

November 12, 2020

The Honorable Jerry Moran
Chairman
Senate Committee on Veterans Affairs
412 Russell Senate Office Building
Washington, DC 20515

The Honorable Jon Tester
Ranking Member
Senate Committee on Veterans Affairs
412 Russell Senate Office Building
Washington DC 20515

Re: Letter in Support of the Justice for Servicemembers Act, S.2459

Dear Chairman Moran and Ranking Member Tester;

We, the undersigned groups representing servicemembers and veterans, write in support of the Justice for Servicemembers Act, S.2459. This important legislation will empower servicemembers and their families against the un-American practice of forced arbitration, a much too common dispute process that strips our servicemembers of their afforded rights under the Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). Forced arbitration is a one-sided, non-transparent process in which servicemembers have very little chance at achieving a favorable outcome when their rights and protections set forth under these federal laws are violated.

In 1994, Congress passed USERRA, a bipartisan law that protects servicemembers from employment discrimination based on their military obligations. Unfortunately, due to the use of forced arbitration clauses in employment contracts, servicemembers are required to give up their USERRA rights in order to get or keep a job. Thus, when an employer violates USERRA, servicemembers have no ability to hold the employer publicly accountable.

The Servicemember Civil Relief Act (SCRA), a bi-partisan law enacted in 2003, was intended to provide financial and legal protections for active-duty servicemembers and their families. Servicemembers often face significant burdens that the civilian world does not, such as limited access to internet or banking services while deployed. These factors make our military personnel especially vulnerable to predatory lending schemes, unscrupulous financial practices and/or identity theft. In 2012, the GAO identified no fewer than 15,000 instances of financial institutions failing to properly reduce mortgage interest rates for servicemembers who qualified. In addition, the GAO determined that over 300 illegal foreclosures occur every year in violation of SCRA. The perpetrators of these illegal violations are not being held accountable as they simply hide behind forced arbitration clauses.

Servicemembers need their legal protections restored without delay, not another study to show what they already know-that forced arbitration hurts them and their families, and renders rights granted by SCRA and USERRA virtually meaningless. The Justice for Servicemembers Act would restore their ability to enforce USERRA and SCRA and hold wrongdoers accountable.

Members of the military fight to protect our rights, and we need to protect theirs. We urge Congress to pass the Justice for Servicemembers Act and protect these rights for America's servicemembers and veterans.

Sincerely,

Joseph R. Chenelly-National Executive Director
AMVETS

Bruce Wright-President
Air Force Association

Chris Slawinski-National Executive Director
Fleet Reserve Association

Jeremy Butler-CEO
Iraq and Afghanistan Veterans of America

Lt. Gen. Dana T. Atkins-President and CEO
Military Officers Association of America

Ernie Rivera-National Commander
Military Order of the Purple Heart, U.S.A.

Paul A. Kingsbury-President/National Commander
Non Commissioned Officers Association

Maj. Gen. Jeff Phillips (Ret.)- Executive Director
Reserve Organization of America

Jack Du Teil-Executive Director
U.S. Army Warrant Officers Association

Randy Reid-Executive Director
U.S. Coast Guard Chief Petty Officers Association and Enlisted Association

B.J. Lawrence-Executive Director
Veterans of Foreign Wars of the United States