

THE SERVICEMEMBERS CIVIL RELIEF ACT

	PAGE
I. Introduction	
A. Purpose of the Outline	3
B. Organization of the SCRA	3
II. General and Miscellaneous Provisions	
A. The Act’s Purposes	3
B. Application and Jurisdiction	4
C. Who Receives the Protections	4
D. Start and Termination of Protections	4
E. The Concept of “Material Effect”	5
F. Waiver of Benefits	5
G. Enforcement and Remedies	5
III. Procedural Protections	
A. Default Judgment Protection	6
B. Stays of Civil and Administrative Proceedings	7
C. Protection of Persons Secondarily Liable on Obligation	7
D. Stay or Vacation of Execution of Judgments, Attachments	7
E. Tolling of the Statute of Limitations	7
IV. Evictions, Lease Terminations, Installment Contracts, Mortgages, etc.	
A. Eviction and Distress	8
B. “Residential” Lease Terminations	8
C. Automobile Lease Terminations	9
D. Cellular Telephone Contract Termination	9
E. Installment Contracts	10
F. Mortgage Protections	10
G. Appraisals Following Foreclosure and Repossession	11
H. Storage Liens	11
I. Anticipatory Relief	11
V. Taxation and Voting Rights	
A. Residence for Tax Purposes	12
B. Deferral of Collection of Income Taxes	12
C. Non-income Personal and Real Property Taxes	12
D. Voting Rights of Servicemembers and Spouses	12

VI.	Financial Protections		
	A.	Six Percent Interest Cap	14
	B.	Fines and Penalties on Contracts	14
	C.	Exercise of Rights Not to Affect Future Financial Transactions	15
	D.	Business and Trade Protection	15
VII.	Insurance		
	A.	Life Insurance	16
	B.	Health Insurance Reinstatement	16
	C.	Professional Liability Protection	16

I. INTRODUCTION

- A. This outline provides a brief summary of the key protections of the Servicemembers Civil Relief Act (SCRA). The outline addresses most of the major provisions and protections of the Act, but does not address every provision and protection. For example, the outline does not address some of the more obscure provisions of the SCRA such as rights in public lands, mining claims, mineral permits and leases, and land rights. The outline does not cite to all case law related to the Act. Previously, a highly detailed summary of the SCRA and its predecessor legislation and relevant case law was published in JA 260, The Servicemembers Civil Relief Act Guide. The JA 260 Guide was discontinued after the edition published in March, 2006, and thus, it does not include the many SCRA amendments from 2008 through present. Accordingly, please use this outline as a starting point for your research, and be aware of the limitations of editions of JA 260 you may find.
- B. Organization of the SCRA.
1. Codified at 50 U.S.C. App. §§ 501-597b.
 2. The SCRA has eight titles:
 - Title I: General Provisions (50 U.S.C. App. §§ 511-519);
 - Title II: General Relief (50 U.S.C. App. §§ 521-527);
 - Title III: Rent Installment Contracts, Mortgages, Liens, Assignments, Leases (50 U.S.C. App. §§ 531-538);
 - Title IV: Life Insurance (50 U.S.C. App. §§ 541-549);
 - Title V: Taxes and Public Lands (50 U.S.C. App. §§ 561-571);
 - Title VI: Administrative Remedies (50 U.S.C. App. §§ 581-583);
 - Title VII: Further Relief (50 U.S.C. App. §§ 591-596);
 - Title VIII: Civil Liability (50 U.S.C. App §§ 597-597b).

II. GENERAL AND MISCELLANEOUS PROVISIONS

- A. The Act's Purposes - 50 U.S.C. app. § 502
1. To provide for, strengthen, and expedite the national defense through protection extended by this Act to Servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and
 2. To provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of Servicemembers during their military service.

B. Application and Jurisdiction

1. The SCRA is applicable in the United States, in each of the States (including all political subdivisions) and in all territories subject to the jurisdiction of the United States.
2. Applicable in all civil and administrative proceedings. Not applicable in criminal proceedings.
3. Applicable to all agencies of the federal government.

C. Who Receives the Protections

1. Applicable to members of the Armed Forces when they are on active duty. Also applies to commissioned officers of the Public Health Service, and commissioned officers of the National Oceanic and Atmospheric Administration when they are on active duty.
2. Reserves: Applicable to members of the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves when they are on active duty. Does not apply when they are on inactive duty status, such as weekend drill duty.
3. National Guard: Applicable to Guardsmen activated under federal calls to active duty. Also applicable when in a Title 32 status for more than thirty days in response to a presidential declaration of national emergency. The SCRA does not apply to Guardsmen during state activations or in most traditional, routine Title 32 periods.
4. Civilians and Contractors: Does not apply to civilian employees of the armed services, contract surgeons, or government contractor employees.

D. Start and Termination of Protections

1. Start of Protections: SCRA's protections commence no later than when a person enters active duty service. In addition, Reserve Component personnel are entitled to most of the Act's "rights and protections" on the date they receive active duty orders.
2. Termination of Protections: The SCRA's coverage *normally* terminates "on the date the Servicemember is released from military service (i.e. active duty service) or dies while in military service."

E. The Concept of "Material Effect"

- a. The concept of material effect is embodied in many of the Act's relief provisions. Some protections require a showing that military service has materially affected the Servicemember's rights or legal standing.
- b. Key issue: Does military service prejudice the Soldier's ability to comply with the obligation, such as appear in court, pay a creditor, pay rent, make a payment on a contract, etc?

F. Waiver of Benefits - 50 U.S.C. app. § 517

1. Criteria: A waiver of rights under the SCRA is effective only if in writing and executed as an instrument separate from the obligation or liability to which it applies. It must be executed during or after the Servicemember's period of military service, and must be in "12 point type."
2. Although a Servicemember might waive in writing certain benefits of the Act, s/he does not thereby waive all other rights under the Act.

G. Enforcement and Remedies

1. Enforcement by the Attorney General – 50 U.S.C. app. § 597. The Attorney General may commence a civil action in federal district court against any person who (1) engages in a pattern or practice of violating the SCRA, or (2) engages in a violation of the SCRA that raises an issue of significant public importance. A court may grant equitable or declaratory relief, money damages, civil penalties of up to \$55,000 for a first offense and up to \$110,000 for subsequent offenses, and any other appropriate relief.
2. Private Right of Action – 50 U.S.C. app. § 597a. Any person aggrieved by a violation of the SCRA may, in a civil action, (1) obtain any appropriate equitable or declaratory relief, and (2) recover all other appropriate relief, including monetary damages. A court may award costs and attorney fees.
3. Preservation of Remedies – 50 U.S.C. app. § 597b. Sections 597 and 597a do not limit other legal remedies, to include consequential and punitive damages.

4. Knowing violations of many SCRA sections may lead to criminal liability. Fines pursuant to title 18, U.S. Code, and imprisonment for up to one year are possible. *See* sections 531, 532, 533, 535, 536, and 537 and *United States v. McLeod*, 2008 WL 114789 (W.D. Mich. Jan. 9, 2008) (landlord who improperly evicted a Soldier's family in violation of the SCRA was sentenced to 6 months confinement and ordered to pay \$15,300 restitution).

III. PROCEDURAL PROTECTIONS

A. Default Judgment Protection – 50 U.S.C. app. § 521

1. This provision covers two issues: 1) requirements for a plaintiff to move for a default judgment; and 2) criteria a Servicemember must meet in order to reopen a default judgment.
2. Moving for a Default Judgment: Before judgment in any civil action or proceeding, if there is a default of any appearance by the defendant, the plaintiff must file an affidavit stating facts showing whether the defendant is in military service, not in the military service, or whether the defendant's status cannot be determined.
 - a. If the Servicemember is absent, then the court must look to appoint an attorney for the absent Servicemember.
 - b. The requirement for the plaintiff to file an affidavit applies when "the defendant does not make an appearance."
3. Criteria for a Servicemember to reopen a default judgment.
 - a. The Servicemember has ninety days from end of the active duty service to file an application to reopen the default judgment.
 - b. The default judgment must have been rendered against the defendant Servicemember during a period of active duty service or within sixty days thereafter.
 - c. The Servicemember must not have made an appearance in the case.
 - d. The Servicemember's military service must be shown to have materially affected his or her ability to defend the suit.
 - e. Must have a meritorious or legal defense to the action.

B. Stays of Civil and Administrative Proceedings - 50 U.S.C. app. § 522

1. Stay Basics. A Servicemember may request a stay of any civil action or administrative proceeding for not less than 90 days if the SM:
 - a. Is on active duty or is within 90 days after release or termination from active duty, and
 - b. has received notice of the action or proceeding.
 2. Stay requirements.
 - a. The Servicemember must send “a letter or other communication” to the court or proceeding explaining how the Servicemember’s military duty requirements materially affect the ability to appear, and stating when the Servicemember will be available to appear.
 - b. The request must include a letter or other communication from her/his commander stating that the Servicemember’s current duty prevents appearance and that military leave is not authorized.
 3. Additional stays. A Servicemember can ask for an additional stay by providing similar proof that led to the initial stay.
- C. Protection of Persons Secondarily Liable on Servicemember’s Obligation - 50 U.S.C. app. § 513
1. Subsections 513(a) and 513(b) of the Act provide those persons who are either primarily or secondarily liable with a Servicemember on an obligation or liability with the same rights to delay actions and vacate judgments available to Servicemembers.
 2. The court in its discretion may grant stays, postponements, or suspensions of suits or proceedings to sureties, guarantors, endorsers, accommodation makers, and others.
 3. Codefendants are not covered by § 513. See § 525 of the Act.
- D. Stay or Vacation of Execution of Judgments, Attachments - 50 U.S.C. app. § 524
1. Authorizes a court to stay execution of a judgment or order entered against a Servicemember. Also authorizes a court to vacate or stay an attachment or garnishment on a Servicemember’s property.
 2. The same basic rules for granting stays under § 522 apply (good faith, material effect, and the suit giving rise to the judgment must have commenced prior to, during, or within 90 days after military service).
- E. Tolling of the Statue of Limitations - 50 U.S.C. app. § 526

1. Tolls statutes of limitation during the period of active duty of any military plaintiff or defendant.
2. No requirement to show material effect.
3. Applies to state and municipal governments, as well as probate, bankruptcy and administrative proceedings, such as boards of correction of military records and the Merit Systems Protection Board. Inapplicable, however, to periods of limitations imposed by federal internal revenue laws.

IV. EVICTIONS, LEASES, CELL PHONE CONTRACT TERMINATION, INSTALLMENT CONTRACTS, MORTGAGES AND SIMILAR PROTECTIONS

A. Eviction and Distress - 50 U.S.C. app. § 531

1. To evict a Servicemember or dependents, a landlord must obtain a court order. This section does not preclude eviction, but sets up the process through which that remedy must pass. As of January 2014, it applies to rentals up to \$3,217.81. The amount changes each year (typically in mid February) based on the annual adjustment for inflation as published yearly in the Federal Register.
2. Stay provision: Upon the Servicemember's or family member's request and upon a showing that there is material effect, the court must stay the proceeding for ninety days, plus or minus, based on justice and equity.

B. "Residential" Lease Terminations - 50 U.S.C. app. § 535

1. Servicemembers may terminate residential leases (as well as professional, business, agricultural, and similar leases) under the following conditions:
 - a. The lease was executed prior to active duty service, or
 - b. While on active duty, the Servicemember executes a lease and thereafter receives PCS orders, or
 - c. While on active duty the Servicemember executes a lease and thereafter receives orders to deploy for 90 days or more.
2. Joint leases with dependents: Termination of a lease pursuant to the SCRA shall terminate any obligation a dependent may have under the lease.

3. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid to the lessee.

C. Automobile Lease Terminations - 50 U.S.C. app. § 535

1. May terminate an auto lease under the following conditions:
 - a. Lease was executed prior to active duty service and thereafter the Servicemember entered military service under an order to active duty specifying a period of not less than 180 days, or
 - b. While on active duty, the Servicemember executes a lease and thereafter receives orders to PCS from either (1) a location in the continental United States to a location outside the continental United States, or (2) from Alaska or Hawaii to anywhere, or
 - c. While on active duty the Servicemember executes a lease and thereafter receives orders to deploy for 180 days or more.
2. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

D. Cellular Telephone Contract Termination - 50 U.S.C. app. § 535a

1. Servicemembers may terminate or suspend cellular telephone contracts if the Servicemember receives orders to relocate for a period of not less than 90 days to a location that does not support the contract.
2. Notice. The Servicemember must provide written or electronic notice of the termination and a copy of the Servicemember's orders. The provider must then provide the Servicemember with written or electronic notice of the Servicemember's cellular telephone rights under the SCRA.
3. To be eligible for termination, the Servicemember must have entered into the contract prior to receiving relocation orders.
4. Prohibits early termination charges or reactivation fees.

5. “Family Plans.” If a Servicemember is eligible to terminate a cell phone contract, “any individual” who entered into a cell phone contract in which a Servicemember was the beneficiary can terminate the contract:
 - a. With respect to the Servicemember, if the Servicemember is eligible to terminate the contract;
 - b. With respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the Servicemember during the Servicemember’s period of relocation.

E. Installment Contracts - 50 U.S.C. app. § 532

1. Applicability. Applies only to a contract for which a deposit or installment has been paid by the Servicemember before entering active duty.
2. Court order required to rescind or to terminate installment contracts: A contract for the purchase of real or personal property (including a motor vehicle) or the lease or bailment of such property, may not be rescinded or terminated for a breach of terms of the contract occurring before or during that person’s active duty service, without a court order.
3. Court order required to repossess: Real or personal property (including a motor vehicle) purchased under a contract may not be repossessed for breach of contract without a court order.
4. Stay protection: This section also contains a provision calling for a stay in a proceeding involving an installment contract. A court can grant this relief on its own motion, but it must take action at the request of a Servicemember following a showing of material effect. The court may also make other disposition as is equitable to preserve the interests of all parties.

F. Mortgage Protections - 50 U.S.C. app. § 533

1. Applicability: Applies to purchases of real or personal property that a Servicemember makes prior to entry on active duty that are secured by a mortgage or trust deed.
2. Court order required for foreclosure: If a Servicemember breaches the obligation, a sale, foreclosure, or repossession action is not valid unless there is a court order or a waiver from the Servicemember.

3. As of 3 Feb 13 the protection extends for one year beyond the period of active duty. (From 30 Jul 08 – 2 Feb 13 the period of protection was increased from 90 days to 9 months.) The additional one year beyond the period of active duty protection is in effect until 31 December 2014, after which the protection period following active duty will be revert to 90 days, absent additional legislation.
4. Stay protection: This section also contains a provision calling for a stay in a proceeding to foreclose or to enforce a mortgage obligation. A court can grant this relief on its own motion, but it must take action at the request of a Servicemember following a showing of material effect. The court may also make an equitable adjustment.

G. Appraisals Following Foreclosure and Repossession - 50 U.S.C. app. § 534

1. This section is designed to provide supplemental relief for all parties when an installment contract or other obligation for purchase of personal property has been stayed under other sections of the SCRA. In such a case, the court may appoint three disinterested parties to appraise the property.
2. Based on the appraised value, the court may order whatever sum, if any, it believes is representative of the Servicemember's equity to be paid to the Servicemember or the Servicemember's dependent. This payment may be made a condition precedent to foreclosing the mortgage, terminating the contract, or permitting the vendor to resume possession of the chattel.

H. Storage Liens - 50 U.S.C. app. § 537

1. Court order required for foreclosure or enforcement. A person holding a lien on the property or effects of a Servicemember may not, during any period of active duty of the Servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.
2. Applicability: Pertains to the foreclosure of liens for storage of household goods or other personal property. The term "lien" includes a lien for storage, repair, or cleaning of the property or effects of a Servicemember or a lien on such property or effects for any other reason.
3. Stay protection: This section also contains a provision calling for a stay in a proceeding to foreclose or enforce a lien. A court can grant relief on its own motion, but it must take action following a showing of material effect. The court may also make an equitable adjustment.

I. Anticipatory Relief - 50 U.S.C. app. § 591

1. A court may suspend enforcement of all or any portion of any obligation or liability that arose prior to entry on active duty, or any tax or assessment falling due either before or during service. This section provides a means by which a person in military service may orderly liquidate obligations and liabilities affected by that service. It permits the Servicemember to initiate the action instead of waiting for the creditor to commence proceedings. The section is divided into two categories.
 - a. Obligations incurred “for the purchase of real estate or secured by a mortgage or other instrument in the nature of a mortgage upon real estate,” and
 - b. Any other obligation, liability, tax, or assessment.
2. The Servicemember must apply to the court during active duty service, or within six months thereafter, and must show material effect.

V. TAXATION AND VOTING RIGHTS

A. Residence for Tax Purposes - 50 U.S.C. app. § 571

1. Military income is deemed earned in the state of domicile (home state), even the though Servicemember is assigned for duty in another state. Only the state of domicile may tax military income.
2. Personal property (such as a motor vehicle) is deemed located in the state of domicile (home state) rather than in the host state where the Servicemember is actually stationed. Thus, *ad valorem* personal property taxes imposed by the host state, whether on motor vehicles or other personal property, are prohibited by the SCRA.
3. Spousal income is deemed earned in the state of domicile IF the spouse is in the duty state solely to be with the Servicemember AND the spouse’s domicile is the same as the Servicemember’s domicile. Thus, if the above prerequisites are met, the spouse does not have to pay income taxes for income earned in the duty state.
4. Spousal personal property is deemed located in the state of domicile (as in para 2 above) IF the spouse is in the duty state solely to be with the Servicemember AND the spouse’s domicile is the same as the Servicemember’s domicile. Thus, if both prerequisites are met, personal property taxes on the spouse are subject to the same rule as para 2.

B. Deferral of Collection of Income Taxes - 50 U.S.C. app. § 570

1. This section defers collection of any income tax, federal or state, on military or nonmilitary income, falling due either before or during active duty service. Note: This section grants relief from tax collection but not from *filing* returns.
 2. The Servicemember must show material effect.
 3. This section may have utility for Servicemembers deployed to non-combat zones and at such times when it may be difficult for them to file tax returns.
- C. Non-Income Personal and Real Property Taxes - 50 U.S.C. app. § 561
1. A Servicemember's real or personal property may not be sold to enforce the collection of a tax or assessment except by court order.
 2. If the court orders a sale, it must find that military service does not materially affect the Servicemember's ability to pay the unpaid tax.
 3. In cases where the property may be lawfully sold to satisfy taxes or assessments, § 561(c) gives the Servicemember time in which to redeem the property. Redemption action must begin within 180 days after termination of or release from military service, or a later date if a greater redemption period is authorized by the laws of the state or territory.
- D. Voting Rights of Servicemembers and Spouses - 50 U.S.C. app. § 595
1. Servicemembers:
 - a. For voting purposes, a Servicemember neither acquires nor loses residence or domicile solely by residing in a given state pursuant to military orders.
 - b. Unless the Servicemember takes affirmative steps to register to vote in the host state, the Servicemember's home state registration remains valid.

Spouses: For voting purposes, spouses neither acquire nor lose residence or domicile solely by residing in a given state to accompany a Servicemember spouse who is absent *from the same state* per military orders. Thus, if the spouse is domiciled in the same state as the Servicemember, the spouse may continue to vote in that state although living in another state with the Servicemember on military orders.

VI. FINANCIAL PROTECTIONS

A. Six Percent Interest Cap - 50 U.S.C. app. § 527

1. Allows a Servicemember to reduce interest on debts that existed prior to entry on active duty to 6 percent.
 - a. For obligations or liabilities other than mortgages, the protection remains for the period the Servicemember is on active duty. For mortgages, the protection remains for the period of active duty AND for one year thereafter.
 - b. Forgiveness of Interest. Interest at a rate in excess of 6 percent per year is forgiven, not deferred.
 - c. Prevention of acceleration of principal. The amount of any periodic payment due under the terms of the obligation or liability must be reduced by the amount of the interest forgiven.
2. Written Notice and orders: The Servicemember must provide to the creditor written notice and a copy of the military orders calling the Servicemember to active duty. Notice and orders should be provided as soon as possible, but not later than 180 days after the Servicemember's release from active duty.
3. Creditor protection. A court may grant a creditor relief from the 6 percent provision if the court finds that the Servicemember's ability to meet the obligation is not materially affected by military service.

As of August 14, 2008, federally-insured student loans are covered by the 6 percent interest rate cap for loans for which the first disbursement was made on or after July 1, 2008. See 20 U.S.C. § 1078(d) and Pub. L. 110-315, § 422(g)(1), which added the SCRA provision.

B. Fines and Penalties on Contracts - 50 U.S.C. app. § 523

1. When compliance with the terms of a contract is stayed pursuant to the SCRA, no fine or penalty shall accrue by reason of failure to comply during the period of the stay.
2. When no stay exists and a fine or penalty is imposed for nonperformance, the court can relieve enforcement if the person was on active duty and his service materially impaired his ability to pay or perform.

3. Examples: This section can apply to late charges on an installment contract or to a delinquency fine on a promissory note. In these cases, the court must conclude that the maker's active duty service impaired the ability to pay.
- C. Exercise of Rights under Act Not to Affect Certain Future Financial Transactions - 50 U.S.C. app. § 518
1. This protection precludes negative consequences from a Servicemember's resort to the Act's other benefits and protections. Use of the protections of the SCRA shall not itself (without regard to other considerations) provide the basis for any of the following:
 - a. A denial or revocation of credit by the creditor;
 - b. A change by the creditor in the terms of an existing credit arrangement;
 - c. A refusal by the creditor to grant credit to the Servicemember in substantially the amount or on substantially the terms requested;
 - d. An adverse report relating to the creditworthiness of the Servicemember by or to a person engaged in the practice of assembling or evaluating consumer credit information;
 - e. A refusal by an insurer to insure the Servicemember;
 - f. An annotation in a Servicemember's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information, identifying the Servicemember as a member of the National Guard or a reserve component;
 - g. A change in the terms offered or conditions required for the issuance of insurance.
 2. A basic protection would prevent a creditor, for example, from making an adverse entry on a Servicemember's credit report because of the reduction in interest on a Servicemember's debts to six percent.
- D. Business and Trade Protection - 50 U.S.C. app. § 596
1. During active duty service, a Servicemember's assets not held in connection with a trade or business may not be available for satisfaction of the trade or business obligation or liability for which the Servicemember is personally liable.

2. This section does not require that the military service materially affect the Servicemember's ability to meet the trade or business obligation. A creditor may seek relief from this section from a court, and a court may modify the protections § 596 provides, as justice and equity require.

VII. INSURANCE

A. Life Insurance - 50 U.S.C. app. §§ 541-549

1. Life Insurance in General. The SCRA's life insurance provisions are designed to provide a means by which any person entering active duty may apply for continued protection by commercial life insurance. Upon proper application, a Servicemember may have the premiums and interest for certain types of commercial life insurance guaranteed for his or her "period of military service and for two years thereafter." Prerequisites:
 - a. The Servicemember must have taken out the policy and paid one premium not less than 180 days before the date the insured entered active duty;
 - b. The total amount of life insurance coverage protection may not exceed \$250,000, or an amount equal to the Servicemember's Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted; and
 - c. The insured Servicemember must repay the unpaid premiums and interest no later than two years after the expiration of the term of active duty.
2. This protection does not require a showing of material effect.

B. Health Insurance Reinstatement - 50 U.S.C. app. § 594

1. Servicemembers are entitled to have their civilian health insurance reinstated when they return to civilian life following periods of active duty.
2. This protection is very similar to the protections found under the Uniformed Services Employment and Reemployment Rights Act (USERRA). In fact, USERRA is the governing provision for Servicemembers participating in employer-offered health plans.

C. Professional Liability Protection - 50 U.S.C. app. § 593

1. Provides that professional liability insurance can be suspended during a period of active duty service for certain professions.
2. Applies to Servicemembers engaged in health care (such as doctors and nurses) or legal services (such as attorneys) and to other professions the Secretary of Defense determines to be professional services.