

LAW REVIEW 15115¹
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(Conversion Chart Appended)

The Servicemembers Civil Relief Act Has Moved

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

4.0—SCRA and SSCRA generally

As is explained in Law Review 116³ and other articles, Congress enacted the Servicemembers Civil Relief Act (SCRA) and President George W. Bush signed it into law on December 19, 2003. The SCRA is a long-overdue rewrite of the Soldiers' and Sailors' Civil Relief Act (SSCRA), which was originally enacted in 1917, shortly after the United States entered World War I.

Like the SSCRA before it, the SCRA has been codified in the "Appendix" of title 50 of the United States Code. This "Appendix" terminology is confusing, and no other title of the United States Code has an appendix. This "Appendix" has always been just as much a part of the United States Code as any other part.

¹ We invite the reader's attention to www.servicemembers-lawcenter.org. You will find more than 1,400 "Law Review" articles about laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997.

² Captain Wright is the author or co-author of more than 1,200 of the more than 1,400 "Law Review" articles available at www.servicemembers-lawcenter.org. He has been dealing with the federal reemployment statute for 33 years and has made it the focus of his legal career. He developed the interest and expertise in this law during the decade (1982-92) that he worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), he largely drafted the interagency task force work product that President George H.W. Bush presented to Congress (as his proposal) in February 1991. On October 13, 1994, President Bill Clinton signed into law the Uniformed Services Employment and Reemployment Rights Act (USERRA), Public Law 103-353. The version that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. Wright has also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), and as an attorney in private practice, at Tully Rinckey PLLC. For the last six years (June 2009 through May 2015), he was the Director of ROA's Service Members Law Center (SMLC), as a full-time employee of ROA. In June 2015, he returned to Tully Rinckey PLLC, this time in an "of counsel" relationship. To schedule a consultation with Samuel F. Wright or another Tully Rinckey PLLC attorney concerning USERRA or other legal issues, please call Mr. Zachary Merriman of the firm's Client Relations Department at (518) 640-3538. Please mention Captain Wright when you call.

³ Law Review 116 was published in March 2004. It is by Colonel Mark E. Sullivan, USA (Ret.).

Recently, the compilers of the United States Code eliminated the Appendix. The SCRA is now codified at sections 3901 and following in title 50.

Colonel John S. Odom, Jr. has provided the following chart showing the former section number of each SCRA section in the "Appendix" of title 50 of the United States Code and the new section number in title 50 itself. Colonel Odom is a retired Air Force Reserve judge advocate and a life member of ROA. He is an attorney in Louisiana and the nation's foremost expert on the SCRA.

**CONVERSION CHART FOR THE
SERVICEMEMBERS CIVIL RELIEF ACT**

PREVIOUSLY CODIFIED AND CITED AS 50 U.S.C. APP. §§501-597b

EFFECTIVE 1 DEC 2015, THE SCRA IS NOW CODIFIED
IN THE U.S. CODE AS 50 U.S.C. §§3901 - 4043

Old Cite 50 U.S.C. <u>App.</u>	New Cite 50 U.S.C.	
§501	§3901	Short title; table of contents
§502	§3902	Purpose

TITLE I – GENERAL PROVISIONS

§511	§3911	Definitions
§512	§3912	Jurisdiction and applicability of Act
§513	§3913	Protection of persons secondarily liable
§514	§3914	Extension of protections to citizens serving with allied forces
§515	§3915	Notification of benefits
§515a	§3916	Information for members of the Armed Forces and their dependents on rights and protections of the Servicemembers Civil Relief Act
§516	§3917	Extension of rights and protections to Reserves ordered to report for military service and to persons ordered to report for induction
§517	§3918	Waiver of rights pursuant to written agreement
§518	§3919	Exercise of rights under Act not to affect certain future financial transactions
§519	§3920	Legal representatives

TITLE II – GENERAL RELIEF

§521	§3931	Protection of servicemembers against default judgments
§522	§3932	Stay of proceedings when servicemember has notice
§523	§3933	Fines and penalties under contracts
§524	§3934	Stay or vacation of execution of judgments, attachments, and garnishments
§525	§3935	Duration and term of stays; codefendants not in service.
§526	§3936	Statute of limitations
§527	§3937	Maximum rate of interest on debts incurred before military service
§528	§3938	Child custody protection

**TITLE III – RENT, INSTALLMENT CONTRACTS,
MORTGAGES, LIENS, ASSIGNMENT, LEASES**

§531	§3951	Evictions and distress
§532	§3952	Protection under installment contracts for purchase or lease

Old Cite	New Cite	
50 U.S.C.	50 U.S.C.	
<u>App.</u>		
§533	§3953	Mortgages and trust deeds
§534	§3954	Settlement of stayed cases relating to personal property
§535	§3955	Termination of residential or motor vehicle leases
§535a	§3956	Termination of telephone service contracts
§536	§3957	Protection of life insurance policy
§537	§3958	Enforcement of storage liens
§538	§3959	Extension of protections to dependents

TITLE IV – LIFE INSURANCE

§541	§3971	Definitions
§542	§3972	Insurance rights and protections
§543	§3973	Application for insurance protection
§544	§3974	Policies entitled to protection and lapse of policies.
§545	§3975	Policy restrictions
§546	§3976	Deduction of unpaid premiums
§547	§3977	Premiums and interest guaranteed by United States.
§548	§3978	Regulations
§549	§3979	Review of findings of fact and conclusions of law

TITLE V – TAXES AND PUBLIC LANDS

§561	§3991	Taxes respecting personal property, money, credits, and real property
§562	§3992	Rights in public lands
§563	§3993	Desert-land entries
§564	§3994	Mining claims
§565	§3995	Mineral permits and leases
§566	§3996	Perfection or defense of rights
§567	§3997	Distribution of information concerning benefits of title
§568	§3998	Land rights of servicemembers
§569	§3999	Regulations
§570	§4000	Income taxes
§571	§4001	Residence for tax purposes

TITLE VI – ADMINISTRATIVE REMEDIES

§581	§4011	Inappropriate use of Act
§582	§4012	Certificates of service; persons reported missing
§583	§4013	Interlocutory orders

TITLE VII – FURTHER RELIEF

§591	§4021	Anticipatory relief
§592	§4022	Power of attorney

Old Cite 50 U.S.C. <u>App.</u>	New Cite <u>50 U.S.C.</u>	
§593	§4023	Professional liability protection
§594	§4024	Health insurance reinstatement
§595	§4025	Guarantee of residency for military personnel and spouses of military personnel
§596	§4026	Business or trade obligations

TITLE VIII – CIVIL LIABILITY

§597	§4041	Enforcement by the Attorney General
§597a	§4042	Private right of action
§597b	§4043	Preservation of remedies