

111TH CONGRESS
2D SESSION

S. 3888

To make improvements to the Fair Debt Collection Practices Act, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. FRANKEN (for himself and Mr. LEMIEUX) introduced the following bill;
which was read twice and referred to the Committee on Banking, Hous-
ing, and Urban Affairs

A BILL

To make improvements to the Fair Debt Collection Practices
Act, 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 “End Debt Collector
5 Abuse Act of 2010”.

6 **SEC. 2. ENHANCED VALIDATION NOTICES.**

7 (a) IN GENERAL.—Section 809(a) of the Fair Debt
8 Collection Practices Act (15 U.S.C. 1692g(a)) is amend-
9 ed—

1 (1) in paragraph (4), by striking “and” at the
2 end; and

3 (2) by striking paragraph (5) and inserting the
4 following:

5 “(5) the date of the last payment to the cred-
6 itor on the subject debt by the consumer and the
7 amount of the debt at the time of default;

8 “(6) the name and address of the last person
9 to extend credit with respect to the debt;

10 “(7) an itemization of the principal, fees, and
11 interest that make up the debt and any other
12 charges added after the date of the last payment to
13 the creditor;

14 “(8) a description of the rights of the con-
15 sumer—

16 “(A) to request that the debt collector
17 cease communication with the consumer under
18 section 805(c); and

19 “(B) to have collection efforts stopped
20 under subsection (b); and

21 “(9) the name and contact information of the
22 person responsible for handling complaints on behalf
23 of the debt collector.”.

1 (b) EFFECTIVE DATE.—This section and the amend-
 2 ments made by this section shall become effective 1 year
 3 after the date of enactment of this Act.

4 **SEC. 3. DISPUTE INVESTIGATIONS AND VERIFICATION.**

5 Section 809(b) of the Fair Debt Collection Practices
 6 Act (15 U.S.C. 1692g(b)) is amended—

7 (1) by inserting after “(b)” the following: “DIS-
 8 PUTED DEBTS.—

9 “(1) IN GENERAL.—”; and

10 (2) by striking “Collection activities” and in-
 11 serting the following:

12 “(2) REASONABLE INVESTIGATION AND
 13 VERIFICATION REQUIRED.—Upon receipt of a notifi-
 14 cation under paragraph (1) that a debt is disputed
 15 by the consumer, the debt collector shall undertake
 16 a thorough investigation of the substance of the dis-
 17 pute, and shall timely provide to the consumer spe-
 18 cific responsive information and verification of the
 19 disputed debt.

20 “(3) COLLECTION ACTIVITIES.—Collection ac-
 21 tivities”.

22 **SEC. 4. AWARD OF DAMAGES.**

23 (a) ADDITIONAL DAMAGES INDEXED FOR INFLA-
 24 TION.—

1 (1) IN GENERAL.—Section 813 of the Fair
 2 Debt Collection Practices Act (15 U.S.C. 1692k) is
 3 amended by adding at the end the following:

4 “(f) ADJUSTMENT FOR INFLATION.—

5 “(1) INITIAL ADJUSTMENT.—Not later than 90
 6 days after the date of the enactment of this sub-
 7 section, the Commission shall provide a percentage
 8 increase (rounded to the nearest multiple of \$100 or
 9 \$1,000, as applicable) in the amounts set forth in
 10 such section equal to the percentage by which—

11 “(A) the Consumer Price Index for All
 12 Urban Consumers (all items, United States city
 13 average) for the 12-month period ending on the
 14 June 30 preceding the date on which the per-
 15 centage increase is provided, exceeds

16 “(B) the Consumer Price Index for the 12-
 17 month period preceding January 1, 1978.

18 “(2) ANNUAL ADJUSTMENTS.—With respect to
 19 any fiscal year beginning after the date of the in-
 20 crease provided under paragraph (1), the Commis-
 21 sion shall provide a percentage increase (rounded to
 22 the nearest multiple of \$100 or \$1,000, as applica-
 23 ble) in the amounts set forth in this section equal
 24 to the percentage by which—

1 “(A) the Consumer Price Index for All
2 Urban Consumers (all items, United States city
3 average) for the 12-month period ending on the
4 June 30 preceding the beginning of the fiscal
5 year for which the increase is made, exceeds

6 “(B) the Consumer Price Index for the 12-
7 month period preceding the 12-month period
8 described in subparagraph (A).”.

9 (2) APPLICABILITY.—The increases made under
10 section 813(f) of the Fair Debt Collection Practices
11 Act, as added by paragraph (1) of this subsection,
12 shall apply with respect to failures to comply with a
13 provision of such Act (15 U.S.C. 1601 et seq.) oc-
14 curring on or after the date of enactment of this
15 Act.

16 (b) INJUNCTIVE RELIEF.—Section 813(d) of the Fair
17 Debt Collection Practices Act (15 U.S.C. 1692k(d)) is
18 amended by adding at the end the following: “In a civil
19 action alleging a violation of this title, the court may
20 award appropriate relief, including injunctive relief.”.

21 **SEC. 5. SEEKING A WARRANT FOR ARREST OF DEBTOR AS**
22 **AN UNFAIR DEBT COLLECTION PRACTICE.**

23 (a) IN GENERAL.—Section 808 of the Fair Debt Col-
24 lection Practices Act (15 U.S.C. 1692f) is amended by
25 adding at the end the following:

1 “(9) A request by a debt collector to a court or
2 any law enforcement agency for the issuance of a
3 warrant for the arrest of a debtor or any other simi-
4 lar request that a debt collector knows or should
5 know would lead to the issuance of an arrest war-
6 rant, in relation to collection of a debt.”.

7 (b) CONSTRUCTION.—Paragraph (9) of such section
8 808, as added by subsection (a), shall not be construed
9 to limit a court’s inherent authority to hold a debtor in
10 civil contempt, nor to limit a debt collector’s ability to seek
11 a writ of execution or similar remedy to take possession
12 of property in order to satisfy a valid judgment of debt.

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