

116TH CONGRESS
2D SESSION

S. 3854

To amend the Servicemembers Civil Relief Act to clarify the authority of servicemembers who incur a catastrophic injury or illness while in military service to terminate leases of premises and motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2020

Ms. WARREN (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to clarify the authority of servicemembers who incur a catastrophic injury or illness while in military service to terminate leases of premises and motor vehicles, 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.**

4 This Act may be cited as the “Leasing Relief for De-
5 pendants of Fallen Heroes and Injured Servicemembers
6 Act of 2020”.

1 **SEC. 2. CLARIFICATION OF TERMINATION OF LEASES OF**
2 **PREMISES AND MOTOR VEHICLES OF**
3 **SERVICEMEMBERS WHO INCUR CATA-**
4 **STROPHIC INJURY OR ILLNESS OR DIE**
5 **WHILE IN MILITARY SERVICE.**

6 (a) CATASTROPHIC INJURIES AND ILLNESSES.—
7 Paragraph (4) of section 305(a) of the Servicemembers
8 Civil Relief Act (50 U.S.C. 3955(a)), as added by section
9 545 of the National Defense Authorization Act for Fiscal
10 Year 2020 (Public Law 116–92), is amended to read as
11 follows:

12 “(4) CATASTROPHIC INJURY OR ILLNESS OF
13 LESSEE.—

14 “(A) TERMINATION.—If the lessee on a
15 lease described in subsection (b) incurs a cata-
16 strophic injury or illness during a period of
17 military service or while performing covered
18 service, during the one-year period beginning on
19 the date on which the lessee incurs such injury
20 or illness—

21 “(i) the lessee may terminate the
22 lease; or

23 “(ii) in the case of a lessee who lacks
24 the mental capacity to contract or to man-
25 age his or her own affairs (including dis-

1 bursement of funds without limitation) due
2 to such injury or illness—

3 “(I) in a case in which the lessee
4 has a spouse, the spouse may termi-
5 nate the lease;

6 “(II) in a case in which the les-
7 see does not have a spouse but does
8 have an adult dependent, the depend-
9 ent may terminate the lease;

10 “(III) in a case in which the les-
11 see does not have a spouse or an adult
12 dependent, a person who has been
13 granted a power of attorney by the
14 lessee may terminate the lease; or

15 “(IV) in any other case, such
16 other person as a court of competent
17 jurisdiction may appoint to manage
18 the affairs of the lessee may terminate
19 the lease.

20 “(B) DEFINITIONS.—In this paragraph:

21 “(i) CATASTROPHIC INJURY OR ILL-
22 NESS.—The term ‘catastrophic injury or
23 illness’ has the meaning given that term in
24 section 439(g) of title 37, United States
25 Code.

1 “(ii) COVERED SERVICE.—The term
2 ‘covered service’ means full-time National
3 Guard duty, active Guard and Reserve
4 duty, or inactive-duty training (as such
5 terms are defined in section 101(d) of title
6 10, United States Code).”.

7 (b) DEATHS.—Paragraph (3) of such section is
8 amended by striking “The spouse of the lessee” and in-
9 serting “The spouse or dependent of the lessee”.

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