

CONGRESS CLOSES LOOPHOLE IN THE SSCRA

Law Review 45 (June 2002) discussed the applicability of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Soldiers' and Sailors' Civil Relief Act (SSCRA) to National Guard members. The article explained that USERRA applies to state National Guard duty that meets the definition of "full-time National Guard duty." The article further explained that the SSCRA does not apply to state National Guard duty under any circumstances. This SSCRA loophole meant that the National Guard members serving at civilian airports in the months after 11 September 2001 were not entitled to SSCRA protections, like the 6% interest rate cap and the protection against default judgments in civil cases.

We are pleased to report that Congress closed this SSCRA loophole in November 2002, when it enacted the Veterans Benefits Act of 2002, Public Law 107-330. Section 305 of that Act amends 50 U.S.C. App. 511(1) to extend SSCRA coverage to a National Guard member serving under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.