

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Debt Collection Practices Act to restrict the debt collection practices of certain debt collectors.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLEAVER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Debt Collection Practices Act to restrict the debt collection practices of certain debt collectors.

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 “Stop Debt Collection
5 Abuse Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 Section 803 of the Fair Debt Collection Practices Act
8 (15 U.S.C. 1692a) is amended—

1 (1) in paragraph (4), by striking “facilitating
2 collection of such debt for another” and inserting
3 “collection of such debt”;

4 (2) by amending paragraph (5) to read as fol-
5 lows:

6 “(5) The term ‘debt’ means—

7 “(A) any obligation or alleged obligation of
8 a consumer to pay money arising out of a
9 transaction in which the money, property, in-
10 surance, or services which are the subject of the
11 transaction are primarily for personal, family,
12 or household purposes, whether or not such ob-
13 ligation has been reduced to judgment; or

14 “(B) any obligation or alleged obligation of
15 a consumer—

16 “(i) to pay a loan, an overpayment, a
17 fine, a penalty, a fee, or other money cur-
18 rently or originally owed to a Federal
19 agency; and

20 “(ii) that is not less than 180 days
21 past due.”; and

22 (3) in paragraph (6)—

23 (A) by striking the first sentence and in-
24 serting the following: “The term ‘debt collector’
25 means any person who uses any instrumentality

1 of interstate commerce or the mails in any busi-
2 ness the principal purpose of which is the col-
3 lection of any debts; who regularly collects or
4 attempts to collect, directly or indirectly, by the
5 person's own means or by hiring another debt
6 collector, debts owed or due or asserted to be
7 owed or due another or that have been obtained
8 by assignment or transfer from another; or who
9 regularly collects debts currently or originally
10 owed or allegedly owed to a Federal agency.”;
11 and

12 (B) in subparagraph (F), by inserting “or
13 that has been obtained by assignment or trans-
14 fer from another” after “owed or due another”.

15 **SEC. 3. DEBT COLLECTION PRACTICES FOR DEBT COLLEC-**
16 **TORS HIRED BY GOVERNMENT AGENCIES.**

17 (a) IN GENERAL.—The Fair Debt Collection Prac-
18 tices Act (15 U.S.C. 1692 et seq.) is amended by inserting
19 after section 812 (15 U.S.C. 1692j) the following:

20 **“§ 812A. Debt collection practices for debt collectors**
21 **hired by Federal agencies**

22 “(a) LIMITATION ON TIME TO TURN DEBT OVER TO
23 DEBT COLLECTOR.—A Federal agency that is a creditor
24 may sell or transfer a debt described in section 803(5)(B)
25 to a debt collector not earlier than 90 days after the date

1 on which the obligation or alleged obligation becomes de-
2 linquent or defaults.

3 “(b) REQUIRED NOTICE.—

4 “(1) IN GENERAL.—Before transferring or sell-
5 ing a debt described in section 803(5)(B) to a debt
6 collector or contracting with a debt collector to col-
7 lect such a debt, a Federal agency shall notify the
8 consumer not fewer than 3 times that the Federal
9 agency will take such action.

10 “(2) FREQUENCY OF NOTIFICATIONS.—The
11 second and third notifications described in para-
12 graph (1) shall be made not less than 30 days after
13 the date on which the previous notification is
14 made.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 for the Fair Debt Collection Practices Act is amended by
17 inserting after the item relating to section 812 the fol-
18 lowing:

“812A. Debt collection practices for debt collectors hired by Federal agencies.”.

19 **SEC. 4. UNFAIR PRACTICES.**

20 Section 808 of the Fair Debt Collection Practices Act
21 (15 U.S.C. 1692f) is amended by striking paragraph (1)
22 and inserting the following:

23 “(1) The collection of any amount (including
24 any interest, fee, charge, or expense incidental to the
25 principal obligation) unless—

1 “(A) such amount is expressly authorized
2 by the agreement creating the debt or permitted
3 by law; and

4 “(B) in the case of any amount charged by
5 a debt collector collecting a debt described in
6 section 803(5)(B), such amount is—

7 “(i) reasonable in relation to the ac-
8 tual costs of the collection;

9 “(ii) authorized by a contract between
10 the debt collector and the Federal agency;
11 and

12 “(iii) not greater than 10 percent of
13 the amount collected by the debt col-
14 lector.”.

15 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
16 **AND REPORT.**

17 (a) STUDY.—The Comptroller General of the United
18 States shall commence a study on the use of debt collec-
19 tors by State and local government agencies, including—

20 (1) the powers given to the debt collectors by
21 Federal, State, and local government agencies;

22 (2) the contracting process that allows a Fed-
23 eral, State, or local government agency to award
24 debt collection to a certain company, including the
25 selection process;

1 (3) any fees charged to debtors in addition to
2 principal and interest on the outstanding debt;

3 (4) how the fees described in paragraph (3)
4 vary from State to State;

5 (5) consumer protection at the State level that
6 offer recourse to those whom debts have been wrong-
7 fully attributed;

8 (6) the revenues received by debt collectors
9 from Federal, State, and local government agencies;

10 (7) the amount of any revenue sharing agree-
11 ments between debt collectors and Federal, State,
12 and local government agencies;

13 (8) the difference in debt collection procedures
14 across geographic regions, including the extent to
15 which debt collectors pursue court judgments to col-
16 lect debts; and

17 (9) any legal immunity or other protections
18 given to the debt collectors hired by State and local
19 government agencies, including whether the debt col-
20 lectors are subject to the Fair Debt Collection Prac-
21 tices Act (15 U.S.C. 1692 et seq.).

22 (b) REPORT.—Not later than one year after the date
23 of enactment of this Act, the Comptroller General of the
24 United States shall submit to Congress a report on the
25 completed study required under subsection (a).