

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

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**OFFERED BY MR. HECK OF WASHINGTON**

At the end of subtitle I of title V, add the following new section:

1 **SEC. 5\_\_\_ . PROOF OF PERIOD OF MILITARY SERVICE FOR**  
2 **PURPOSES OF INTEREST RATE LIMITATION**  
3 **UNDER THE SERVICEMEMBERS CIVIL RELIEF**  
4 **ACT.**

5 Section 207(b)(1) of the Servicemembers Civil Relief  
6 Act (50 U.S.C. 3937(b)(1)) is amended to read as follows:

7 “(1) PROOF OF MILITARY SERVICE.—

8 “(A) IN GENERAL.—Not later than 180  
9 days after the date of a servicemember’s termi-  
10 nation or release from military service, in order  
11 for an obligation or liability of the  
12 servicemember to be subject to the interest rate  
13 limitation in subsection (a), the servicemember  
14 shall provide to the creditor written notice and  
15 a copy of—

16 “(i) the military orders calling the  
17 servicemember to military service and any

1 orders further extending military service;

2 or

3 “(ii) any other appropriate indicator  
4 of military service, including a certified let-  
5 ter from a commanding officer.

6 “(B) INDEPENDENT VERIFICATION BY  
7 CREDITOR.—

8 “(i) IN GENERAL.—Regardless of  
9 whether a servicemember has provided to a  
10 creditor the written notice and documenta-  
11 tion under subparagraph (A), the creditor  
12 may use, in lieu of such notice and docu-  
13 mentation, information retrieved from the  
14 Defense Manpower Database Center  
15 through the creditor’s normal business re-  
16 views of the Database Center for purposes  
17 of obtaining information indicating that  
18 the servicemember is on active duty.

19 “(ii) SAFE HARBOR.—A creditor that  
20 uses the information retrieved from the  
21 Defense Manpower Database Center under  
22 clause (i) with respect to a servicemember  
23 has not failed to treat the debt of the  
24 servicemember in accordance with sub-  
25 section (a) if—

1                   “(I) such information indicates  
2                   that, on the date the creditor retrieves  
3                   such information, the servicemember  
4                   is not on active duty; and

5                   “(II) the creditor has not, as of  
6                   such date, received the written notice  
7                   and documentation required under  
8                   subparagraph (A) with respect to the  
9                   servicemember.”.

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