

## Union Calendar No. 337

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

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### 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.

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 “Ending Debt Collection*  
5 *Harassment Act of 2019”.*

6 **SEC. 2. CONSUMER PROTECTIONS RELATING TO DEBT COL-**  
7 **LECTION PRACTICES.**

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

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

13                    *(A) in paragraph (8), by striking “and” at*  
14 *the end;*

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

17                    *(C) by adding at the end the following:*

18                    *“(10) an analysis of the consumer complaints re-*  
19 *ceived by the Bureau with respect to debt collection,*  
20 *including a State-by-State breakdown of such com-*  
21 *plaints; and*

22                    *“(11) a list of enforcement actions taken against*  
23 *debt collectors during the preceding year.”.*

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

1       1692m(a)) is amended by adding at the end the fol-  
2       lowing new sentence: “Each such report shall also in-  
3       clude an analysis of the impact of electronic commu-  
4       nications by debt collectors on consumer experiences  
5       with debt collection, including a consideration of con-  
6       sumer complaints about the use of electronic commu-  
7       nications in debt collection.”.

8       (b) *LIMITATION ON DEBT COLLECTION RULES.*—Sec-  
9       tion 1022 of the Consumer Financial Protection Act of 2010  
10      (12 U.S.C. 5512) is amended by adding at the end the fol-  
11      lowing:

12       “(e) *LIMITATION ON DEBT COLLECTION RULES.*—The  
13      Director may not issue any rule with respect to debt collec-  
14      tion that allows a debt collector to send unlimited email  
15      and text messages to a consumer.”.

16       (c) *PROTECTION OF CONSUMERS FROM UNLIMITED*  
17      *TEXTS AND EMAILS USED IN DEBT COLLECTION.*—Section  
18      806 of the Fair Debt Collection Practices Act (15 U.S.C.  
19      1692d) is amended by adding at the end the following new  
20      paragraph:

21       “(7) Contacting the consumer electronically, in-  
22      cluding by email or text message, without consent of  
23      the consumer, after such consent has been withdrawn,  
24      or more frequently than the consumer consents to be  
25      contacted.”.

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

9           (e) *IMPROVED LIMITATIONS ON DEBT COLLECTION*  
10 *RULES.*—Section 814(d) of the *Fair Debt Collection Prac-*  
11 *tices Act* (15 U.S.C. 1692l(d)) is amended by adding at the  
12 *end the following: “Such rules—*

13                   “(1) *may not allow a debt collector to send un-*  
14 *limited electronic communications to a consumer;*

15                   “(2) *shall require debt collectors to obtain con-*  
16 *sent directly from consumers before contacting them*  
17 *using a method other than by postal mail or by*  
18 *phone;*

19                   “(3) *may not waive the requirements of the Elec-*  
20 *tronic Signatures in Global and National Commerce*  
21 *Act* (15 U.S.C. 7001 *et seq.*); and

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

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