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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Fair Debt Collection Practices Act to safeguard access to information for consumers and to stop abusive debt litigation, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. BONAMICI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Fair Debt Collection Practices Act to safeguard access to information for consumers and to stop abusive debt litigation, 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 “Securing Consumers  
5 Against Misrepresented Debt Act of 2020” or the “SCAM  
6 Debt Act”.

1 **SEC. 2. DEFINITIONS.**

2 Section 803 of the Fair Debt Collection Practices Act  
3 (15 U.S.C. 1692a) is amended by adding at the end the  
4 following:

5 “(9) The term ‘legal action’ means any lawsuit  
6 or legal proceeding (including litigation, arbitration,  
7 enforcement of security interests, post-judgment ac-  
8 tions, and mediation) pursued, taken, threatened, of-  
9 fered, or requested by debt collectors.”.

10 **SEC. 3. FALSE OR MISLEADING REPRESENTATIONS.**

11 Section 807(11) of the Fair Debt Collection Practices  
12 Act (15 U.S.C. 1692e(11)) is amended by striking “legal  
13 action” and inserting “lawsuit”.

14 **SEC. 4. VALIDATION OF DEBTS.**

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

17 (1) in the matter preceding paragraph (1), by  
18 striking “the following information is contained in  
19 the initial communication or”;

20 (2) by amending paragraph (1) to read as fol-  
21 lows:

22 “(1) an itemization of the amount of the debt  
23 that includes—

24 “(A) the total amount of the debt owed on  
25 the date of the notice;

1           “(B) the most recent date of default on the  
2           debt; and

3           “(C) the amount owed on the most recent  
4           date of default, the amount of any payments  
5           made since such date, and the amount of any  
6           interest or fees accrued on the debt since such  
7           date;”;

8           (3) by amending paragraph (2) to read as fol-  
9           lows:

10           “(2) the name of the original creditor and, if  
11           different, the name of the creditor on the most re-  
12           cent date of default and the name of the current  
13           creditor to whom the debt is owed;”.

14           (4) in paragraph (4)—

15           (A) by striking “in writing”; and

16           (B) by striking “and” at the end;

17           (5) in paragraph (5)—

18           (A) by striking “written”; and

19           (B) by striking the period at the end and  
20           inserting a semicolon; and

21           (6) by adding at the end the following:

22           “(6) the account number of the debt on the  
23           most recent date of default; and

24           “(7) all methods that the consumer can use to  
25           contact the debt collector.”.

1 **SEC. 5. LEGAL ACTIONS BY DEBT COLLECTORS.**

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

4 (1) by redesignating subsection (b) as sub-  
5 section (c); and

6 (2) by inserting after subsection (a) the fol-  
7 lowing new subsection:

8 “(b) REQUIREMENTS FOR DEBT COLLECTORS.—A  
9 debt collector that takes legal action to collect or attempt  
10 to collect a debt shall comply with the following require-  
11 ments:

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

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

19 “(B) all information contained in the no-  
20 tice required under section 809(a) (excluding  
21 the information described in paragraphs (3),  
22 (4), and (5) of such section), updated to ensure  
23 correctness.

24 “(2) In the initial pleading filed by a debt col-  
25 lector to commence a legal action to collect a debt,  
26 include—

1           “(A) all information contained in the no-  
2           tice required under section 809(a) (excluding  
3           the information described in paragraphs (3),  
4           (4), and (5) of such section), except any ac-  
5           count numbers and any personally identifiable  
6           information, updated to ensure correctness;

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

9           “(C) admissible documentary evidence of—

10           “(i) the written agreement, contract,  
11           or instrument creating the debt, if any, or  
12           other documents showing that the con-  
13           sumer agreed to the agreement, contract,  
14           or instrument creating the debt;

15           “(ii) any terms and conditions rel-  
16           evant to the debt;

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

19           “(iv) that there is a chain of title of  
20           the ownership of debt and the right to col-  
21           lect the debt, including documents showing  
22           the date of each transfer of ownership of  
23           the debt and the identity of each owner of  
24           the debt; and

25           “(D) a sworn affidavit stating—

1                   “(i) that the applicable statute of limi-  
2                   tations for collecting the debt has not ex-  
3                   pired and the date on which such statute  
4                   of limitations expires; and

5                   “(ii) that the debt collector personally  
6                   reviewed all applicable records and docu-  
7                   ments relating to the debt to be collected.”.