

118TH CONGRESS
1ST SESSION

S. 2396

To provide enhanced protection against debt collector harassment of members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. WARNOCK (for himself, Mr. BROWN, Mr. BUDD, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide enhanced protection against debt collector harassment of members of the Armed Forces.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ENHANCED PROTECTION AGAINST DEBT COL-**
7 **LECTOR HARASSMENT OF**
8 **SERVICEMEMBERS.**

9 (a) COMMUNICATION IN CONNECTION WITH DEBT
10 COLLECTION.—Section 805 of the Fair Debt Collection

1 Practices Act (15 U.S.C. 1692c) is amended by adding
2 at the end the following:

3 “(e) COMMUNICATIONS CONCERNING SERVICEMEM-
4 BER DEBTS.—

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

7 “(A) a covered member or a dependent as
8 defined in section 987(i) of title 10, United
9 States Code;

10 “(B) an individual who was separated, dis-
11 charged, or released from duty described in
12 such section 987(i)(1), but only during the 365-
13 day period beginning on the date of separation,
14 discharge, or release; or

15 “(C) a person, with respect to an indi-
16 vidual described in subparagraph (B), described
17 in subparagraph (A), (D), (E), or (I) of section
18 1072(2) of title 10, United States Code.

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

22 “(A) threaten to have the covered member
23 reduced in rank;

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

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

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

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

11 “(A) a reduction in rank of the covered
12 member;

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

15 “(C) prosecution under chapter 47 of title
16 10, United States Code (the Uniform Code of
17 Military Justice).”.

18 **SEC. 3. GAO STUDY.**

19 The Comptroller General of the United States shall
20 conduct a study and submit a report to Congress on the
21 impact of this Act on—

22 (1) the timely delivery of information to a cov-
23 ered member (as defined in section 805(e) of the
24 Fair Debt Collection Practices Act, as added by this
25 Act);

- 1 (2) military readiness; and
- 2 (3) national security, including the extent to
- 3 which covered members with security clearances
- 4 would be impacted by uncollected debt.

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