

Union Calendar No. 520

116TH CONGRESS
2^D SESSION

H. R. 4328

[Report No. 116–635]

To amend the Fair Credit Reporting Act to protect certain consumers affected by a shutdown, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2019

Ms. WATERS (for herself, Mr. MEEKS, Mr. SHERMAN, Ms. WEXTON, and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on Financial Services

DECEMBER 8, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 13, 2019]

A BILL

To amend the Fair Credit Reporting Act to protect certain consumers affected by a shutdown, 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 “Protecting Innocent*
 5 *Consumers Affected by a Shutdown Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *Section 603 of the Fair Credit Reporting Act (15*
 8 *U.S.C. 1681a), as amended by section 302(b)(1) of the Eco-*
 9 *nomic Growth, Regulatory Relief, and Consumer Protection*
 10 *Act (Public Law 115–174), is amended by adding at the*
 11 *end the following:*

12 “(bb) *EMPLOYEE AFFECTED BY A SHUTDOWN.*—*With*
 13 *respect to a shutdown, the term ‘employee affected by a shut-*
 14 *down’ means a consumer who—*

15 “(1) *is an employee of—*

16 “(A) *the Federal Government, and who is*
 17 *furloughed or excepted from a furlough during*
 18 *the shutdown;*

19 “(B) *the District of Columbia, and who is*
 20 *not receiving pay because of the shutdown; or*

21 “(C) *a Federal contractor (as defined under*
 22 *section 7101 of title 41, United States Code) or*
 23 *other business, and who has experienced a sub-*
 24 *stantial reduction in pay (directly or indirectly)*
 25 *due to the shutdown; and*

1 “(2) *who—*

2 “(A) *is listed in the database established*
3 *under section 630; or*

4 “(B) *has self-certified pursuant to such sec-*
5 *tion.*

6 “(cc) *SHUTDOWN.—The term ‘shutdown’ means any*
7 *period in which there is more than a 24-hour lapse in ap-*
8 *propriations as a result of a failure to enact a regular ap-*
9 *propriations bill or continuing resolution.*

10 “(dd) *COVERED SHUTDOWN PERIOD.—The term ‘cov-*
11 *ered shutdown period’ means, with respect to a shutdown,*
12 *the period beginning on the first day of the shutdown and*
13 *ending on the date that is 90 days after the last day of*
14 *the shutdown.”.*

15 **SEC. 3. EXCLUSION FOR EMPLOYEES AFFECTED BY A SHUT-**
16 **DOWN.**

17 *Section 605(a) of the Fair Credit Reporting Act (15*
18 *U.S.C. 1681c(a)), as amended by section 302(b)(2) of the*
19 *Economic Growth, Regulatory Relief, and Consumer Pro-*
20 *tection Act (Public Law 115–174), is amended by adding*
21 *at the end the following:*

22 “(9) *Any adverse item of information with re-*
23 *spect to an action or inaction taken during a covered*
24 *shutdown period by an employee affected by a shut-*
25 *down.”.*

1 **SEC. 4. AMENDMENT TO SUMMARY OF RIGHTS FOR EM-**
 2 **PLOYEES AFFECTED BY A SHUTDOWN.**

3 *Section 609(a) of the Fair Credit Reporting Act (15*
 4 *U.S.C. 1681g(a)) is amended by adding at the end the fol-*
 5 *lowing:*

6 *“(7) Information on the rights of an employee*
 7 *affected by a shutdown, including which consumers*
 8 *may be an employee affected by a shutdown and the*
 9 *process for a consumer to self-certify as an employee*
 10 *affected by a shutdown under section 630.”.*

11 **SEC. 5. DATABASE AND SELF-CERTIFICATION FOR EMPLOY-**
 12 **EES AFFECTED BY A SHUTDOWN.**

13 *(a) IN GENERAL.—The Fair Credit Reporting Act (15*
 14 *U.S.C. 1681 et seq.) is amended by adding at the end the*
 15 *following new section:*

16 **“§ 630. Database and self-certification for employees**
 17 **affected by a shutdown**

18 *“(a) DATABASE.—*

19 *“(1) IN GENERAL.—With respect to each shut-*
 20 *down, the consumer reporting agencies described in*
 21 *section 603(p) shall jointly establish a database that*
 22 *includes employees affected by the shutdown as re-*
 23 *ported pursuant to paragraph (2).*

24 *“(2) CONTENTS OF DATABASE.—*

25 *“(A) FURLOUGHED EMPLOYEES AND CON-*
 26 *TRACTORS.—Each authority of the executive, leg-*

islative, or judicial branch of the Federal Government or District of Columbia shall provide to the consumer reporting agencies described in section 603(p) a list identifying—

“(i) employees of such authority that are furloughed, excepted from furlough, or not receiving pay because of a shutdown; and

“(ii) to the extent practicable, employees of contractors of such authority.

“(B) *SELF-CERTIFIED CONSUMERS*.—A consumer that self-certifies as an employee affected by a shutdown pursuant to subsection (b) shall be included in the database, unless the Bureau determines such consumer is not an employee affected by a shutdown.

“(3) *ACCESS TO DATABASE*.—The consumer reporting agencies described in section 603(p) shall make the database established under this subsection available to the Bureau, other consumer reporting agencies, furnishers of information to consumer reporting agencies, and users of consumer reports. A consumer reporting agency described in section 603(x) shall periodically access the database to confirm the accuracy of information such an agency has that

1 *identifies a consumer as an employee affected by a*
 2 *shutdown.*

3 “(b) *SELF-CERTIFICATION PROCESS.*—*A consumer*
 4 *shall be deemed to be an employee affected by a shutdown*
 5 *if such consumer self-certifies through—*

6 *“(1) the website established under subsection (c);*
 7 *or*

8 *“(2) a toll-free telephone number established by*
 9 *a consumer reporting agency.*

10 “(c) *WEBSITE.*—*The consumer reporting agencies de-*
 11 *scribed in section 603(p) shall jointly establish a website*
 12 *for a consumer to self-certify as an employee affected by*
 13 *a shutdown. Such website may not include any advertise-*
 14 *ment or other solicitation.”.*

15 (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*
 16 *contents of the Fair Credit Reporting Act is amended by*
 17 *adding at the end the following new item:*

“630. Database and self-certification for employees affected by a shutdown.”.

18 **SEC. 6. PROHIBITION ON ADVERSE ACTIONS AGAINST EM-**
 19 **PLOYEES AFFECTED BY A SHUTDOWN.**

20 *Section 604 of the Fair Credit Reporting Act (15*
 21 *U.S.C. 1681b) is amended by adding at the end the fol-*
 22 *lowing:*

23 “(h) *PROHIBITION ON ADVERSE ACTIONS AGAINST*
 24 *EMPLOYEES AFFECTED BY A SHUTDOWN.*—*If a user of a*
 25 *consumer report knows that a consumer is an employee af-*

1 *ected by a shutdown, such user may not take an adverse*
2 *action based on—*

3 “(1) *any adverse item of information contained*
4 *in such report with respect to an action or inaction*
5 *taken during a covered shutdown period by the em-*
6 *ployee; or*

7 “(2) *information on the consumer included in*
8 *the database established under section 630.*”.

9 **SEC. 7. BUREAU REGULATIONS OR GUIDANCE.**

10 *Not later than 30 days after the date of the enactment*
11 *of this Act, the Bureau of Consumer Financial Protection*
12 *shall issue rules or guidance, as appropriate, to carry out*
13 *the requirements of this Act.*

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