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S. 2393, Foreclosure Relief and Extension for Servicemembers Act of 2015

FLOOR SITUATION

On Monday, March 21, 2016, the House will consider [S. 2393](#), the Foreclosure Relief and Extension for Servicemembers Act of 2015, under suspension of the rules. S. 2393 was introduced on December 10, 2015 by Sen. Sheldon Whitehouse (D-RI) and was passed by the Senate by Unanimous Consent on the same day.

SUMMARY

S. 2393 amends the *Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012* ([Pub.L. 112-154](#)) to extend through December 31, 2017 provisions which protect servicemembers for one year after their service, if they entered into a property transaction subject to a mortgage or similar security obligation prior to their service. Specifically, S. 2393:

- Prohibits the sale, foreclosure, or seizure of a servicemember's mortgaged property without a court order or a waiver from the servicemember; and
- Requires a court, upon application by a servicemember in an action to enforce a mortgage obligation, to either temporarily stay the proceedings or adjust the obligation to preserve the interest of all parties.

BACKGROUND

In 1940, Congress passed the *Soldiers' and Sailors' Civil Relief Act* (SSCRA) to provide protections and rights to individuals based on their service in the U.S. armed forces. The *Servicemembers Civil Relief Act* (SCRA; [Pub.L. 108 – 189](#)) as enacted in 2003 as a modernization and restatement of the protections and rights previously available to servicemembers under SSCRA. The SCRA provides protections for servicemembers in the event that their military service impedes their ability to meet financial obligations incurred before entry into active military service.¹

In 2012, the *Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012* ([Pub.L. 112-154](#)) amended SCRA to extend the timeframe from nine months to one year in which servicemembers are protected from the sale, foreclosure, or seizure of mortgaged property and any

¹ See CRS Report, "[The Servicemembers Civil Relief Act \(SCRA\): An Explanation](#)," January 16, 2016.

actions filed against them for an inability to comply with the terms of the mortgaged obligation. The Foreclosure Relief and Extension for Services Members Act of 2014 ([Pub. L. 113-286](#)), which passed the House by voice vote, extended this provision through December 31, 2015.

According to the bill sponsor, “Some of the men and women who’ve served our country need time to find their financial footing as they leave active service. They should get it. Our servicemembers keep us safe from all manner of threats around the globe. It’s the least we can do to keep them and their families safe from foreclosure as they transition back to civilian life.”²

COST

A Congressional Budget Office estimate is not available.

STAFF CONTACT

For questions or further information please contact [Molly Newell](#) with the House Republican Policy Committee by email or at 2-1374.

² See Sen. Whitehouse Press Release, “[Senate Approves Whitehouse Bill to Protect Servicemembers from Foreclosure](#),” Dec. 11, 2015.