

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

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

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

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 2021”.

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

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

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

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

10 (B) in paragraph (9), by striking the pe-
11 riod at the end and inserting a semicolon; and

12 (C) by adding at the end the following:

13 “(10) an analysis of the consumer complaints
14 received by the Bureau with respect to debt collec-
15 tion, including a State-by-State breakdown of such
16 complaints; and

17 “(11) a list of enforcement actions taken
18 against debt collectors during the preceding year.”.

19 (2) ANNUAL REPORT.—Section 815(a) of the
20 Fair Debt Collection Practices Act (15 U.S.C.
21 1692m(a)) is amended by adding at the end the fol-
22 lowing new sentence: “Each such report shall also
23 include an analysis of the impact of electronic com-
24 munications by debt collectors on consumer experi-
25 ences with debt collection, including a consideration

1 of consumer complaints about the use of electronic
2 communications in debt collection.”.

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

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

11 (c) PROTECTION OF CONSUMERS FROM UNLIMITED
12 TEXTS AND EMAILS USED IN DEBT COLLECTION.—Sec-
13 tion 806 of the Fair Debt Collection Practices Act (15
14 U.S.C. 1692d) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(7) Contacting the consumer electronically, in-
17 cluding by email or text message, without consent of
18 the consumer, after such consent has been with-
19 drawn, or more frequently than the consumer con-
20 sents to be contacted.”.

21 (d) ENSURING CONSUMERS RECEIVE NOTICE OF
22 DEBT COLLECTION PROTECTIONS.—Section 809(a) of the
23 Fair Debt Collection Practices Act (15 U.S.C. 1692g(a))
24 is amended in the matter preceding paragraph (1) by
25 striking “Within five days” and all that follows through

1 “debt,” and inserting the following: “NOTICE OF DEBT;
2 CONTENTS.—Within five days after the initial commu-
3 nication with a consumer in connection with the collection
4 of any debt.”.

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

9 “(1) may not allow a debt collector to send un-
10 limited electronic communications to a consumer;

11 “(2) shall require debt collectors to obtain con-
12 sent directly from consumers before contacting them
13 using a method other than by postal mail or by
14 phone;

15 “(3) may not waive the requirements of the
16 Electronic Signatures in Global and National Com-
17 merce Act (15 U.S.C. 7001 et seq.); and

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