

115TH CONGRESS  
1ST SESSION

# S. 646

To amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, to amend the Servicemembers Civil Relief Act to improve the protection of members of the uniformed services, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

Mr. BLUMENTHAL (for himself, Ms. HIRONO, Mr. FRANKEN, Mr. DURBIN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, to amend the Servicemembers Civil Relief Act to improve the protection of members of the uniformed services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Justice for Servicemembers and Veterans Act of 2017”.

1           (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—EMPLOYMENT AND REEMPLOYMENT RIGHTS

Sec. 101. Action for relief in enforcement of employment and reemployment rights of members of uniformed services with respect to a State or private employer.

Sec. 102. Waiver of sovereign immunity for enforcement of employment and reemployment rights of members of uniformed services.

Sec. 103. Venue for cases against private employers for violations of employment and reemployment rights of members of uniformed services.

Sec. 104. Standing in cases involving violations of employment and reemployment rights of members of uniformed services by States and private employers.

Sec. 105. Civil investigative demands by Attorney General in enforcement of employment and reemployment rights of members of uniformed services with respect to States and private employers.

Sec. 106. Treatment of disability discovered after employee entitled to reemployment by reason of uniformed service status resumes employment.

Sec. 107. Burden of identifying proper reemployment positions for employees entitled to reemployment by reason of uniformed service status.

Sec. 108. Clarifications regarding scope of employment and reemployment rights of members of the uniformed services.

#### TITLE II—CIVIL RELIEF

Sec. 201. Improved protection of members of uniformed services against default judgments.

Sec. 202. Authority for issuance and service of civil investigative demands by Attorney General.

Sec. 203. Oral notice sufficient to invoke interest rate cap.

Sec. 204. Harmonization of sections.

Sec. 205. Expansion of protection for termination of residential and motor vehicle leases.

Sec. 206. Portability of professional licenses of members of the uniformed services and their spouses.

1           **TITLE I—EMPLOYMENT AND**  
2           **REEMPLOYMENT RIGHTS**

3   **SEC. 101. ACTION FOR RELIEF IN ENFORCEMENT OF EM-**  
4                   **PLOYMENT AND REEMPLOYMENT RIGHTS OF**  
5                   **MEMBERS OF UNIFORMED SERVICES WITH**  
6                   **RESPECT TO A STATE OR PRIVATE EM-**  
7                   **PLOYER.**

8           (a) INITIATION OF ACTIONS.—Paragraph (1) of sub-  
9 section (a) of section 4323 of title 38, United States Code,  
10 is amended by striking the third sentence and inserting  
11 the following new sentences: “If the Attorney General is  
12 reasonably satisfied that the person on whose behalf the  
13 complaint is referred is entitled to the rights or benefits  
14 sought, the Attorney General may commence an action for  
15 relief under this chapter, including on behalf of the person.  
16 The person on whose behalf the complaint is referred may,  
17 upon timely application, intervene in such action and may  
18 obtain such appropriate relief as provided in subsections  
19 (d) and (e).”.

20           (b) ATTORNEY GENERAL NOTICE TO SERVICEMEM-  
21 BER OF DECISION.—Paragraph (2) of such subsection is  
22 amended to read as follows:

23           “(2)(A) Not later than 60 days after the date the  
24 Attorney General receives a referral under paragraph (1),

1 the Attorney General shall transmit, in writing, to the per-  
2 son on whose behalf the complaint is submitted—

3 “(i) if the Attorney General has made a deci-  
4 sion about whether the United States will commence  
5 an action for relief under paragraph (1) relating to  
6 the complaint of the person, notice of the decision;  
7 and

8 “(ii) if the Attorney General has not made such  
9 a decision, notice of when the Attorney General ex-  
10 pects to make such a decision.

11 “(B) If the Attorney General notifies a person of  
12 when the Attorney General expects to make a decision  
13 under subparagraph (A)(ii), the Attorney General shall,  
14 not later than 30 days after the date on which the Attor-  
15 ney General makes such decision, notify, in writing, the  
16 person of such decision.”.

17 (c) PATTERN OR PRACTICE CASES.—Such subsection  
18 is further amended—

19 (1) by redesignating paragraph (3) as para-  
20 graph (4); and

21 (2) by inserting after paragraph (2) (as amend-  
22 ed by paragraph (2) of this subsection) the following  
23 new paragraph (3):

24 “(3) Whenever the Attorney General has reasonable  
25 cause to believe that a State (as an employer) or a private

1 employer is engaged in a pattern or practice of resistance  
 2 to the full enjoyment of any of the rights or benefits se-  
 3 cured by this chapter, the Attorney General may com-  
 4 mence an action under this chapter.”.

5 (d) ACTIONS BY PRIVATE PERSONS.—Subparagraph  
 6 (C) of paragraph (4) of such subsection, as redesignated  
 7 by paragraph (3)(A), is amended by striking “refused”  
 8 and all that follows and inserting “notified by the Attorney  
 9 General that the Attorney General does not intend to  
 10 bring a civil action.”.

11 (e) CONFORMING AMENDMENT.—Subsection (h)(2)  
 12 of such section is amended by striking “subsection (a)(2)”  
 13 and inserting “subsection (a)(1) or subsection (a)(4)”.

14 **SEC. 102. WAIVER OF SOVEREIGN IMMUNITY FOR EN-**  
 15 **FORCEMENT OF EMPLOYMENT AND REEM-**  
 16 **PLOYMENT RIGHTS OF MEMBERS OF UNI-**  
 17 **FORMED SERVICES.**

18 (a) IN GENERAL.—Paragraph (2) of section 4323(b)  
 19 of title 38, United States Code, is amended to read as  
 20 follows:

21 “(2)(A) In the case of an action against a State (as  
 22 an employer), any instrumentality of a State, or any offi-  
 23 cer or employee of a State or instrumentality of a State  
 24 acting in that officer or employee’s official capacity, by  
 25 any person, the action may be brought in the appropriate

1 district court of the United States or in a State court of  
2 competent jurisdiction, and the State, instrumentality of  
3 the State, or officer or employee of the State or instrumen-  
4 tality acting in that officer or employee's official capacity  
5 shall not be immune under the Eleventh Amendment of  
6 the Constitution, or under any other doctrine of sovereign  
7 immunity, from such action.

8       “(B)(i) No State, instrumentality of such State, or  
9 officer or employee of such State or instrumentality of  
10 such State, acting in that officer or employee's official ca-  
11 pacity, that receives or uses Federal financial assistance  
12 for a program or activity shall be immune, under the Elev-  
13 enth Amendment of the Constitution or under any other  
14 doctrine of sovereign immunity, from suit in Federal or  
15 State court by any person for any violation under this  
16 chapter related to such program or activity.

17       “(ii) In an action against a State brought pursuant  
18 to subsection (a), a court may award the remedies (includ-  
19 ing remedies both at law and in equity) that are available  
20 under subsections (d) and (e).”.

21       (b) MODIFICATION OF PURPOSES.—Section 4301(a)  
22 of such title is amended, in the matter before paragraph  
23 (1), by striking “The” and inserting “Pursuant to the  
24 power of Congress to enact this chapter under section 8  
25 of article I of the Constitution of the United States, the”.

1 **SEC. 103. VENUE FOR CASES AGAINST PRIVATE EMPLOY-**  
 2 **ERS FOR VIOLATIONS OF EMPLOYMENT AND**  
 3 **REEMPLOYMENT RIGHTS OF MEMBERS OF**  
 4 **UNIFORMED SERVICES.**

5 Section 4323(c)(2) of title 38, United States Code,  
 6 is amended by striking “United States district court for  
 7 any district in which the private employer of the person  
 8 maintains a place of business.” and inserting “United  
 9 States district court for—

10 “(A) any district in which the employer main-  
 11 tains a place of business;

12 “(B) any district in which a substantial part of  
 13 the events or omissions giving rise to the claim oc-  
 14 curred; or

15 “(C) if there is no district in which an action  
 16 may otherwise be brought as provided in subpara-  
 17 graph (A) or (B), any district in which the employer  
 18 is subject to the court’s personal jurisdiction with re-  
 19 spect to such action.”.

20 **SEC. 104. STANDING IN CASES INVOLVING VIOLATIONS OF**  
 21 **EMPLOYMENT AND REEMPLOYMENT RIGHTS**  
 22 **OF MEMBERS OF UNIFORMED SERVICES BY**  
 23 **STATES AND PRIVATE EMPLOYERS.**

24 Section 4323(f) of title 38, United States Code, is  
 25 amended—

1           (1) by inserting “by the United States or” after  
2           “may be initiated only”; and

3           (2) by striking “or by the United States under  
4           subsection (a)(1)”.

5 **SEC. 105. CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY**  
6                   **GENERAL IN ENFORCEMENT OF EMPLOY-**  
7                   **MENT AND REEMPLOYMENT RIGHTS OF MEM-**  
8                   **BERS OF UNIFORMED SERVICES WITH RE-**  
9                   **SPECT TO STATES AND PRIVATE EMPLOYERS.**

10          Section 4323 of title 38, United States Code, is  
11 amended—

12           (1) by redesignating subsection (i) as subsection  
13           (j); and

14           (2) by inserting after subsection (h) the fol-  
15           lowing new subsection (i):

16          “(i) **ISSUANCE AND SERVICE OF CIVIL INVESTIGA-**  
17 **TIVE DEMANDS BY ATTORNEY GENERAL.**—(1) Whenever  
18 the Attorney General has reason to believe that any person  
19 may be in possession, custody, or control of any documen-  
20 tary material relevant to an investigation under this chap-  
21 ter, the Attorney General may, before commencing a civil  
22 action under subsection (a), issue in writing and cause to  
23 be served upon such person, a civil investigative demand  
24 requiring—

1           “(A) the production of such documentary mate-  
2           rial for inspection and copying;

3           “(B) that the custodian of such documentary  
4           material answer in writing written questions with re-  
5           spect to such documentary material; or

6           “(C) the production of any combination of such  
7           documentary material or answers.

8           “(2) The provisions governing the authority to issue,  
9           use, and enforce civil investigative demands under section  
10          3733 of title 31 (known as the ‘False Claims Act’) shall  
11          govern the authority to issue, use, and enforce civil inves-  
12          tigative demands under paragraph (1), except that for  
13          purposes of that paragraph—

14           “(A) a reference in that section to false claims  
15           law investigators or investigations shall be applied as  
16           referring to investigators or investigations under this  
17           chapter;

18           “(B) a reference to interrogatories shall be ap-  
19           plied as referring to written questions, and answers  
20           to such need not be under oath;

21           “(C) the statutory definitions for purposes of  
22           that section relating to ‘false claims law’ shall not  
23           apply; and

24           “(D) provisions of that section relating to qui  
25           tam relators shall not apply.”.

1 **SEC. 106. TREATMENT OF DISABILITY DISCOVERED AFTER**  
 2 **EMPLOYEE ENTITLED TO REEMPLOYMENT**  
 3 **BY REASON OF UNIFORMED SERVICE STATUS**  
 4 **RESUMES EMPLOYMENT.**

5 Section 4313(a)(3) of title 38, United States Code,  
 6 is amended, in the matter before subparagraph (A), by  
 7 inserting “including a disability that is brought to the em-  
 8 ployer’s attention within 5 years after the person resumes  
 9 employment,” after “during, such service,”.

10 **SEC. 107. BURDEN OF IDENTIFYING PROPER REEMPLOY-**  
 11 **MENT POSITIONS FOR EMPLOYEES ENTITLED**  
 12 **TO REEMPLOYMENT BY REASON OF UNI-**  
 13 **FORMED SERVICE STATUS.**

14 Section 4313 of title 38, United States Code, is  
 15 amended by adding at the end the following new sub-  
 16 section:

17 “(c) For purposes of this section, the employer shall  
 18 have the burden of identifying the appropriate reemploy-  
 19 ment positions.”.

20 **SEC. 108. CLARIFICATIONS REGARDING SCOPE OF EMPLOY-**  
 21 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**  
 22 **BERS OF THE UNIFORMED SERVICES.**

23 (a) CLARIFICATION REGARDING DEFINITION OF  
 24 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,  
 25 United States Code, is amended—

26 (1) by inserting “(A)” before “The term”; and

1           (2) by adding at the end the following new sub-  
2 paragraph:

3           “(B) Any procedural protections or provisions  
4 set forth in this chapter shall also be considered a  
5 right or benefit subject to the protection of this  
6 chapter.”.

7           (b) CLARIFICATION REGARDING RELATION TO  
8 OTHER LAW AND PLANS FOR AGREEMENTS.—Section  
9 4302 of such title is amended by adding at the end the  
10 following:

11          “(c)(1) Pursuant to this section and the procedural  
12 rights afforded by subchapter III of this chapter, any  
13 agreement to arbitrate a claim under this chapter is unen-  
14 forceable, unless all parties consent to arbitration after a  
15 complaint on the specific claim has been filed in court or  
16 with the Merit Systems Protection Board and all parties  
17 knowingly and voluntarily consent to have that particular  
18 claim subjected to arbitration.

19          “(2) For purposes of this subsection, consent shall  
20 not be considered voluntary when a person is required to  
21 agree to arbitrate an action, complaint, or claim alleging  
22 a violation of this chapter as a condition of future or con-  
23 tinued employment, advancement in employment, or re-  
24 ceipt of any right or benefit of employment.”.

**TITLE II—CIVIL RELIEF****SEC. 201. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.**

(a) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(b)) is amended to read as follows:

“(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—

“(A) IN GENERAL.—If in an action covered by this section it appears that the defendant is in military service, the court shall not enter a judgment until after the court appoints an attorney to represent the defendant.

“(B) ACTIONS OF ATTORNEY.—

“(i) IN GENERAL.—The court appointed attorney shall act only in the best interests of the defendant.

“(ii) REQUEST FOR STAY OF PROCEEDINGS.—The court appointed attorney, when appropriate to represent the best interests of the defendant, shall request a stay of proceedings under this Act.

1           “(iii) FAITHFUL PERFORMANCE.—The  
2 court shall require the court appointed at-  
3 torney to perform duties faithfully and,  
4 upon failure to do so, shall discharge the  
5 attorney and appoint another.

6           “(C) LOCATION.—

7           “(i) IN GENERAL.—The court ap-  
8 pointed attorney shall use due diligence to  
9 locate and contact the defendant.

10           “(ii) PROVISION OF CONTACT INFOR-  
11 MATION.—The plaintiff must provide to  
12 the court appointed attorney all contact in-  
13 formation it has for the defendant.

14           “(iii) REPORT ON EFFORTS TO LO-  
15 CATE.—A court appointed attorney unable  
16 to make contact with the defendant shall  
17 report to the court on all of the attorney’s  
18 efforts to make contact.

19           “(iv) IMPLICATIONS OF FAILURE TO  
20 LOCATE.—If an attorney appointed under  
21 this section to represent a defendant in  
22 military service cannot locate the defend-  
23 ant, actions by the attorney in the case  
24 shall not waive any defense of the service-

1 member or otherwise bind the servicemem-  
2 ber.

3 “(D) NOTIFICATION AND ASSERTION OF  
4 RIGHTS.—

5 “(i) NOTIFICATION OF RIGHTS.—  
6 Upon making contact with the defendant,  
7 the court appointed attorney shall advise  
8 the defendant of the nature of the lawsuit  
9 and the defendant’s rights provided by this  
10 Act, including rights to obtain a stay and  
11 to request the court to adjust an obliga-  
12 tion.

13 “(ii) ASSERTION OF RIGHTS.—Re-  
14 gardless of whether contact is made under  
15 clause (i), the court appointed attorney  
16 shall assert such rights on behalf of de-  
17 fendant if there is an adequate basis in law  
18 and fact, unless the defendant provides in-  
19 formed consent to not assert such rights.”.

20 (b) EXPANSION OF AUTHORITY FOR COURT TO VA-  
21 CATE OR SET ASIDE JUDGMENT.—Paragraph (1) of sec-  
22 tion 201(g) of the Servicemembers Civil Relief Act (50  
23 U.S.C. 3931(g)) is amended by striking subparagraphs  
24 (A) and (B) and inserting the following new subpara-  
25 graphs (A) and (B):

1           “(A)(i) the servicemember was materially  
2 affected by reason of that military service in  
3 making a defense to the action; and

4           “(ii) the servicemember has a meritorious  
5 or legal defense to the action or some part of  
6 it; or

7           “(B) an attorney appointed to represent  
8 the servicemember failed to adequately rep-  
9 resent the best interests of the defendant.”.

10 **SEC. 202. AUTHORITY FOR ISSUANCE AND SERVICE OF**  
11 **CIVIL INVESTIGATIVE DEMANDS BY ATTOR-**  
12 **NEY GENERAL.**

13       (a) IN GENERAL.—Section 801 of the  
14 Servicemembers Civil Relief Act (50 U.S.C. 4041) is  
15 amended by adding at the end the following new sub-  
16 section:

17       “(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-  
18 TIVE DEMANDS.—

19           “(1) IN GENERAL.—Whenever the Attorney  
20 General has reason to believe that any person may  
21 be in possession, custody, or control of any docu-  
22 mentary material relevant to an investigation under  
23 this Act, the Attorney General may, before com-  
24 mencing a civil action under subsection (a), issue in

1 writing and serve upon such person, a civil investiga-  
2 tive demand requiring—

3 “(A) the production of such documentary  
4 material for inspection and copying;

5 “(B) that the custodian of such documen-  
6 tary material answer in writing written ques-  
7 tions with respect to such documentary mate-  
8 rial; or

9 “(C) the production of any combination of  
10 such documentary material or answers.

11 “(2) PROCEDURES.—The provisions of section  
12 3733 of title 31, United States Code, governing the  
13 authority to issue, use, and enforce civil investigative  
14 demands shall apply with respect to the authority to  
15 issue, use, and enforce civil investigative demands  
16 under this section, except that, for purposes of ap-  
17 plying such section 3733—

18 “(A) references in that section to false  
19 claims law investigators or investigations shall  
20 be read as references to investigators or inves-  
21 tigators;

22 “(B) references in that section to interroga-  
23 tories shall be read as references to written  
24 questions, and answers to such need not be  
25 under oath;

1           “(C) the statutory definitions relating to  
2           ‘false claims law’ shall not apply; and

3           “(D) provisions relating to qui tam rela-  
4           tors shall not apply.”.

5           (b) **RETROACTIVE APPLICABILITY.**—Section 801 of  
6 such Act (50 U.S.C. 4041), as amended by subsection (a),  
7 shall apply as if such section were included in the enact-  
8 ment of the Soldiers’ and Sailors’ Civil Relief Act of 1940  
9 (54 Stat. 1178, chapter 888) and included in the restate-  
10 ment of such Act in Public Law 108–189.

11 **SEC. 203. ORAL NOTICE SUFFICIENT TO INVOKE INTEREST**  
12 **RATE CAP.**

13           Paragraphs (1) and (2) of section 207(b) of the  
14 Servicemembers Civil Relief Act (50 U.S.C. 3937(b)) are  
15 amended to read as follows:

16           “(1) **NOTICE TO CREDITOR.**—

17           “(A) **IN GENERAL.**—In order for an obliga-  
18           tion or liability of a servicemember to be subject  
19           to the interest rate limitation in subsection (a),  
20           the servicemember shall provide to the creditor  
21           oral or written notice of military service and  
22           any further extension of military service, not  
23           later than 180 days after the date of the  
24           servicemember’s termination or release from  
25           military service.

1           “(B) RECORDS.—The creditor shall retain  
2 a record of the servicemember’s oral or written  
3 notification.

4           “(2) LIMITATION EFFECTIVE AS OF DATE OF  
5 ORDER TO ACTIVE DUTY.—

6           “(A) SEARCH OF RECORDS.—Upon receipt  
7 of oral or written notice of military service, the  
8 creditor shall conduct a search of Department  
9 of Defense records available through the De-  
10 partment of Defense Manpower Data Center.

11           “(B) MILITARY SERVICE CONFIRMED.—If  
12 military service is confirmed by a search under  
13 subparagraph (A), the creditor shall treat the  
14 debt in accordance with subsection (a), effective  
15 as of the date on which the servicemember is  
16 called to military service.

17           “(C) MILITARY SERVICE NOT CON-  
18 FIRMED.—If a search of Department of De-  
19 fense records under subparagraph (A) does not  
20 confirm military service, the creditor shall no-  
21 tify the servicemember and may require the  
22 servicemember to provide a copy of the  
23 servicemember’s military orders before treating  
24 the debt in accordance with subsection (a), ef-

1           fective as of the date on which the servicemem-  
2           ber is called to military service.”.

3 **SEC. 204. HARMONIZATION OF SECTIONS.**

4           (a) IN GENERAL.—Section 303 of the  
5 Servicemembers Civil Relief Act (50 U.S.C. 3953) is  
6 amended—

7           (1) in subsection (b), in the matter before para-  
8 graph (1), by striking “filed” and inserting “pend-  
9 ing”; and

10           (2) in subsection (c)(1), by striking “with a re-  
11 turn made and approved by the court”.

12           (b) REPEAL OF SUNSET.—Section 710(d) of the  
13 Honoring America’s Veterans and Caring for Camp  
14 Lejeune Families Act of 2012 (Public Law 112–154; 50  
15 U.S.C. 3953 note) is amended—

16           (1) by striking “EXTENSION OF SUNSET” and  
17 all that follows through “Subsection (c)” and insert-  
18 ing “ELIMINATION OF PRIOR SUNSET.—Subsection  
19 (c)”; and

20           (2) by striking paragraph (3).

21 **SEC. 205. EXPANSION OF PROTECTION FOR TERMINATION**  
22 **OF RESIDENTIAL AND MOTOR VEHICLE**  
23 **LEASES.**

24           (a) TERMINATION OF RESIDENTIAL LEASES.—

1           (1) IN GENERAL.—Section 305 of the  
2           Servicemembers Civil Relief Act (50 U.S.C. 3955) is  
3           amended—

4                   (A) in subsection (a)—

5                           (i) in paragraph (1)—

6                                   (I) in subparagraph (A), by strik-  
7                                   ing “or” at the end;

8                                   (II) in subparagraph (B), by  
9                                   striking the period at the end and in-  
10                                  serting “; or”; and

11                                  (III) by adding at the end the  
12                                  following new subparagraph:

13                                  “(C) in the case of a lease described in  
14                                  subparagraph (C) of subsection (b)(1), the date  
15                                  the lessee is assigned to or otherwise relocates  
16                                  to quarters or a housing facility as described in  
17                                  such subparagraph.”; and

18                                  (ii) in paragraph (2), by striking “de-  
19                                  pendent of the lessee” and inserting “co-  
20                                  lessee”; and

21                           (B) in subsection (b)(1)—

22                                   (i) in subparagraph (A), by striking  
23                                   “or” at the end;

24                                   (ii) in subparagraph (B)—

1 (I) by inserting “(as defined in  
2 the Joint Federal Travel Regulations,  
3 chapter 5, paragraph U5000B)” after  
4 “permanent change of station”; and

5 (II) by striking the period at the  
6 end and inserting “; or”; and

7 (iii) by adding at the end the fol-  
8 lowing new subparagraph:

9 “(C) the lease is executed by or on behalf  
10 of a person who thereafter and during the term  
11 of the lease is assigned to or otherwise relocates  
12 to quarters of the United States or a housing  
13 facility under the jurisdiction of a uniformed  
14 service (as defined in section 101 of title 37,  
15 United States Code), including housing pro-  
16 vided under the Military Housing Privatization  
17 Initiative.”.

18 (2) MANNER OF TERMINATION.—Subsection  
19 (c)(1) of such section is amended—

20 (A) in subparagraph (A)—

21 (i) by inserting “in the case of a lease  
22 described in subsection (b)(1) and sub-  
23 paragraph (A) or (B) of such subsection,”  
24 before “by delivery”; and

25 (ii) by striking “and” at the end;

1 (B) by redesignating subparagraph (B) as  
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A)  
4 the following new subparagraph (B):

5 “(B) in the case of a lease described in  
6 subparagraph (C) of subsection (b)(1), by deliv-  
7 ery by the lessee of written notice of such ter-  
8 mination, and a letter from the servicemember’s  
9 commanding officer indicating that the service-  
10 member has been assigned to or is otherwise re-  
11 locating to quarters of the United States or a  
12 housing facility under the jurisdiction of a uni-  
13 formed service (as defined in section 101 of  
14 title 37, United States Code), to the lessor (or  
15 the lessor’s grantee), or to the lessor’s agent (or  
16 the agent’s grantee); and”.

17 (b) WAIVER IMPERMISSIBLE.—Such section is fur-  
18 ther amended by adding at the end the following new sub-  
19 section:

20 “(i) WAIVER NOT PERMITTED.—The provisions of  
21 this section may not be waived or modified by the agree-  
22 ment of the parties under any circumstances.”.

1 **SEC. 206. PORTABILITY OF PROFESSIONAL LICENSES OF**  
2 **MEMBERS OF THE UNIFORMED SERVICES**  
3 **AND THEIR SPOUSES.**

4 (a) IN GENERAL.—Title VII of the Servicemembers  
5 Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by  
6 inserting after section 705 (50 U.S.C. 4025) the following  
7 new section:

8 **“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF**  
9 **SERVICEMEMBERS AND THEIR SPOUSES.**

10 “In any case in which a servicemember has a profes-  
11 sional license in good standing in a jurisdiction or the  
12 spouse of a servicemember has a professional license in  
13 good standing in a jurisdiction and such servicemember  
14 or spouse relocates his or her residency because of military  
15 orders to a location that is not in such jurisdiction, the  
16 professional license or certification of such servicemember  
17 or spouse shall be considered valid and in good standing  
18 in the jurisdiction of such new residency for the duration  
19 of such military orders if such servicemember or spouse—

20 “(1) provides a copy of such military orders to  
21 the licensing authority in the jurisdiction in which  
22 the new residency is located;

23 “(2) remains in good standing with the licens-  
24 ing authority that issued the license; and

25 “(3) submits to the authority of the licensing  
26 authority in the new jurisdiction for the purposes of

1 standards of practice, discipline, and fulfillment of  
2 any continuing education requirements.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is amended by inserting after  
5 the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their  
spouses.”.

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