

This bill will also require the debt collectors provide the name of the original creditor upfront so we can avoid cases such as that women from Richfield, who received collection notices from a company she had never heard of and, quite reasonably, ignored them. It is just common sense to make sure that debt collectors provide this sort of basic information upfront so these misunderstandings do not happen.

In the case a consumer does identify an inaccuracy with a debt claim, some debt collectors currently do little or nothing in terms of investigating whether the consumer's dispute is correct. For that reason, this bill would require the collectors conduct a thorough investigation when a consumer contacts them about a mistake. The collector would then have to provide the consumer with specific evidence about the dispute.

Finally, the End Debt Collector Abuse Act would increase the penalties for violating consumer rights in order to crack down on the rogue debt collectors who have been blatantly and willfully ignoring current Federal prohibitions against harassing calls and other abusive practices.

In this tough economy, Minnesotans are suffering enough right now and they deserve to have the basic protections against abusive debt collective practices. I urge my colleagues to join Senator LEMIEUX and me in supporting this bill so we can stop the abuse and harassment of hard-working Americans by rogue debt collection firms.

Mr. President, I ask unanimous consent that the text of the bill and a list of supports be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "End Debt Collector Abuse Act of 2010".

SEC. 2. ENHANCED VALIDATION NOTICES.

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

(1) in paragraph (4), by striking "and" at the end; and

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

"(5) the date of the last payment to the creditor on the subject debt by the consumer and the amount of the debt at the time of default;

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

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

"(8) a description of the rights of the consumer—

"(A) to request that the debt collector cease communication with the consumer under section 805(c); and

"(B) to have collection efforts stopped under subsection (b); and

"(9) the name and contact information of the person responsible for handling complaints on behalf of the debt collector."

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

SEC. 3. DISPUTE INVESTIGATIONS AND VERIFICATION.

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

(1) by inserting after "(b)" the following: "DISPUTED DEBTS.—

"(1) IN GENERAL.—"; and

(2) by striking "Collection activities" and inserting the following:

"(2) REASONABLE INVESTIGATION AND VERIFICATION REQUIRED.—Upon receipt of a notification under paragraph (1) that a debt is disputed by the consumer, the debt collector shall undertake a thorough investigation of the substance of the dispute, and shall timely provide to the consumer specific responsive information and verification of the disputed debt.

"(3) COLLECTION ACTIVITIES.—Collection activities".

SEC. 4. AWARD OF DAMAGES.

(a) ADDITIONAL DAMAGES INDEXED FOR INFLATION.—

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

"(F) ADJUSTMENT FOR INFLATION.—

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

"(A) the Consumer Price Index for All Urban Consumers (all items, United States city average) for the 12-month period ending on the June 30 preceding the date on which the percentage increase is provided, exceeds

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

"(2) ANNUAL ADJUSTMENTS.—With respect to any fiscal year beginning after the date of the increase provided under paragraph (1), the Commission shall provide a percentage increase (rounded to the nearest multiple of \$100 or \$1,000, as applicable) in the amounts set forth in this section equal to the percentage by which—

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

"(B) the Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A)."

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

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

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

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

"(9) A request by a debt collector to a court or any law enforcement agency for the

issuance of a warrant for the arrest of a debtor or any other similar request that a debt collector knows or should know would lead to the issuance of an arrest warrant, in relation to collection of a debt."

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

The following have endorsed the End Debt Collector Abuse Act:

National Consumer Law Center, Consumers Union; National Consumers League, Center for Responsible Lending, Service Employees International Union (SEIU), The Leadership Conference on Civil and Human Rights, National Association of Consumer Advocates, National Council of La Raza, Consumer Action, National Association for the Advancement of Colored People (NAACP), Minnesota Attorney General Lori Swanson, Legal Services Advocacy Project (Minnesota), Family Partnership (Minnesota), Minneapolis Urban League, Minnesota Community Action Partnership, Jewish Community Action (Minnesota), Housing Preservation Project (Minnesota), Lutheran Social Services of Minnesota—Financial Counseling Services, Catholic Charities' Office for Social Justice (Minnesota), Twin Cities Habitat for Humanity (Minnesota), Downtown Congregations to End Homelessness (Minnesota), Metropolitan Consortium of Community Developers (Minnesota).

By Mr. DODD (for himself and Mr. BURR):

S. 3895. A bill to protect students from inappropriate seclusion and physical restraint, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Keeping All Students Safe Act to create a safe environment for students and school personnel by creating minimum standards around the use of seclusion and restraint in schools. In December, I introduced a similar bill. But today, I come to the floor with my good friend and colleague Senator BURR, with a revised act that incorporates additional protections for students.

In 1998, the Hartford Courant ran an award-winning series of stories about the use of seclusion and restraint in hospitals, residential facilities, and group homes for individuals with psychiatric and developmental disabilities. The Courant uncovered a hidden epidemic, confirming 142 deaths occurring during or after the use of seclusion or restraint.

One of those 142 cases was an 11-year-old boy from my home State of Connecticut. He was restrained face-down in a position that restricted his air flow. He died as a result.

In response, I led the charge to establish Federal standards to prevent the misuse of these practices. I helped pass The Children's Health Act of 2000, which included the Compassionate Care Act that I originally drafted to put these standards in place in certain hospitals and residential facilities. We