

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 5013**  
**OFFERED BY MR. LAWSON OF FLORIDA**  
**(Amendment to the Small Business Fair Debt Collection**  
**Protection Act)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Small Business Fair  
3 Debt Collection Protection Act”.

4 **SEC. 2. FAIR DEBT COLLECTION PRACTICES FOR LOANS TO**  
5 **SMALL BUSINESSES.**

6       (a) IN GENERAL.—The Fair Debt Collection Prac-  
7 tices Act (15 U.S.C. 1692 et seq.) is amended—

8           (1) in section 803—

9                   (A) by amending paragraph (5) to read as  
10 follows:

11                   “(5) The term ‘debt’ means any obligation or  
12 alleged obligation to pay money arising out of a  
13 transaction, whether or not such obligation has been  
14 reduced to judgment.”; and

15                   (B) by adding at the end the following new  
16 paragraph:

1           “(9) The term ‘commercial credit bureau’  
2 means any person which, for monetary fees, dues, or  
3 on a cooperative nonprofit basis, regularly engages  
4 in whole or in part in the practice of assembling or  
5 evaluating commercial credit information or other  
6 information on businesses for the purpose of fur-  
7 nishing credit reports to third parties, and which  
8 uses any means or facility of interstate commerce  
9 for the purpose of preparing or furnishing credit re-  
10 ports.”;

11           (2) by redesignating section 819 as section 820;

12           and

13           (3) by inserting after section 818 the following:

14   **“§ 819. Application to small business debt**

15           “(a) IN GENERAL.—This Act shall apply to small  
16 business debt to the same extent as this Act applies to  
17 debt of consumers.

18           “(b) SMALL BUSINESS DEBT DEFINED.—The term  
19 ‘small business debt’—

20           “(1) means any non-equity obligation or alleged  
21 obligation of a partnership, corporation, trust, es-  
22 tate, cooperative, association, government or govern-  
23 mental subdivision or agency, or other entity that is  
24 less than \$5,000,000; and

1           “(2) does not include any obligation or alleged  
2           obligation—

3                   “(A) of an individual; or

4                   “(B) that is primarily for personal, family,  
5                   or household purposes.”.

6           (b) CLERICAL AMENDMENT.—The table of contents  
7           for the Fair Debt Collection Practices Act is amended by  
8           striking the item relating to section 819 and inserting the  
9           following:

          “819. Application to small business debt.

          “820. Effective date.”.

10          (c) CONFORMING AMENDMENTS.—The Fair Debt  
11          Collection Practices Act (15 U.S.C. 1692 et seq.) is  
12          amended—

13               (1) in section 805(b), by inserting “or a com-  
14               mercial credit bureau (as applicable)” after “con-  
15               sumer reporting agency”;

16               (2) in section 806(3)—

17                   (A) by striking “consumers who” and in-  
18                   serting “consumers or small businesses that”;  
19                   and

20                   (B) by inserting “ or to a commercial cred-  
21                   it bureau (as applicable),” after “consumer re-  
22                   porting agency”; and

23               (3) in section 807(16), by inserting “or a com-  
24               mercial credit bureau” after “this Act”.

Amend the title so as to read: “A bill to apply the Fair Debt Collection Practices Act to small business debt to the same extent as such Act applies to consumers, and for other purposes.”.

