

116TH CONGRESS
1ST SESSION

H. R. 4328

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

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. DEFINITION OF EMPLOYEE AFFECTED BY A SHUT-**
7 **DOWN.**

8 Section 603 of the Fair Credit Reporting Act (15
9 U.S.C. 1681a), as amended by section 302(b)(1) of the
10 Economic Growth, Regulatory Relief, and Consumer Pro-

1 tention Act (Public Law 115–174), is amended by adding
2 at the end the following:

3 “(bb) EMPLOYEE AFFECTED BY A SHUTDOWN.—

4 With respect to a shutdown, the term ‘employee affected
5 by a shutdown’ means a consumer who—

6 “(1) is an employee of—

7 “(A) the Federal Government, and who is
8 furloughed or excepted from a furlough during
9 the shutdown;

10 “(B) the District of Columbia, and who is
11 not receiving pay because of the shutdown; or

12 “(C) a Federal contractor (as defined
13 under section 7101 of title 41, United States
14 Code) or other business, and who has experi-
15 enced a substantial reduction in pay (directly or
16 indirectly) due to the shutdown; and

17 “(2) who—

18 “(A) is listed in the database established
19 under section 630; or

20 “(B) has self-certified pursuant to such
21 section.

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

1 “(dd) COVERED SHUTDOWN PERIOD.—The term
2 ‘covered shutdown period’ means, with respect to a shut-
3 down, the period beginning on the first day of the shut-
4 down and ending on the date that is 90 days after the
5 last day of the shutdown.”.

6 **SEC. 3. EXCLUSION FOR EMPLOYEES AFFECTED BY A**
7 **SHUTDOWN.**

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

13 “(9) Any adverse item of information with re-
14 spect to an action or inaction taken during a covered
15 shutdown period by an employee affected by a shut-
16 down.”.

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

19 Section 609(a) of the Fair Credit Reporting Act (15
20 U.S.C. 1681g(a)) is amended by adding at the end the
21 following:

22 “(7) Information on the rights of an employee
23 affected by a shutdown, including which consumers
24 may be an employee affected by a shutdown and the

1 process for a consumer to self-certify as an employee
 2 affected by a shutdown under section 630.”.

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

5 (a) IN GENERAL.—The Fair Credit Reporting Act
 6 (15 U.S.C. 1681 et seq.) is amended by adding at the end
 7 the following new section:

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

10 “(a) DATABASE.—

11 “(1) IN GENERAL.—With respect to each shut-
 12 down, the consumer reporting agencies described in
 13 section 603(p) shall jointly establish a database that
 14 includes employees affected by the shutdown as re-
 15 ported pursuant to paragraph (2).

16 “(2) CONTENTS OF DATABASE.—

17 “(A) FURLOUGHED EMPLOYEES AND CON-
 18 TRACTORS.—Each authority of the executive,
 19 legislative, or judicial branch of the Federal
 20 Government or District of Columbia shall pro-
 21 vide to the consumer reporting agencies de-
 22 scribed in section 603(p) a list identifying—

23 “(i) employees of such authority that
 24 are furloughed, excepted from furlough, or

1 not receiving pay because of a shutdown;
2 and

3 “(ii) to the extent practicable, employ-
4 ees of contractors of such authority.

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

11 “(3) ACCESS TO DATABASE.—The consumer re-
12 porting agencies described in section 603(p) shall
13 make the database established under this subsection
14 available to the Bureau, other consumer reporting
15 agencies, furnishers of information to consumer re-
16 porting agencies, and users of consumer reports. A
17 consumer reporting agency described in section
18 603(x) shall periodically access the database to con-
19 firm the accuracy of information such an agency has
20 that identifies a consumer as an employee affected
21 by a shutdown.

22 “(b) SELF-CERTIFICATION PROCESS.—A consumer
23 shall be deemed to be an employee affected by a shutdown
24 if such consumer self-certifies through—

1 “(1) the website established under subsection
2 (c); or

3 “(2) a toll-free telephone number established by
4 a consumer reporting agency.

5 “(c) WEBSITE.—The consumer reporting agencies
6 described in section 603(p) shall jointly establish a website
7 for a consumer to self-certify as an employee affected by
8 a shutdown. Such website may not include any advertise-
9 ment or other solicitation.”.

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

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

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

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

18 “(h) PROHIBITION ON ADVERSE ACTIONS AGAINST
19 EMPLOYEES AFFECTED BY A SHUTDOWN.—If a user of
20 a consumer report knows that a consumer is an employee
21 affected by a shutdown, such user may not take an adverse
22 action based on—

23 “(1) any adverse item of information contained
24 in such report with respect to an action or inaction

1 taken during a covered shutdown period by the em-
2 ployee; or

3 “(2) information on the consumer included in
4 the database established under section 630.”.

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

6 Not later than 30 days after the date of the enact-
7 ment of this Act, the Bureau of Consumer Financial Pro-
8 tection shall issue rules or guidance, as appropriate, to
9 carry out the requirements of this Act.

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