

116TH CONGRESS  
1ST SESSION

# H. R. 953

To prohibit consumer reporting agencies from including adverse information in certain consumer reports, and from making adverse determinations relating to security clearances, with respect to certain individuals affected by the Government shutdown, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2019

Mr. EVANS (for himself, Mr. CISNEROS, Mr. GRIJALVA, Ms. NORTON, Mr. JOHNSON of Georgia, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. MOORE, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Financial Services, 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

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## A BILL

To prohibit consumer reporting agencies from including adverse information in certain consumer reports, and from making adverse determinations relating to security clearances, with respect to certain individuals affected by the Government 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,*

1 **SECTION 1. PROHIBITION ON INCLUDING ADVERSE INFOR-**  
2 **MATION IN CERTAIN CONSUMER REPORTS.**

3 (a) IN GENERAL.—Subject to subsection (b), if an  
4 event occurred during a shutdown that resulted in the fur-  
5 nishing of an item of adverse information to a consumer  
6 reporting agency that such agency would otherwise include  
7 in a consumer report of a covered individual, such agency  
8 may not include such information in a consumer report  
9 of such covered individual during the period beginning on  
10 the first day of a shutdown and ending on the date that  
11 is 9 months after the day on which the shutdown ends.

12 (b) COVERED INDIVIDUALS.—For a covered indi-  
13 vidual to be eligible under subsection (a), such covered in-  
14 dividual shall submit a certification to the Bureau of Con-  
15 sumer Financial Protection that the event that resulted  
16 in the furnishing of an item of adverse information oc-  
17 curred because of the shutdown.

18 **SEC. 2. GOVERNMENT SHUTDOWN AND SECURITY CLEAR-**  
19 **ANCE DETERMINATIONS.**

20 The head of an agency may not make an adverse de-  
21 termination for purposes of granting or renewing a secu-  
22 rity clearance or an access determination with respect to  
23 any covered person (as that term is defined in section  
24 3002(a)(2) of the Intelligence Reform and Terrorism Pre-  
25 vention Act of 2004 (50 U.S.C. 3343(a)(2)) based solely  
26 on a failure of that covered person to make any payment

1 on a debt due during the period of a shutdown during  
2 which that covered person was furloughed or excepted  
3 from such furlough as a result of such shutdown.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) CONSUMER REPORTING AGENCY.—The term  
7 “consumer reporting agency” has the meaning given  
8 in section 603 of the Fair Credit Reporting Act (15  
9 U.S.C. 1681a).

10 (2) COVERED INDIVIDUAL.—The term “covered  
11 individual” means—

12 (A) an employee of the Federal Govern-  
13 ment furloughed or excepted from such fur-  
14 lough during any shutdown;

15 (B) a Federal contractor who, during any  
16 shutdown, is not receiving pay by reason of  
17 such shutdown; and

18 (C) an owner or employee of a small busi-  
19 ness concern (as defined under section 3 of the  
20 Small Business Act (15 U.S.C. 632)) that is lo-  
21 cated within a reasonable distance of a building  
22 owned or rented by the Federal Government, as  
23 determined by the Bureau of Consumer Finan-  
24 cial Protection.

1           (3) SHUTDOWN.—The term “shutdown” means  
2           any lapse in appropriations that begins on or after  
3           December 22, 2018.

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