

"(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned. Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enact-