

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5003

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2020

Received; read twice and referred to the Committee on Banking, Housing, and  
Urban Affairs

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## AN ACT

To amend the Fair Debt Collection Practices Act to provide enhanced protection against debt collector harassment of members of the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fair Debt Collection  
3 Practices for Servicemembers Act”.

4 **SEC. 2. ENHANCED PROTECTION AGAINST DEBT COL-**  
5 **LECTOR HARASSMENT OF**  
6 **SERVICEMEMBERS.**

7 (a) COMMUNICATION IN CONNECTION WITH DEBT  
8 COLLECTION.—Section 805 of the Fair Debt Collection  
9 Practices Act (15 U.S.C. 1692c) is amended by adding  
10 at the end the following:

11 “(e) COMMUNICATIONS CONCERNING SERVICEMEM-  
12 BER DEBTS.—

13 “(1) DEFINITION.—In this subsection, the term  
14 ‘covered member’ means—

15 “(A) a covered member or a dependent as  
16 defined in section 987(i) of title 10, United  
17 States Code; and

18 “(B)(i) an individual who was separated,  
19 discharged, or released from duty described in  
20 such section 987(i)(1), but only during the 365-  
21 day period beginning on the date of separation,  
22 discharge, or release; or

23 “(ii) a person, with respect to an individual  
24 described in clause (i), described in subpara-  
25 graph (A), (D), (E), or (I) of section 1072(2)  
26 of title 10, United States Code.

1           “(2) PROHIBITIONS.—A debt collector may not,  
2           in connection with the collection of any debt of a  
3           covered member—

4                   “(A) threaten to have the covered member  
5                   reduced in rank;

6                   “(B) threaten to have the covered mem-  
7                   ber’s security clearance revoked; or

8                   “(C) threaten to have the covered member  
9                   prosecuted under chapter 47 of title 10, United  
10                  States Code (the Uniform Code of Military Jus-  
11                  tice).”.

12          (b) UNFAIR PRACTICES.—Section 808 of the Fair  
13          Debt Collection Practices Act (15 U.S.C. 1692f) is amend-  
14          ed by adding at the end the following:

15                  “(9) The representation to any covered member  
16                  (as defined under section 805(e)(1)) that failure to  
17                  cooperate with a debt collector will result in—

18                          “(A) a reduction in rank of the covered  
19                          member;

20                          “(B) a revocation of the covered member’s  
21                          security clearance; or

22                          “(C) prosecution under chapter 47 of title  
23                          10, United States Code (the Uniform Code of  
24                          Military Justice).”.

1 **SEC. 3. GAO STUDY.**

2 The Comptroller General of the United States shall  
3 conduct a study and submit a report to Congress on the  
4 impact of this Act on—

5 (1) the timely delivery of information to a cov-  
6 ered member (as defined in section 805(e) of the  
7 Fair Debt Collection Practices Act, as added by this  
8 Act);

9 (2) military readiness; and

10 (3) national security, including the extent to  
11 which covered members with security clearances  
12 would be impacted by uncollected debt.

13 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

14 The budgetary effects of this Act, for the purpose of  
15 complying with the Statutory Pay-As-You-Go Act of 2010,  
16 shall be determined by reference to the latest statement  
17 titled “Budgetary Effects of PAYGO Legislation” for this  
18 Act, submitted for printing in the Congressional Record  
19 by the Chairman of the House Budget Committee,

1 provided that such statement has been submitted prior to  
2 the vote on passage.

Passed the House of Representatives March 2,  
2020.

Attest:

CHERYL L. JOHNSON,

*Clerk.*