

Miller and Jones Introduce Legislation to Protect Members of the U.S. Armed Forces Here at Home

Washington, D.C. - **Rep. Brad Miller (NC-13)** and **Rep. Walter Jones (NC-3)** today introduced the bipartisan *Servicemembers' Rights Protection Act* which would ensure legal protection for military members whose assignments abroad hinder them from meeting financial obligations at home. Ser

"Our military men and women should not have to worry about whether their residences will be foreclosed on, or whether their families will be evicted from their homes while serving their country overseas," said Rep. Miller. "A right that cannot be enforced is no right at all. The SCRA must have real teeth or it's meaningless."

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In 2003 Congress passed the *Servicemembers Civil Relief Act (SCRA)* to provide protections for servicemembers when their military service prevents them from meeting financial obligations taken on before their entry into active duty.

The Act temporarily suspends certain judicial and administrative proceedings and transactions that may harm legal rights during active duty.

While most courts have recognized the inherent right of individual servicemembers to bring suit against those who violate their rights under the SCRA, recent court rulings have thrown into question this assumed right of servicemembers to access the courts.

The Servicemembers' Rights Protection Act is an effort to eliminate any ambiguity about the protections for servicemembers under the SCRA. □ It would authorize the Attorney General to file a civil action when reasonable belief exists that a person or group of persons has engaged in actions that violate the SCRA. □ It allows the military member or covered individuals the right to join the civil action commenced by the Attorney General. □ Most importantly, the legislation would amend the SCRA to clarify that those persons individually protected by the SCRA have their own private cause of action, regardless of any enforcement action taken by the Attorney General.

"I am proud to join Congressman Miller in introducing this legislation, which would protect members of the U.S. Armed Forces and their families against actions such as evictions or foreclosure while they are deployed in service to their country," said **Rep. Jones**. "By explicitly ensuring that our military men and women may assert a private cause of action to enforce their rights under the SCRA, this bill will protect our servicemembers' rights and give them greater peace of mind while they are deployed abroad."