

Improve Uniformed Services Employment and Reemployment Rights Act
(USERRA and SCRA)
Resolution 25-26

WHEREAS, Congress enacted the Veterans Reemployment Act in 1940, as part of the Selective Training and Service Act; and

WHEREAS, Congress comprehensively updated the reemployment statute in 1994, and the current law is known as the Uniformed Services Employment and Reemployment Rights Act (USERRA); and

WHEREAS, USERRA has served our nation well, but the law requires constant updating to address new situations not anticipated by Congress and to fill loopholes in enforcement; and

WHEREAS, examples of these changes include those in Sections 221 and 222 of the *Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act*; and

WHEREAS, according to Department of Defense, more than one million reserve component service members have been called to active duty at least once (some multiple times) since the terrorist attacks of September 11, 2001, reinforcing that the reemployment statute is important and relevant, now more than ever;

NOW, THEREFORE, BE IT RESOLVED, that the Reserve Organization of America urges the Congress to enact legislation improving USERRA and its enforcement mechanisms, with such legislation to include, at a minimum:

- a. Amending USERRA to make it explicit that USERRA overrides contracts, collective bargaining agreements, state laws, and other matters that limit procedural as well as substantive USERRA rights or that impose additional prerequisites upon the exercise of USERRA rights (thus overriding agreements to submit future USERRA disputes to binding arbitration).
- b. Enhancing remedies and enforcement procedures, especially regarding the Federal Government as the civilian employer.

Renewed by the R&L Committee 13 March 2025

Renewed by the National Convention, 2 Oct 2022

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Adopted by ROA National Convention, 10 Feb 2010

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