

**TITLE 2 - THE CONGRESS**

**CHAPTER 24 - CONGRESSIONAL ACCOUNTABILITY**

**SUBCHAPTER II - EXTENSION OF RIGHTS AND PROTECTIONS**

**Part A - Employment Discrimination, Family and Medical Leave, Fair Labor Standards, Employee Polygraph Protection, Worker Adjustment and Retraining, Employment and Reemployment of Veterans, and Intimidation**

**§ 1316. Rights and protections relating to veterans' employment and reemployment**

**(a) Employment and reemployment rights of members of uniformed services**

**(1) In general**

It shall be unlawful for an employing office to—

- (A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;
- (B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or
- (C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

**(2) Definitions**

For purposes of this section—

- (A) the term “eligible employee” means a covered employee performing service in the uniformed services, within the meaning of section 4303 (13) of title 38, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38,
- (B) the term “covered employee” includes employees of the Government Accountability Office and the Library of Congress, and
- (C) the term “employing office” includes the Government Accountability Office and the Library of Congress.

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323 (c) of title 38.

**(c) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(d) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

**(2) Government Accountability Office and Library of Congress**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscp rint.html>).*

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 206, Jan. 23, 1995, 109 Stat. 12; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

### **Amendments**

2004—Subsec. (a)(2)(B), (C). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

Subsec. (d)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.