

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Debt Collection Practices Act to extend the provisions of that Act to cover a debt collector who is collecting debt owed to a State or local government, to index award amounts under such Act for inflation, to provide for civil injunctive relief for violations of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MEEKS introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Fair Debt Collection Practices Act to extend the provisions of that Act to cover a debt collector who is collecting debt owed to a State or local government, to index award amounts under such Act for inflation, to provide for civil injunctive relief for violations of such 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 “Debt Collection Prac-
5 tices Harmonization Act”.

1 **SEC. 2. PREVENTING DECEPTIVE AND HARASSING PRACTICES WHEN COLLECTING DEBT OWED TO A**
2 **TICES WHEN COLLECTING DEBT OWED TO A**
3 **STATE OR LOCAL GOVERNMENT.**

4 Section 803(5) of the Fair Debt Collection Practices
5 Act (15 U.S.C. 1692a(5)) is amended—

6 (1) by striking “money arising out” and insert-
7 ing the following: “money—

8 “(A) arising out”;

9 (2) by striking “judgment.” and inserting
10 “judgment; or”; and

11 (3) by adding at the end the following:

12 “(B) owed to a State.”.

13 **SEC. 3. AWARD OF DAMAGES.**

14 (a) **ADDITIONAL DAMAGES INDEXED FOR INFLA-**
15 **TION.—**

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

19 “(f) **ADJUSTMENT FOR INFLATION.—**

20 “(1) **INITIAL ADJUSTMENT.—**Not later than 90
21 days after the date of the enactment of this sub-
22 section, the Bureau shall provide a percentage in-
23 crease (rounded to the nearest multiple of \$100 or
24 \$1,000, as applicable) in the amounts set forth in
25 this section equal 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 date on which the per-
5 centage increase is provided, exceeds

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

8 “(2) ANNUAL ADJUSTMENTS.—With respect to
9 any fiscal year beginning after the date of the in-
10 crease provided under paragraph (1), the Bureau
11 shall provide a percentage increase (rounded to the
12 nearest multiple of \$100 or \$1,000, as applicable) in
13 the amounts set forth in this section equal to the
14 percentage by which—

15 “(A) the Consumer Price Index for All
16 Urban Consumers (all items, United States city
17 average) for the 12-month period ending on the
18 June 30 preceding the beginning of the fiscal
19 year for which the increase is made, exceeds

20 “(B) the Consumer Price Index for the 12-
21 month period preceding the 12-month period
22 described in subparagraph (A).”.

23 (2) APPLICABILITY.—The increases made under
24 section 813(f) of the Fair Debt Collection Practices
25 Act, as added by paragraph (1) of this subsection,

1 shall apply with respect to failures to comply with a
2 provision of such Act (15 U.S.C. 1601 et seq.) oc-
3 ccurring on or after the date of enactment of this
4 Act.

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

10 **SEC. 4. PROHIBITION ON THE REFERRAL OF EMERGENCY**
11 **INDIVIDUAL ASSISTANCE DEBT.**

12 Chapter 3 of title 31, United States Code, is amend-
13 ed—

14 (1) in subchapter II, by adding at the end the
15 following:

16 **“§ 334. Prohibition on the referral of emergency indi-**
17 **vidual assistance debt**

18 “With respect to any assistance provided by the Fed-
19 eral Emergency Management Agency to an individual or
20 household pursuant to the Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5122 et
22 seq.), if the Secretary of the Treasury seeks to recoup any
23 amount of such assistance because of an overpayment, the
24 Secretary may not contract with any debt collector or
25 other private party to collect such amounts, unless the

1 overpayment occurred because of fraud or deceit and the
2 recipient of such assistance knew or should have known
3 about such fraud or deceit.”; and

4 (2) in the table of contents for such chapter, by
5 inserting after the item relating to section 333 the
6 following:

“334. Prohibition on the referral of emergency individual assistance debt.”.