

114TH CONGRESS
2D SESSION

H. R. 5796

To amend the Fair Debt Collection Practices Act to prohibit a court from making an award of costs to a defendant except on a finding that an action was brought in bad faith.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Fair Debt Collection Practices Act to prohibit a court from making an award of costs to a defendant except on a finding that an action was brought in bad faith.

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 “Fair Debt Collections
5 Practices Clarification Act of 2016”.

1 **SEC. 2. CLARIFICATION THAT NO AWARD OF COSTS MAY BE**
2 **MADE AGAINST CONSUMERS EXCEPT WHERE**
3 **ACTION BROUGHT IN BAD FAITH.**

4 Section 813(a)(3) of the Fair Debt Collection Prac-
5 tices Act (15 U.S.C. 1692k(a)(3)) is amended by adding
6 at the end the following: “A court may make an award
7 of costs or attorney fees to the defendant only after find-
8 ing that an action under this section was brought in bad
9 faith and for the purpose of harassment, and may not
10 make an award of costs or attorney fees otherwise.”.

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