IB

Union Calendar No. 337

116TH CONGRESS
2D SESSION

H. R. 5021

[Report No. 116–418]

To amend the Consumer Financial Protection Act of 2010 and the Fair Debt Collection Practices Act to improve consumer protections relating to debt collection practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2019

Ms. PRESSLEY introduced the following bill; which was referred to the Committee on Financial Services

MARCH 19, 2020

Additional sponsors: Mr. CLEAVER, Mr. MEEKS, Mr. GARCÍA of Illinois, Ms. OCASIO-CORTEZ, Ms. TLAIB, Ms. ADAMS, Mr. LYNCH, and Mr. FOSTER

MARCH 19, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 8, 2019]

A BILL

To amend the Consumer Financial Protection Act of 2010 and the Fair Debt Collection Practices Act to improve consumer protections relating to debt collection practices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ending Debt Collection Harassment Act of 2019".

SEC. 2. CONSUMER PROTECTIONS RELATING TO DEBT COLLECTION PRACTICES.

(a) REPORTS ON DEBT COLLECTION COMPLAINTS AND ENFORCEMENT ACTIONS.—

(1) SEMI-ANNUAL REPORT.—Section 1016(c) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5496(c)) is amended—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(10) an analysis of the consumer complaints received by the Bureau with respect to debt collection, including a State-by-State breakdown of such complaints; and

"(11) a list of enforcement actions taken against debt collectors during the preceding year.".

(2) ANNUAL REPORT.—Section 815(a) of the Fair Debt Collection Practices Act (15 U.S.C.

1692m(a)) is amended by adding at the end the following new sentence: "Each such report shall also include an analysis of the impact of electronic communications by debt collectors on consumer experiences with debt collection, including a consideration of consumer complaints about the use of electronic communications in debt collection.".

(b) LIMITATION ON DEBT COLLECTION RULES.—Section 1022 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5512) is amended by adding at the end the following:

"(e) LIMITATION ON DEBT COLLECTION RULES.—The Director may not issue any rule with respect to debt collection that allows a debt collector to send unlimited email and text messages to a consumer.".

(c) PROTECTION OF CONSUMERS FROM UNLIMITED TEXTS AND EMAILS USED IN DEBT COLLECTION.—Section 806 of the Fair Debt Collection Practices Act (15 U.S.C. 1692d) is amended by adding at the end the following new paragraph:

"(7) Contacting the consumer electronically, including by email or text message, without consent of the consumer, after such consent has been withdrawn, or more frequently than the consumer consents to be contacted.".

(d) ENSURING CONSUMERS RECEIVE NOTICE OF DEBT COLLECTION PROTECTIONS.—Section 809(a) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(a)) is amended in the matter preceding paragraph (1) by striking "Within five days" and all that follows through "debt," and inserting the following: "NOTICE OF DEBT; CONTENTS.—Within five days after the initial communication with a consumer in connection with the collection of any debt,".

(e) IMPROVED LIMITATIONS ON DEBT COLLECTION RULES.—Section 814(d) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(d)) is amended by adding at the end the following: "Such rules—

"(1) may not allow a debt collector to send unlimited electronic communications to a consumer;

"(2) shall require debt collectors to obtain consent directly from consumers before contacting them using a method other than by postal mail or by phone;

"(3) may not waive the requirements of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.); and

"(4) shall allow consumers to opt out of any method of communication that the debt collector uses to communicate with consumers, including a method for which such consumer had given prior consent.".

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