

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2547) TO EXPAND AND ENHANCE CONSUMER, STUDENT, SERVICEMEMBER, AND SMALL BUSINESS PROTECTIONS WITH RESPECT TO DEBT COLLECTION PRACTICES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1065) TO ELIMINATE DISCRIMINATION AND PROMOTE WOMEN'S HEALTH AND ECONOMIC SECURITY BY ENSURING REASONABLE WORKPLACE ACCOMMODATIONS FOR WORKERS WHOSE ABILITY TO PERFORM THE FUNCTIONS OF A JOB ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION; AND FOR OTHER PURPOSES

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MAY 11, 2021.—Referred to the House Calendar and ordered to be printed

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Mr. PERLMUTTER, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 380]

The Committee on Rules, having had under consideration House Resolution 380, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2547, the Comprehensive Debt Collection Improvement Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides that following debate, each further amendment printed in part B of this report not earlier considered as part of amendments en bloc pursuant to section 3 shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn

by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that at any time after debate the chair of the Committee on Financial Services or her designee may offer amendments en bloc consisting of further amendments printed in part B of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in part B of this report or amendments en bloc described in section 3 of the resolution. The resolution provides one motion to recommit. The resolution provides for consideration of H.R. 1065, the Pregnant Workers Fairness Act, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit. The resolution provides that at any time through the legislative day of Friday, May 14, 2021, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on the legislative days of May 11 or 12, 2021, and on which the yeas and nays were ordered and further proceedings postponed. The Chair shall put the question on any such motion without debate or intervening motion, and the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated. The resolution provides that House Resolution 379 is hereby adopted.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2547 includes waivers of the following:

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period; however, the budgetary effects of the bill are fully offset over the 10-year period.

—Section 302(f)(1) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

Although the resolution waives all points of order against provisions in H.R. 2547, as amended, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report or against amendments en bloc described in section 3 of the resolution, the Com-

mittee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 1065, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1065, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 74*

Motion by Mr. Cole to add language to the rule that would eliminate the tolling of days for Resolutions of Inquiry. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres .....	Nay	Mr. Cole .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mr. Resenthaler .....	Yea
Ms. Scanlon .....	Nay	Mrs. Fischbach .....	Yea
Mr. Morelle .....	Nay		
Mr. DeSaulnier .....	Nay		
Ms. Ross .....	Nay		
Mr. McGovern, Chairman .....	Nay		

##### *Rules Committee record vote No. 75*

Motion by Mr. Cole to report an open rule for H.R. 2547 and H.R. 1065. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres .....	Nay	Mr. Cole .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mr. Resenthaler .....	Yea
Ms. Scanlon .....	Nay	Mrs. Fischbach .....	Yea
Mr. Morelle .....	Nay		
Mr. DeSaulnier .....	Nay		
Ms. Ross .....	Nay		
Mr. McGovern, Chairman .....	Nay		

##### *Rules Committee record vote No. 76*

Motion by Mrs. Fischbach to amend the rule to H.R. 1065 to make in order amendment #1, offered by Rep. Foxx (NC), which includes the text of H.R. 1065 and adds Section 702(a) of Title VII of the Civil Rights Act of 1964 to ensure religious organizations can make religiously based employment decisions. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres .....	Nay	Mr. Cole .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mr. Resenthaler .....	Yea
Ms. Scanlon .....	Nay	Mrs. Fischbach .....	Yea
Mr. Morelle .....	Nay		
Mr. DeSaulnier .....	Nay		
Ms. Ross .....	Nay		
Mr. McGovern, Chairman .....	Nay		

*Rules Committee record vote No. 77***Motion by Mr. Perlmutter to report the rule. Adopted: 8–4**

Majority Members	Vote	Minority Members	Vote
Mrs. Torres .....	Yea	Mr. Cole .....	Nay
Mr. Perlmutter .....	Yea	Mr. Burgess .....	Nay
Mr. Raskin .....	Yea	Mr. Reschenthaler .....	Nay
Ms. Scanlon .....	Yea	Mrs. Fischbach .....	Nay
Mr. Morelle .....	Yea		
Mr. DeSaulnier .....	Yea		
Ms. Ross .....	Yea		
Mr. McGovern, Chairman .....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 2547 IN PART A CONSIDERED  
AS ADOPTED

1. Waters (CA): Adds and refines certain definitions, makes a number of other minor changes and technical corrections, and includes additional revenue measures.

SUMMARY OF THE AMENDMENTS TO H.R. 2547 IN PART B MADE IN  
ORDER

1. Bonamici (OR), Cohen (TN): Expands requirements debt collectors must meet to take legal action on a debt, including providing advanced notice of commencing legal action and updates FDCPA to require proof that a debt is legally owed and due. (10 minutes)

2. Adams (NC), Williams (GA): Provides private student loan borrowers the same protections as federal borrowers, with regards to prohibiting servicers and credit reporting agencies from reporting adverse information and directs the credit reporting agencies to remove any adverse information. (10 minutes)

3. Bowman (NY): Ensure that debt collectors would not be allowed to contact consumers via social media unless explicitly provided written consent. (10 minutes)

4. Burgess (TX): Prior to enacting this legislation, the Treasury Secretary shall certify that this legislation will not limit the availability of debt products or increase their cost for Americans without a credit history, Americans with poor credit history, or Americans from lower socio-economic backgrounds. (10 minutes)

5. Bush, Cori (MO): Requires the CFPB report to Congress in 6 months analyzing consumer complaint data relating to debt collection practices (including debt collection practices as it relates to medical debt and debts owed by servicemembers) during the pandemic, as well as a list of enforcement actions taken by CFPB relating to debt collection during the pandemic. The report must also outline a strategy on how the CFPB will utilize regulatory, supervisory and enforcement tools to combat predatory debt collection practices identified during the pandemic and the CFPB would be required to request debt collectors covered by their larger participant rule provide to the Bureau information about their default judgements pursued through litigation during the pandemic. (10 minutes)

6. Cohen (TN), Ocasio-Cortez (NY), Bonamici (OR): Adds language that would explicitly prohibit debt collectors from collecting or attempting to collect debt from consumers which the statute of limitations has expired and would also prohibit a debt collector

from bringing, or threatening to bring, legal action against any consumer on a debt in which the statute of limitations has expired. (10 minutes)

7. Craig (MN): Adds a new section entitled the “Ryan Frascone Memorial Student Loan Relief Act of 2021” to release cosigners of private student loan agreements in the event of the death of the borrower, which will align current law with loans made prior to enactment of the Economic, Growth, Regulatory Relief, and Consumer Protection Act (P.L. 115–174). The amendment also creates the Treasury Loan Purchase Program administered by the Dept. of Treasury that would allow private student loan providers who sustain significant financial injury from releasing cosigners retroactively as provided in the amendment to apply to the Secretary of the Treasury to have the Secretary purchase and retire such loan. (10 minutes)

8. Luetkemeyer (MO): Directs the GAO to study and report to Congress within 1-year about how restricting debt collection will impact low- to moderate-income and minority borrowers with the bill becoming effective upon date of the report’s release. (10 minutes)

9. McHenry (NC): Replaces the underlying bill with targeted approaches to improve the debt collection and credit reporting framework which will ensure the financial system remains safe and sound while protecting and introducing options for consumers. (10 minutes)

10. Newman (IL): Requires the CFPB to create a page on their website with a consumer bill of rights for abusive debt collectors and resources, as well as directing it to be offered in different languages. (10 minutes)

11. Omar (MN): Directs the CFPB to study and report to Congress within 18 months about the consumer experiences and financial impacts of debt collection practices on student loan borrowers with private education loans, and requires an analysis on the practices of private student lenders challenging undue hardship petitions. (10 minutes)

12. Payne, Jr. (NJ): Requires the CFPB to report to Congress on the number of people unable to pay a debt because a debt collector is unable to accept a cash payment. (10 minutes)

13. Ross, Deborah (NC): Directs the GAO to (1) analyze the trends and impacts associated with the use of electronic and telephone communications in the debt collection industry, and (2) recommend regulatory and legislative proposals to reduce the annoyance, abuse, and harassment of consumers by debt collectors, including the frequency of electronic and telephone communications by debt collectors to consumers. (10 minutes)

14. Williams (GA): Commissions a report that identifies and analyzes racial disparities relating to debt collection practices and provides administrative and legislative recommendations to address such disparities. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 2547 CONSIDERED AS ADOPTED

Strike page 5, line 19 through page 6, line 7.

On page 6, after line 7 insert the following:

“(ff) The term ‘debt’ means any obligation of a person to pay to another person money—

“(1) that includes the right of the person providing the money to a legal or an equitable remedy for breach of performance if the breach gives rise to a right to payment; and

“(2) regardless of whether the obligation or right to a remedy described in paragraph (1) is absolute or contingent, has been reduced to judgment, is fixed, matured, unmatured, disputed, undisputed, recourse, nonrecourse, secured, or unsecured”.

On page 10, line 12, insert “(and any cosigner)” after “student obligor”.

On page 12, starting on line 20, strike “owed or due or asserted to be owed or due by a consumer,”.

On page 18, line 18, strike “that allows” and insert “that does not prohibit”.

On page 20, line 4, strike “phone” and insert “telephone”.

On page 21, strike line 19 and insert the following: “alleged obligation.”.

On page 21, after line 19, insert the following:

“The enforcement of a debt described in subparagraph (C) is deemed to be a collection of a debt.”; and

On page 24, line 5, insert “not” after “may”.

On page 24, line 6, strike “not” after “debt collector”.

On page 25, line 24, strike “Federal, State, and local” and insert “Federal and State”.

On page 26, line 2, strike “Federal, State, and local” and insert “Federal and State”.

On page 26, lines 3 through 4, strike “Federal, State, or local” and insert “Federal or State”.

On page 26, line 11, insert “Federal and” before “State”.

On page 26, line 15, strike “Federal, State, and local” and insert “Federal and State”.

On page 26, lines 17 through 18, strike “Federal, State, and local” and insert “Federal and State”.

On page 26, line 24, strike “Federal, State, and local” and insert “Federal and State”.

On page 27, line 12, strike “Federal, State, and local” and insert “Federal and State”.

On page 28, after line 4, insert the following:

(c) STATE DEFINED.—For the purposes of this section, the term “State” has the meaning given the term section 803 of the Fair Debt Collection Practices Act.

On page 32, line 9, insert “further” before “amended”.

On page 32, line 14, strike “EFFECTIVE DATE” and insert “MISCELLANEOUS PROVISIONS”.

On page 32, after line 14, insert the following:

**SEC. 901. DISCRETIONARY SURPLUS FUNDS.**

(a) IN GENERAL.—The dollar amount specified under section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is reduced by \$2,900,000,000.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2031.

## PART B—TEXT OF AMENDMENTS TO H.R. 2547 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
 Redesignate section 901 as section 1001.  
 After title VIII insert the following:

**TITLE IX—SECURING CONSUMERS AGAINST MISREPRESENTED DEBT ACT**

**SEC. 901. SHORT TITLE.**

This Act may be cited as the “Securing Consumers Against Misrepresented Debt Act of 2021” or the “SCAM Debt Act”.

**SEC. 902. LEGAL ACTIONS BY DEBT COLLECTORS.**

Section 811 of the Fair Debt Collections Practices Act (15 U.S.C. 1692i) is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following new subsection:

“(b) REQUIREMENTS FOR DEBT COLLECTORS.—A debt collector that takes legal action to collect or attempt to collect a debt shall comply with the following requirements:

“(1) Provide the consumer written notice of the intent to take legal action, sent to the consumer’s last known address at least 30 days and not later than 60 days in advance of commencing the legal action, that shall include—

“(A) all methods that the consumer can use to contact the debt collector; and

“(B) all information contained in the notice required under section 809(a) (excluding the information described in paragraphs (3), (4), and (5) of such section), updated to ensure correctness.

“(2) In the initial pleading filed by a debt collector to commence a legal action to collect a debt, include—

“(A) all information contained in the notice required under section 809(a) (excluding the information described in paragraphs (3), (4), and (5) of such section), except any account numbers and any personally identifiable information, updated to ensure correctness;

“(B) the last four digits of the account number of the original debt;

“(C) admissible documentary evidence of—

“(i) the written agreement, contract, or instrument creating the debt, if any, or other documents showing that the consumer agreed to the agreement, contract, or instrument creating the debt;

“(ii) any terms and conditions relevant to the debt;

“(iii) that the consumer incurred the debt and the amount owed; and

“(iv) that there is a chain of title of the ownership of debt and the right to collect the debt, including documents showing the date of each transfer of ownership

- of the debt and the identity of each owner of the debt;  
and  
“(D) a sworn affidavit stating—  
    “(i) that the applicable statute of limitations for collecting the debt has not expired and the date on which such statute of limitations expires; and  
    “(ii) that the debt collector personally reviewed all applicable records and documents relating to the debt to be collected.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADAMS OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.

Redesignate section 901 as section 1001.

In section 1001, as redesignated, strike “This Act” and insert “Except as otherwise provided in this Act, this Act”.

After title VIII insert the following:

**TITLE IX—TEMPORARY RELIEF FOR PRIVATE STUDENT LOAN BORROWERS**

**SEC. 901. TEMPORARY RELIEF FOR PRIVATE STUDENT LOAN BORROWERS.**

(a) IN GENERAL.—A servicer of a private education loan shall not report an adverse item of information relating to the nonpayment of a private education loan that occurred during the covered period.

(b) CONSUMER REPORTING AGENCIES.—During the covered period, a consumer reporting agency—

(1) may not make a consumer report containing adverse information relating to the nonpayment of a private education loan by a covered borrower; and

(2) shall promptly remove, in a period of time as determined by the Director of the Consumer Financial Protection Bureau, from a consumer report any such adverse information reported during the covered period.

(c) IMPLEMENTATION.—The Director of the Consumer Financial Protection Bureau may issue guidance or rules to implement this section, including—

(1) requiring any notifications and other requirements that may be necessary to carry out this section; and

(2) ensuring a covered borrower is aware of their rights under this section relating to the exclusion or removal of any relevant adverse information the consumer report of the consumer.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) COVERED BORROWER.—The term “covered borrower” means a borrower of a private education loan.

(2) COVERED PERIOD.—The term “covered period” means the period beginning on March 13, 2020 (the date the President declared the emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019



(COVID–19) pandemic) and ending on the date that is 30 days after the end of the incident period for such emergency.

(3) FAIR CREDIT REPORTING ACT DEFINITIONS.—The terms “consumer report” and “consumer reporting agency” have the meanings given, respectively, in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(4) PRIVATE EDUCATION LOAN.—The term “private education loan” has the meaning given the term in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOWMAN OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 18, line 19, strike “email and text messages” and insert “email, text messages, and direct messages through social media”.

On page 18, line 21, strike “TEXTS AND EMAILS” and insert “TEXTS, EMAILS, AND SOCIAL MEDIA MESSAGES”.

On page 19, strike lines 1 through 5 and insert the following:

“(7) Contacting the person electronically, including by email, text message, and direct message through social media, if—

“(A) the communication is required to be in writing and the person has not consented to receive the communication electronically in accordance with the requirements of the Electronic Signatures in Global and National Commerce Act;

“(B) the communication is governed by the Telephone Consumer Protection Act and the person has not consented to receive such communication in accordance with the requirements of such Act;

“(C) consent by the person to receive the communication was not provided directly to the debt collector;

“(D) consent by the person to receive the communication electronically has been withdrawn; or

“(E) the frequency of contact by the debt collector is greater than consented to by the person.”

On page 19, after line 5 insert the following:

(d) PROTECTION OF CONSUMERS FROM SOCIAL MEDIA COMMUNICATIONS IN DEBT COLLECTION.—Section 808(7) of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended by inserting the following before the period: “or through a social media platform if the communication is viewable by the general public or the person’s social media contacts”.

On page 19, line 6, strike “(d)” and insert “(e)”.

On page 19, line 19, strike “(e)” and insert “(f)”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURGESS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 901 and insert the following:

**SEC. 901 EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the date that is the later of—

(1) the date that is 180 days after the date of the enactment of this Act; and

(2) the date on which the Secretary of the Treasury certifies to Congress that the enactment of this Act will not—

(A) limit the availability of debt products for Americans who do not have a credit history, who have a poor credit history, or who are from lower socio-economic backgrounds” part to apply to both parts; or

(B) increase the cost of debt products for Americans who do not have a credit history, who have a poor credit history, or who are from lower socio-economic backgrounds.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUSH OF MISSOURI OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.

Redesignate section 901 as section 1001.

After title VIII insert the following:

## **TITLE IX—REPORTS**

### **SEC. 901 REPORT ON COVID-19 PANDEMIC DEBT COLLECTION PRACTICES.**

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Bureau of Consumer Financial Protection shall submit a report to Financial Services Committee of the House of Representatives and Banking Committee of the Senate that—

(1) analyzes available data relating to consumer complaints about debt collection practices during the COVID-19 pandemic, including the collection of medical debt and the collection of debt from servicemembers;

(2) lists all enforcement actions taken by the Bureau during the COVID-19 pandemic that related to debt collection; and

(3) describes how the Bureau will use regulatory, supervisory and enforcement tools to combat predatory debt collection practices identified during the COVID-19 pandemic.

(b) ADDITIONAL REQUIRED INFORMATION.—

(1) IN GENERAL.—The Director shall require each larger participant in the consumer debt collection market (as such term is defined in section 1090 of title 12 of the Code of Federal Regulations to provide to the Director information about any default judgements pursued by such larger participant through litigation during the COVID-19 pandemic.

(2) INCLUSION IN REPORT.—The Director shall compile all information received from larger participants under paragraph (1) and shall include such information in the report required under subsection (a)

(c) DEFINITIONS.—In this section:

(1) The term “Director” means the Director of the Bureau of Consumer Financial Protection.

(2) The term “Bureau” means the Bureau of Consumer Financial Protection.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
Redesignate section 901 as section 1001.  
After title VIII insert the following:

**TITLE IX—FAIR DEBT COLLECTION  
IMPROVEMENT ACT**

**SEC. 901. SHORT TITLE.**

This title may be cited as the “Fair Debt Collection Improvement Act”.

**SEC. 902. PROHIBITION ON COLLECTING TIME-BARRED DEBT.**

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended by inserting after section 811 the following:

**“§ 811A. Prohibition on collecting time-barred debt**

“A debt collector may not collect, or attempt to collect, any debt of a consumer with respect to which the statute of limitations has expired.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Fair Debt Collection Practices Act is amended by inserting after the item relating to section 811 the following:  
“811A. Prohibition on collecting time-barred debt.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAIG OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE X—RELEASE OF COSIGNERS ON  
PRIVATE STUDENT LOANS ON DEATH  
OF BORROWER**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Ryan Frascone Memorial Student Loan Relief Act of 2021”.

**SEC. 1002. APPLICABILITY OF CERTAIN AMENDMENTS TO THE TRUTH IN LENDING ACT.**

(a) IN GENERAL.—Effective on the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act (Public Law 115–174), section 601(b) of such Act is amended to read as follows:

“(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to private education loan agreements entered into before, on, or after the date of enactment of this Act.”.

(b) TREASURY LOAN PURCHASE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish a program under which the Secretary shall purchase and retire outstanding private education loans—

- (A) where the borrower on such loan is deceased;
  - (B) where there remains a cosigner on the loan;
  - (C) that were entered into before the date that is 180 days after the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act; and
  - (D) only upon an application from a holder of such loan pursuant to paragraph (2) that demonstrates the holder has suffered financial injury as a result of the amendment made by subsection (a).
- (2) APPLICATION.—The holder of a loan described under paragraph (1) may apply to the Secretary of the Treasury to have the Secretary purchase and retire such loan by submitting an application in such form and manner as the Secretary may require.
- (3) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of the Treasury \$5,000,000 to carry out this subsection.
- (4) TRUTH IN LENDING ACT TERMS.—In this subsection, the terms “cosigner” and “private education loan” have the meaning given those terms, respectively, under section 140 of the Truth in Lending Act (15 U.S.C. 1650)
- (c) SEVERABILITY.—The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUETKEMEYER OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
 Redesignate section 901 as section 1001.  
 Strike section 1001 and insert the following:

**SEC. 1001. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the date on which the Comptroller General of the United States issues a report pursuant to section 901.

After title VIII insert the following:

## **TITLE IX—REPORTS**

**SEC. 901. GAO REPORT.**

The Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act submit to the Financial Services Committee of the House of Representatives and the Banking Committee of the Senate a study that identifies any impacts that imposing restrictions on debt collection will have on low- to moderate-income and minority borrowers.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCHENRY OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all after the enacting clause and insert the following:

**SECTION 1. REQUIREMENT FOR CONFESSIONS OF JUDGEMENT.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

**“§ 140B. Unfair credit practices**

“In connection with the extension of credit or creation of debt in or affecting commerce, as defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44), including any advance of funds or sale or assignment of future income or receivables that may or may not be credit, no person may take or receive from another person an obligation that constitutes or contains a cognovit or confession of judgment (for purposes other than executory process in the State of Louisiana), warrant of attorney, or other waiver of the right to notice and the opportunity to be heard in the event of suit or process thereon unless the other person provides to the lender a written affidavit describing the nature of the default and the date on which such default occurred.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 103, by adding at the end the following:

“(ff) The term ‘debt’ means any obligation of a person to pay to another person money—

“(1) regardless of whether such obligation is absolute or contingent if the understanding between the parties is that any part of the money shall be or may be returned;

“(2) that includes the right of the person providing the money to an equitable remedy for breach of performance if the breach gives rise to a right to payment; and

“(3) regardless of whether the obligation or right to an equitable remedy described in paragraph (2) has been reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.”; and

(2) in section 130(a), by striking “creditor” each place the term appears and inserting “person”.

**SEC. 2. ENHANCED PROTECTION AGAINST DEBT COLLECTOR HARASSMENT OF SERVICEMEMBERS.**

(a) COMMUNICATION IN CONNECTION WITH DEBT COLLECTION.—Section 805 of the Fair Debt Collection Practices Act (15 U.S.C. 1692c) is amended by adding at the end the following:

“(e) COMMUNICATIONS CONCERNING SERVICEMEMBER DEBTS.—

“(1) DEFINITION.—In this subsection, the term ‘covered member’ means—

“(A) a covered member or a dependent as defined in section 987(i) of title 10, United States Code; and

“(B)(i) an individual who was separated, discharged, or released from duty described in such section 987(i)(1), but only during the 365-day period beginning on the date of separation, discharge, or release; or

“(ii) a person, with respect to an individual described in clause (i), described in subparagraph (A), (D), (E), or (I) of section 1072(2) of title 10, United States Code.

“(2) PROHIBITIONS.—A debt collector may not, in connection with the collection of any debt of a covered member—

“(A) threaten to have the covered member reduced in rank;

“(B) threaten to have the covered member’s security clearance revoked; or

“(C) threaten to have the covered member prosecuted under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

(b) UNFAIR PRACTICES.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended by adding at the end the following:

“(9) The representation to any covered member (as defined under section 805(e)(1)) that failure to cooperate with a debt collector will result in—

“(A) a reduction in rank of the covered member;

“(B) a revocation of the covered member’s security clearance; or

“(C) prosecution under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

### SEC. 3. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of debt collection on covered members (as defined under section 805(e)(1) of the Fair Debt Collection Practices Act, as added by section 201), which shall—

(1) identify types of false, deceptive, misleading, unfair, abusive, and harassing debt collection practices experienced by covered members and make recommendations to eliminate these practices;

(2) identify collection practices of creditors and debt collectors experienced by covered members;

(3) discuss the effect of these practices on military readiness; and

(4) discuss any national security implications, including the extent to which covered members with security clearances would be impacted by uncollected debt.

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

### SEC. 4. PROTECTIONS FOR OBLIGORS AND COSIGNERS IN CASES OF DEATH OR TOTAL AND PERMANENT DISABILITY.

(a) IN GENERAL.—Section 140(g) of the Truth in Lending Act (15 U.S.C. 1650) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “IN CASE OF DEATH OF BORROWER”;

(B) in subparagraph (A), by inserting after “of the death”, the following: “or total and permanent disability”; and

(C) in subparagraph (C), by inserting after “of the death”, the following: “or total and permanent disability”; and

(2) by adding at the end the following:

“(3) DISCHARGE IN CASE OF DEATH OR TOTAL AND PERMANENT DISABILITY OF BORROWER.—The holder of a private education loan may, upon request of the estate of a deceased student obligor or, in the case of a student obligor who incurs a total and

permanent disability, upon certification by a medical professional of such total and permanent disability, discharge the liability of the student obligor on the loan and may not, after such a discharge—

“(A) attempt to collect on the outstanding liability of the student obligor; and

“(B) in the case of total and permanent disability, monitor the disability status of the student obligor at any point after the date of discharge.

“(4) TOTAL AND PERMANENT DISABILITY DEFINED.—For the purposes of this subsection and with respect to an individual, the term ‘total and permanent disability’ means the individual is totally and permanently disabled, as such term is defined in section 685.102(b) of title 34 of the Code of Federal Regulations.”.

(b) RULEMAKING.—The Director of the Bureau of Consumer Financial Protection may issue rules to implement the amendments made by subsection (a) as the Director determines appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

**SEC. 5. EXCLUSION OF PAID MEDICAL DEBT.**

Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

“(9) Paid debt arising from the receipt of medically necessary, non-elective medical services, products, or devices which from the date of payment, antedate the report by more than 1 year.”.

**SEC. 6. OPT-OUT NOTICE FOR ELECTRONIC COMMUNICATIONS OR ATTEMPTS TO COMMUNICATE.**

Section 805 of the Fair Debt Collection Practices Act (15 U.S.C. 1692c), as amended by this Act, is further amended by adding at the end the following new subsection:

“(f) OPT-OUT NOTICE FOR ELECTRONIC COMMUNICATIONS OR ATTEMPTS TO COMMUNICATE.—A debt collector who communicates or attempts to communicate with a consumer electronically in connection with the collection of a debt using a specific email address, telephone number for text messages, or other electronic-medium address shall include in such communication or attempt to communicate a clear and conspicuous statement describing a reasonable and simple method by which the consumer can opt out of further electronic communications or attempts to communicate by the debt collector to that address or telephone number. The debt collector may not require, directly or indirectly, that the consumer, in order to opt out, pay any fee to the debt collector or provide any information other than the consumer’s opt-out preferences and the email address, telephone number for text messages, or other electronic-medium address subject to the opt-out request.”.

**SEC. 7. EFFECTIVE DATE.**

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date that is 180 days after the date of enactment of this Act.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEWMAN OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
Redesignate section 901 as section 1001.  
After title VIII insert the following:

**TITLE IX—CONSUMER BILL OF RIGHTS**

**SEC. 901 CONSUMER BILL OF RIGHTS AGAINST ABUSIVE DEBT COLLECTION PRACTICES.**

(a) IN GENERAL.—The Director shall, in consultation with relevant stakeholders and experts that specialize in consumer financial protection with respect to debt collection practices, maintain a webpage on the website of the Bureau that outlines consumer rights, protections, and remedies with respect to debt collection practices.

(b) ACCESSIBILITY.—

(1) IN GENERAL.—The Director shall ensure that the webpage established pursuant to subsection (a) is easily accessible and understandable.

(2) LANGUAGES.—The Director may, as determined appropriate by the Director, make the website available in languages other than English.

(c) CONTENTS.—The website established pursuant to subsection (a) may include—

(1) a description of acceptable and unacceptable practices that debt collectors may engage in while attempting to collect debt; and

(2) know your rights information that—

(A) outlines actions a consumer may take if they are experiencing abusive or inappropriate debt collection practices;

(B) provides resources to take action to prevent or stop abusive or inappropriate debt collection practices;

(C) contact information and other available resources for a consumer to learn more to prevent or stop such abusive practices; and

(D) any other information the Bureau deems appropriate to better inform consumers of their rights with respect to debt collection practices.

(d) DEFINITIONS.—In this section:

(1) The term “Director” means the Director of the Bureau of Consumer Financial Protection.

(2) The term “Bureau” means the Bureau of Consumer Financial Protection.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OMAR OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
Redesignate section 901 as section 1001.  
In section 1001, as redesignated, strike “This Act” and insert “Except as otherwise provided in this Act, this Act”.  
After title VIII insert the following:



## **TITLE IX—REPORT ON EXPERIENCES OF DELINQUENT BORROWERS OF PRIVATE EDUCATION LOANS**

### **SEC. 901. REPORT ON EXPERIENCES OF DELINQUENT STUDENT LOAN BORROWERS.**

Not later than 18 months after the date of the enactment of this Act, the Director of the Bureau of Consumer Financial Protection Bureau shall carry out a study and submit to Congress a report on the consumer experiences and financial impacts of debt collection practices on delinquent borrowers of private education loans (as defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)) and such report shall include an analysis of—

- (1) the frequency and nature of private student lenders challenging undue hardship bankruptcy petitions made by borrowers of private education loans; and
- (2) whether private student lenders disproportionately challenge undue hardship petitions made by low-income or otherwise vulnerable borrowers of private education loans.

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### 12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAYNE, JR OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, line 24 strike “and”.

Page 17, after line 24 add the following:

“(11) an analysis of the number of people unable to pay a debt because a debt collector is unable to accept a cash payment; and”.

Page 18, line 1, strike “(11)” and insert “(12)”.

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### 13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSS OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.

Redesignate section 901 as section 1001.

After title VIII insert the following:

## **TITLE IX—REPORTS**

### **SEC. 901. REPORT ON USE OF ELECTRONIC AND TELEPHONE COMMUNICATIONS IN THE DEBT COLLECTION INDUSTRY.**

Not later than 12 months after the date of the enactment of this section, the Comptroller General of the United States shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

- (1) analyzes trends and impacts associated with the use of electronic and telephone communications in the debt collection industry, including a study of the annoyance, abuse, and harassment of consumers by debt collectors, and methods for reducing the frequency of electronic and telephone communications by debt collectors to consumers; and

(2) contains specific regulatory and legislative proposals to accomplish those goals.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILLIAMS OF GEORGIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate title IX as title X.  
Redesignate section 901 as section 1001.  
After title VIII insert the following:

**TITLE IX—REPORTS**

**SEC. 901 REPORT ON DEBT COLLECTION PRACTICES AND RACIAL DISPARITIES.**

Not later than 18 months after the date of the enactment of this section, the Director of the Bureau of Consumer Financial Protection shall submit a report to the Financial Services Committee of the House of Representatives and Banking Committee of the Senate that—

- (1) identifies and analyzes racial disparities relating to debt collection practices; and
- (2) provides administrative and legislative recommendations to address such disparities.

