

STATEMENT OF
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VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE
SUBCOMMITTEE ON BENEFITS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

H.R. 4017, *Soldiers' and Sailors' Civil Relief Equity Act* and
H.R. 5111, *Servicemembers' Civil Relief Act*

WASHINGTON, DC

JULY 24, 2002

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States (VFW) and our Ladies Auxiliary, I thank you for this opportunity to present our views on these two important bills—H.R. 4017, *Soldiers' and Sailors' Civil Relief Equity Act* and H.R. 5111, *Servicemembers' Civil Relief Act*.

H.R. 4017
Soldiers' and Sailors' Civil Relief Equity Act

The main thrust of this bill is to amend the *Soldiers' and Sailors' Civil Relief Act of 1940* (SSCRA), to treat as military service certain National Guard duty when called to active service under Title 32, U.S.C., for a period of 30 or more consecutive days.

Although this category of guardsmen receives some federal benefits, they do not presently enjoy the full protection of the SSCRA as does the National Guard personnel called to active duty under Title 10, U.S.C. A case in point is "Operation Noble Eagle" wherein Guard personnel are called to active duty to provide security for commercial airports under the more limited conditions of Title 32, U.S.C., that is titled "National Guard" rather than Title 10, U.S.C., that is titled "Armed Forces".

H.R. 4017 would ensure equitable protection for all members of the National Guard when called to active duty for a contingency operation authorized by the President or the Secretary of Defense under Title 32, U.S.C. Therefore, the VFW is pleased to offer its full support to this important piece of legislation.

H.R. 5111
Servicemembers' Civil Relief Act

The VFW strongly supports the intent of this legislation to restate, clarify, and revise the SSCRA. We also acknowledge and appreciate the effort of the professional staff that went into updating this 62-year old law. We would take this opportunity to highlight certain sections of particular interest.

The major improvements backed by the VFW in Title II—*General Relief* would expand the temporary suspension of legal proceedings under certain circumstances and establish a 90-day automatic stay of legal proceedings based on military duty. Further, this 90-day suspension may be extended because of military necessity. Equally important is the clarification and reinforcement of the six percent (6%) interest rate cap.

The three enhancements in Title III—*Rent, Installment, Contracts, Mortgages, Liens, Assignments, and Leases* include: (1) increasing from \$1,200 to \$1,700 the monthly rent eviction protection; (2) allowing servicemembers to terminate housing leases based on a permanent change of station (PCS) or a deployment of 90 or more days, and; (3) adding leases under installment protection for contracts. We believe these changes to be necessary and timely.

Further, we support the two technical changes in Title IV—*Taxes and Public Lands*, that clarify tax protection on personal property to include property owned jointly with the servicemember's spouse; and adding a technical, but important, provision prohibiting state taxation of certain non-resident servicemembers.

The last item of note we approve of is the additional inclusion of the legal profession for suspension and subsequent reinstatement of existing liability insurance, as currently provided for in the medical profession under Title VII—*Further Relief*.

In summary, the VFW strongly supports both bills because they treat more equitably today's active duty personnel and more properly address the changes in our nation's current security requirements.

Mr. Chairman, this concludes the VFW's testimony. I will be happy to answer any questions you and the members of the subcommittee may have.