

LAW REVIEW 847-update

(October 2008)

1.1.1.7--Coverage of State and Local Governments

1.1.1.9--Coverage of Successors in Interest 1.4--USERRA Enforcement

1.5--USERRA Arbitration 1.6--USERRA Statute of Limitations

Proposed Servicemembers Access to Justice Act

By CAPT Samuel F. Wright, JAGC, USN (Ret.)

In Law Review 0847 (Oct. 2008), I addressed the need for and provisions of the proposed Servicemembers Access to Justice Act (SAJA). This was S. 3432 in the 110th Congress, introduced by Senator Robert Casey (Democrat of Pennsylvania), Senator Barack Obama (Democrat of Illinois), and Senator Edward Kennedy (Democrat of Massachusetts). S. 3432 was not enacted during the 110th Congress. On Jan. 15, 2009, Senators Casey and Kennedy reintroduced SAJA in the 111th Congress. The new bill number is S. 263.

The comments that I made in Law Review 0847 with respect to S. 3432 apply equally to S. 263 in the new Congress. The new bill also adds some excellent new provisions.

Section 7 of S. 263 would clarify that the Uniformed Services Employment and Reemployment Rights Act (USERRA) forbids discrimination against veterans and Reserve Component personnel with respect to salary or wages. Section 9 would require federal agencies to notify federal contractors of their USERRA obligations. Section 10 would clarify that USERRA preempts contracts, state laws, and other things that limit *procedural* as well as substantive USERRA rights. Section 11 would require the Government Accountability Office to study the effectiveness of government programs on USERRA outreach and education and report to Congress.

Readers: Please contact your United States Senators and ask them to support S. 263. Contact your United States Representatives and ask them to introduce and support similar legislation in the House of Representatives.