

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5021**

OFFERED BY MS. PRESSLEY OF MASSACHUSETTS

**(Amendment to the Ending Debt Collection Harassment Act of
2019)**

Strike all after the enacting clause and insert the
following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ending Debt Collection
3 Harassment Act of 2019”.

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

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

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

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

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

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

1 “(10) an analysis of the consumer complaints
2 received by the Bureau with respect to debt collec-
3 tion, including a State-by-State breakdown of such
4 complaints; and

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

7 (2) ANNUAL REPORT.—Section 815(a) of the
8 Fair Debt Collection Practices Act (15 U.S.C.
9 1692m(a)) is amended by adding at the end the fol-
10 lowing new sentence: “Each such report shall also
11 include an analysis of the impact of electronic com-
12 munications by debt collectors on consumer experi-
13 ences with debt collection, including a consideration
14 of consumer complaints about the use of electronic
15 communications in debt collection.”.

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

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

24 (c) PROTECTION OF CONSUMERS FROM UNLIMITED
25 TEXTS AND EMAILS USED IN DEBT COLLECTION.—Sec-

1 tion 806 of the Fair Debt Collection Practices Act (15
2 U.S.C. 1692d) is amended by adding at the end the fol-
3 lowing new paragraph:

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

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

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

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

24 “(2) shall require debt collectors to obtain con-
25 sent directly from consumers before contacting them

1 using a method other than by postal mail or by
2 phone;

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

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

