

Union Calendar No. 690

115TH CONGRESS
2D SESSION

H. R. 5082

[Report No. 115–892]

To amend the Fair Debt Collection Practices Act to exclude law firms and licensed attorneys who are engaged in activities related to legal proceedings from the definition of a debt collector, to amend the Consumer Financial Protection Act of 2010 to prevent the Bureau of Consumer Financial Protection from exercising supervisory or enforcement authority with respect to attorneys when undertaking certain actions related to legal proceedings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2018

Mr. MOONEY of West Virginia (for himself and Mr. GONZALEZ of Texas) introduced the following bill; which was referred to the Committee on Financial Services

AUGUST 7, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

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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 “Practice of Law Tech-
5 nical Clarification Act of 2018”.

6 **SEC. 2. EXCLUSION OF LAW FIRMS AND ATTORNEYS FROM**
7 **THE DEFINITION OF DEBT COLLECTOR WHEN**
8 **ENGAGED IN THE PRACTICE OF LAW.**

9 Section 803(6) of the Fair Debt Collection Practices
10 Act (15 U.S.C. 1692a(6)) is amended—

11 (1) by redesignating subparagraph (F) as sub-
12 paragraph (G); and

13 (2) by inserting after subparagraph (E) the fol-
14 lowing:

15 “(F) any law firm or licensed attorney, to
16 the extent that—

17 “(i) such firm or attorney is engaged
18 in litigation activities in connection with a
19 legal action in a court of law to collect a
20 debt on behalf of a client, including—

21 “(I) serving, filing, or conveying
22 formal legal pleadings, discovery re-
23 quests, or other documents pursuant
24 to the applicable statute or rules of
25 civil procedure;

1 “(II) communicating in, or at the
2 direction of, a court of law (including
3 in depositions or settlement con-
4 ferences) or in the enforcement of a
5 judgment; or

6 “(III) any other activities en-
7 gaged in as part of the practice of
8 law, under the laws of a State in
9 which the attorney is licensed, that re-
10 late to the legal action; and

11 “(ii) such legal action is served on the
12 defendant debtor, or service is attempted,
13 in accordance with the applicable statute
14 or rules of civil procedure; and”.

15 **SEC. 3. AMENDMENT TO BUREAU AUTHORITY WITH RE-**
16 **SPECT TO PRACTICE OF LAW.**

17 Section 1027(e)(2)(B) of the Consumer Financial
18 Protection Act of 2010 (12 U.S.C. 5517(e)(2)(B)) is
19 amended by striking the period at the end and inserting
20 “, unless such financial product or service is provided by
21 a licensed attorney who is not a debt collector as described
22 under section 803(6)(F) of the Fair Debt Collection Prac-
23 tices Act.”.

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