

(e) Limitation on premium increases**(1) Premium protection**

The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

(2) Increases of general applicability not precluded

Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.

(Oct. 17, 1940, ch. 888, title VII, § 704, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2864; amended Pub. L. 109-233, title III, § 302, June 15, 2006, 120 Stat. 406.)

CODIFICATION

Section was formerly classified to section 594 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 704 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 107-107, div. A, title XVI, § 1603, Dec. 28, 2001, 115 Stat. 1276, related to guarantee of residency for military personnel, prior to the general amendment of this Act by Pub. L. 108-189. See section 4025 of this title.

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-233, § 302(b), substituted “in a case in which the” for “if the”.

Subsec. (e). Pub. L. 109-233, § 302(a), added subsec. (e).

§ 4025. Guarantee of residency for military personnel and spouses of military personnel**(a) In general**

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

(b) Spouses

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

(Oct. 17, 1940, ch. 888, title VII, § 705, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, § 2(a), Nov. 11, 2009, 123 Stat. 3007.)

CODIFICATION

Section was formerly classified to section 595 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-97, § 2(c), Nov. 11, 2009, 123 Stat. 3007, provided that: “Subsection (b) of section 705 of such Act [Servicemembers Civil Relief Act] (50 U.S.C. App. 595) [now 50 U.S.C. 4025], as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act [Nov. 11, 2009], regardless of the date of the military or naval order concerned.”

§ 4026. Business or trade obligations**(a) Availability of non-business assets to satisfy obligations**

If the trade or business (without regard to the form in which such trade or business is carried out) of a servicemember has an obligation or liability for which the servicemember is personally liable, the assets of the servicemember not held in connection with the trade or business may not be available for satisfaction of the obligation or liability during the servicemember's military service.

(b) Relief to obligors

Upon application to a court by the holder of an obligation or liability covered by this section, relief granted by this section to a servicemember may be modified as justice and equity require.

(Oct. 17, 1940, ch. 888, title VII, § 706, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2865.)

CODIFICATION

Section was formerly classified to section 596 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER VIII—CIVIL LIABILITY

§ 4041. Enforcement by the Attorney General**(a) Civil action**

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

(1) engages in a pattern or practice of violating this chapter; or

(2) engages in a violation of this chapter that raises an issue of significant public importance.

(b) Relief

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

(c) Intervention

Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 4042 of this title with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 801, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

CODIFICATION

Section was formerly classified to section 597 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4042. Private right of action

(a) In general

Any person aggrieved by a violation of this chapter may in a civil action—

(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

(2) recover all other appropriate relief, including monetary damages.

(b) Costs and attorney fees

The court may award to a person aggrieved by a violation of this chapter who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 802, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

CODIFICATION

Section was formerly classified to section 597a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4043. Preservation of remedies

Nothing in section 4041 or 4042 of this title shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.

(Oct. 17, 1940, ch. 888, title VIII, § 803, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

CODIFICATION

Section was formerly classified to section 597b of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

CHAPTER 51—WAR CLAIMS

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

Sec.	
4101.	Foreign Claims Settlement Commission of the United States.
4102.	Jurisdiction of Commission.
4103.	Claims of employees of contractors.
4104.	Internees.
4105.	Prisoners of war.
4106.	Religious organizations.
4107.	Reports to Congress.
4108.	Fee limitation for representing claimants; penalties.
4109.	Hearings on claims; finality of decision.
4110.	War Claims Fund.
4111.	Payments to certain members of religious orders.
4112.	United States citizens serving in allied forces.
4113.	Detention benefits to merchant seamen.
4114.	Philippines.

SUBCHAPTER II—TITLE II OF WAR CLAIMS ACT OF 1948

4131.	Definitions.
4132.	Claims authorized.
4133.	Transfers and assignments.
4134.	Nationality of claimants.
4135.	Claims of stockholders.
4136.	Deductions in making awards.
4137.	Consolidated awards.
4138.	Certain awards prohibited.
4139.	Certification of awards.
4140.	Claim filing period.
4141.	Claims settlement period.
4142.	Notification to claimants.
4143.	Payment of awards; priorities; limitations.
4144.	Fees of attorneys and agents.
4145.	Application of other laws.
4146.	Transfer of records.
4147.	Administrative expenses.

ELIMINATION OF TITLE 50, APPENDIX

Act July 3, 1948, ch. 826, comprising this chapter, was formerly set out in the Appendix to this title, prior to the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter, see provisions set out as a note preceding section 1 of this title. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

CODIFICATION

Pub. L. 87-846, §101, Oct. 22, 1962, 76 Stat. 1107, designated sections 2 to 17 of the War Claims Act of 1948 (act July 3, 1948, ch. 826), as “title I” of the act without supplying a name for such title, which for purposes of codification has been set out as this subchapter.

§ 4101. Foreign Claims Settlement Commission of the United States

(a) Employment of personnel; use of other facilities and services

The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the “Commission”) may, in accordance with the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, ap-