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TESTIMONY

of

RICHARD JONES
AMVETS NATIONAL LEGISLATIVE DIRECTOR

before the

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON BENEFITS
U.S. HOUSE OF REPRESENTATIVES

on

H.R. 5111, the SERVICEMEMBERS' CIVIL RELIEF ACT,
and
H.R. 4017, the SOLDIER'S AND SALIORS' CIVIL RELIEF
EQUITY ACT

Wednesday, July 24, 2002,
10:00 am, Room 334
Cannon House Office Building

A M V E T S

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to testify before the Benefits Subcommittee on the two bills subject to this legislative hearing. AMVETS is pleased to present our viewpoint regarding H.R. 5111, a bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, and H.R. 4017, a bill to amend the Soldiers' and Sailors' Civil relief Act of 1940 to treat as military service under that Act certain National Guard duty under the call to active service for a period of 30 consecutive days or more.

Mr. Chairman, AMVETS has been a leader since 1944 in helping to preserve the freedoms secured by America's Armed Forces. Today, our organization continues its proud tradition, providing, not only support for veterans and the active military in procuring their earned entitlements, but also an array of community services that enhance the quality of life for this nation's citizens.

The Soldier's and Sailor's Civil Relief Act was enacted by Congress in 1940 to protect individuals called to active duty. It is intended in large part to promote the national defense by suspending enforcement of civil liabilities of service members to enable them to devote their entire energies to freedom's defense. For example, the act provides for forbearance and reduced interest on certain obligations incurred prior to service and restricts default judgments against service members and rental evictions of service members and their dependents.

No one must doubt the worry and concern of Reservists or National Guard when they are called to active duty. They wonder about their jobs and whether their employment will still be

available when they return to civilian life. They have questions about losing seniority, health insurance, and other benefits because of their absence while serving their country. Current law provides the assurances our men and women in uniform require. They are entitled under Veterans Readjustment Rights to return to their jobs after honorable release from service if they apply within 90 days of separation. They are also currently entitled to be treated, for purposes of seniority, as though they never left their employment.

One area overlooked was the case of a member of the National Guard called to service under the direction of the President or Secretary of Defense. H.R. 4017 would, under certain conditions, correct this deficiency for members of the Guard. It would pull members of the Guard under protection of the Soldier's and Sailor's Civil Relief Act and thereby include them under the provisions contemplated in H.R. 5111, the Servicemembers' Civil Relief Act. Clearly, this type of action is appropriate and timely. When an individual is called into Guard duty, his earning may be reduced by a considerable amount and, as a result, the individual may not be able to meet his car, mortgage, or personal loan payments.

Take for example a member of the Guard or Reserves making \$55,000 a year, with a wife and two children. When called to active duty his salary can be reduced up to 50 percent. How is he going to continue to pay rent and support his family while on active duty?

The answer is simple: He can't, not without the protections provided under this Act and the update provided in the legislation before the panel today. H.R. 5111 would adjust the rental cap on eviction protection. Under current law, this protection applies only in cases in which the

monthly rent is not more than \$1,200. H.R. 5111 lifts this cap to rents not exceeding \$1,700, a more generous protection. Considering the rent paid even by a family of three or four for standard-quality rental housing, especially in high cost areas, the current ceiling is unrealistically low.

AMVETS supports these measures. We call on members of Congress who recognize the potential for Reservists and Guard financial hardship to move this measure forward expeditiously. We need to ensure that civil protections for members of the Reserves and Guard reflect current economic realities, and we need, as well, to send a clear message that the difficult work of these individuals is not taken for granted or gone unnoticed.

H.R. 5111, the Servicemembers' Civil Relief Act:

This legislative seeks to restate, clarify, and revise the Soldiers' and Sailors' Relief Act (SSCRA) of 1940. Specifically, H.R. 5111, increases protection afforded our servicemembers in the areas of housing, finances, insurance, contracts, taxes, and residency.

In this time of war, when our nation has sent its fighting men and women to distant lands, the changes incumbent in H.R. 5111 are needed as recognition of the changing responsibilities of the modern world.

Of particular importance to AMVETS are the changes brought about by Title VII, pertaining to medical insurance and voting rights. Health insurance is something that is important in the lives

of all Americans, especially our servicemembers and their families. By ensuring our servicemembers that their coverage will be reinstated when their service is concluded, we give our servicemembers the peace of mind that serving our nation will not cause them undue hardship upon release from active duty.

Further, as servicemembers are called upon to defend our rights and freedoms, including the right to vote, our nation should ensure that their right to vote is protected as well. Merely answering your nation's call should not disqualify you from voting in the residency of your choice. H.R. 5111 would allow our servicemembers a secure voice in the nation they defend.

H.R. 4017, the Soldiers' and Sailors' Civil Relief Act:

Mr. Chairman, as the scope and role of our National Guard personnel has changed, so must the laws that govern their service. As H.R. 4017 would bring all members of the National Guard covered by its provisions under the protections of H.R. 5111, AMVETS believes all comments afforded H.R. 5111 apply to H.R. 4017, and we offer our full support to both pieces of legislation.

AMVETS sincerely appreciates the opportunity to appear before you today, and we, again, thank you for your vigilance in improving benefits and services to veterans and their families.