

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3943  
OFFERED BY MR. TAKANO OF CALIFORNIA**

Add at the end the following new section:

1 **SEC. 4. 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 “—” after “‘rights and bene-  
8 fits’”;

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

12 (3) in such subparagraph (A), as so redesign-  
13 nated, by striking the period at the end and insert-  
14 ing “; and”; and

15 (4) by adding at the end the following new sub-  
16 paragraph:

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

1 (b) CLARIFICATION REGARDING RELATION TO  
2 OTHER LAW AND PLANS FOR AGREEMENTS.—Section  
3 4302 of such title is amended by adding at the end the  
4 following:

5 “(c)(1) Pursuant to this section and the procedural  
6 rights afforded by subchapter III of this chapter, any  
7 agreement to arbitrate a claim under this chapter is unen-  
8 forceable, unless all parties consent to arbitration after a  
9 complaint on the specific claim has been filed in court or  
10 with the Merit Systems Protection Board and all parties  
11 knowingly and voluntarily consent to have that particular  
12 claim subjected to arbitration.

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

