

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3621) TO AMEND THE FAIR CREDIT REPORTING ACT TO REMOVE ADVERSE INFORMATION FOR CERTAIN DEFAULTED OR DELINQUENT PRIVATE EDUCATION LOAN BORROWERS WHO DEMONSTRATE A HISTORY OF LOAN REPAYMENT, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 550) TO AWARD A CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE UNITED STATES MERCHANT MARINERS OF WORLD WAR II, IN RECOGNITION OF THEIR DEDICATED AND VITAL SERVICE DURING WORLD WAR II

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JANUARY 27, 2020.—Referred to the House Calendar and ordered to be printed

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Mr. RASKIN, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 811]

The Committee on Rules, having had under consideration House Resolution 811, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3621, the Student Borrower Credit Improvement Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-47, modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order

against the amendments printed in Part B of this report. The resolution provides one motion to recommit with or without instructions. The resolution provides for the consideration of the Senate amendment to H.R. 550. The resolution makes in order a motion offered by the chair of the Committee on Foreign Affairs or his designee that the House concur in the Senate amendment with two House amendments:

- Amendment #1 consisting of the text of Rules Committee Print 116–48 (No War Against Iran Act).
- Amendment #2 consisting of the text of Rules Committee Print 116–49 (To repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002).

The resolution provides one hour of debate on each House amendment, equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. The resolution waives all points of order against consideration of the motion and provides that the Senate amendment and the motion shall be considered as read. The resolution provides that the question shall be divided between the two House amendments and no further division of the question is in order. The resolution provides that the divided question shall be considered in the order specified by the chair. The resolution provides that if only one amendment is adopted, that amendment shall be engrossed as an amendment in the nature of a substitute to the Senate amendment to H.R. 550.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 3621 includes waivers of the following:

- Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period; however, the budgetary effects of the bill are fully offset over the 10-year period.
- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.
- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.
- Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided, except when a declaration of war by the Congress is in effect.

Although the resolution waives all points of order against provisions in H.R. 3621, as amended, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in Part B of this report, the Committee is not

aware of any points of order. The waiver of all points of order prophylactic in nature.

The waiver of all points of order against consideration of the motion to concur in the Senate amendment includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 235*

Motion by Mr. Cole to provide an open rule for H.R. 3621 and the Senate Amendment to H.R. 550. Defeated: 4–8

| Majority Members             | Vote | Minority Members  | Vote |
|------------------------------|------|-------------------|------|
| Mr. Hastings .....           |      | Mr. Cole .....    | Yea  |
| Mrs. Torres .....            | Nay  | Mr. Woodall ..... | Yea  |
| Mr. Perlmutter .....         | Nay  | Mr. Burgess ..... | Yea  |
| Mr. Raskin .....             | Nay  | Mrs. Lesko .....  | Yea  |
| Ms. Scanlon .....            | Nay  |                   |      |
| Mr. Morelle .....            | Nay  |                   |      |
| Ms. Shalala .....            | Nay  |                   |      |
| Mr. DeSaulnier .....         | Nay  |                   |      |
| Mr. McGovern, Chairman ..... | Nay  |                   |      |

##### *Rules Committee record vote No. 236*

Motion by Mr. Cole to make in order amendment #1 to the Senate amendment to H.R. 550 offered by Mr. Cole (OK). The amendment expands the list of exceptions for the use of force to include defense against an imminent threat against the United States or against a catastrophic attack against the State of Israel. Defeated: 4–8

| Majority Members             | Vote | Minority Members  | Vote |
|------------------------------|------|-------------------|------|
| Mr. Hastings .....           |      | Mr. Cole .....    | Yea  |
| Mrs. Torres .....            | Nay  | Mr. Woodall ..... | Yea  |
| Mr. Perlmutter .....         | Nay  | Mr. Burgess ..... | Yea  |
| Mr. Raskin .....             | Nay  | Mrs. Lesko .....  | Yea  |
| Ms. Scanlon .....            | Nay  |                   |      |
| Mr. Morelle .....            | Nay  |                   |      |
| Ms. Shalala .....            | Nay  |                   |      |
| Mr. DeSaulnier .....         | Nay  |                   |      |
| Mr. McGovern, Chairman ..... | Nay  |                   |      |

##### *Rules Committee record vote No. 237*

Motion by Mr. Woodall to amend the rule to provide one motion to recommit with or without instructions to the Senate Amendment to H.R. 550 and make the necessary changes in the rule. Defeated: 4–8

| Majority Members     | Vote | Minority Members  | Vote |
|----------------------|------|-------------------|------|
| Mr. Hastings .....   |      | Mr. Cole .....    | Yea  |
| Mrs. Torres .....    | Nay  | Mr. Woodall ..... | Yea  |
| Mr. Perlmutter ..... | Nay  | Mr. Burgess ..... | Yea  |
| Mr. Raskin .....     | Nay  | Mrs. Lesko .....  | Yea  |

| Majority Members             | Vote | Minority Members | Vote |
|------------------------------|------|------------------|------|
| Ms. Scanlon .....            | Nay  |                  |      |
| Mr. Morelle .....            | Nay  |                  |      |
| Ms. Shalala .....            | Nay  |                  |      |
| Mr. DeSaulnier .....         | Nay  |                  |      |
| Mr. McGovern, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 238*

Motion by Mr. Raskin to report the rule. Adopted: 8–4

| Majority Members             | Vote | Minority Members  | Vote |
|------------------------------|------|-------------------|------|
| Mr. Hastings .....           |      | Mr. Cole .....    | Nay  |
| Mrs. Torres .....            | Yea  | Mr. Woodall ..... | Nay  |
| Mr. Perlmutter .....         | Yea  | Mr. Burgess ..... | Nay  |
| Mr. Raskin .....             | Yea  | Mrs. Lesko .....  | Nay  |
| Ms. Scanlon .....            | Yea  |                   |      |
| Mr. Morelle .....            | Yea  |                   |      |
| Ms. Shalala .....            | Yea  |                   |      |
| Mr. DeSaulnier .....         | Yea  |                   |      |
| Mr. McGovern, Chairman ..... | Yea  |                   |      |

SUMMARY OF THE AMENDMENT TO H.R. 3621 IN PART A CONSIDERED AS ADOPTED

1. Waters (CA): Updates definitions, amends requirements for issuance of final rules, includes protections for workers affected by a federal shutdown, and makes other technical changes.

SUMMARY OF THE AMENDMENTS TO H.R. 3621 IN PART B MADE IN ORDER

1. DeSaulnier (CA): Requires the GAO to study how credit scores are used in rental housing and mortgage determinations, including information on treatment of different demographic populations. (10 minutes)

2. Shalala (FL), Horn (OK): Requires the GAO to study how credit scores adversely impacted by a student borrowers defaulted or delinquent private education loan further impacts applying for future loans, including information on treatment of different demographic populations. (10 minutes)

3. Timmons (SC): Requires GAO to carry out a study of the compliance by consumer reporting agencies that compile and maintain files on consumers and the impact such compliance has on consumers. (10 minutes)

4. Clay (MO): Clarifies Federal law for reporting certain positive consumer credit information to CRAs, and seeks to expand access to credit through use of alternative data. (10 minutes)

5. Steil (WI), McAdams (UT): Clarifies that a person's credit report may be used if the report is obtained in connection with a background check or related investigation of financial information that is required by a federal, state, or local law or regulation. (10 minutes)

6. Gottheimer (NJ): Stipulates that if a credit scoring agency changes their model such that it may negatively impact the credit scores for a group of consumers, then the Consumer Financial Protection Bureau has the option to review the new model and prohibit the change if they find the change is inappropriate. (10 minutes)

7. Kildee (MI): Expands those impacted by major disasters and emergencies to include those working in the areas. Also, extends the grace period for individuals affected by a major disaster or emergency to up to 6 months. (10 minutes)

8. King, Steve (IA): Amends the date for relief on major disaster and emergency declarations to begin on the initial date of the incident period of the major disaster or emergency. (10 minutes)

9. Sánchez (CA): Allows for extended active duty uniformed consumers, including members of the National Guard, to dispute an adverse action or inaction on their credit report that occurred while they were in a combat zone or aboard a U.S. vessel. If a credit reporting agency has knowledge that the consumer was an extended active duty uniformed consumer at the time such action or inaction occurred, the credit reporting agency would have to promptly notify the consumer and inform them how to dispute the adverse information, and includes a budgetary offset. (10 minutes)

10. Cohen (TN): Creates a time period for their credit report to change after making the consecutive payments. (10 minutes)

11. Cohen (TN): Clarifies that credit reports cannot be used solely as the reason for denial of employment. (10 minutes)

12. Takano (CA): Prohibits the inclusion of arrest records on a consumer report if the consumer was not convicted for the arrest. (10 minutes)

13. Brown (MD): Reaffirms Congressional efforts to enhance cybersecurity and implement routine security updates of databases maintained by nationwide consumer reporting agencies that contain sensitive consumer data as critical to the national security of the United States. Additionally, consumer reporting agencies will have to meet minimum training and ongoing certification requirements as established by the Director of The Bureau of Consumer Financial Protection, and the amendment includes a budgetary offset. (10 minutes)

14. Panetta (CA): Adds the term homelessness (as defined by the Secretary of Housing and Urban Development) as an unusual extenuating life circumstance or event that results in severe financial or personal barriers and demonstrates undue hardship. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 3621 CONSIDERED AS ADOPTED

Page 44, strike lines 9 through 14 (and redesignate the subsequent section accordingly).

Page 110, line 9, strike “each place that term appears”.

Page 119, line 13, after “after” insert “the first instance of”.

Page 127, line 18, before “and” insert “each place such term appears”.

Page 145, after line 4, insert the following:

(c) **MEDICALLY NECESSARY PROCEDURE DEFINED.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by section 901, is further amended by adding at the end the following:

“(ee) **MEDICALLY NECESSARY PROCEDURE.**—The term ‘medically necessary procedure’ means—

“(1) health care services or supplies needed to diagnose or treat an illness, injury, condition, disease, or its symptoms and that meet accepted standards of medicine; and

“(2) health care to prevent illness or detect illness at an early stage, when treatment is likely to work best (including preventive services such as pap tests, flu shots, and screening mammograms).”

Page 180, line 4, before the semicolon insert the following: “after 7-year period beginning on the date of such request”.

At the end of title VII, add the following:

**SEC. 707. PROTECTION FOR CERTAIN CONSUMERS AFFECTED BY A SHUTDOWN.**

(a) DEFINITION OF EMPLOYEE AFFECTED BY A SHUTDOWN.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by section 901, is further amended by adding at the end the following:

“(ee) EMPLOYEE AFFECTED BY A SHUTDOWN.—With respect to a shutdown, the term ‘employee affected by a shutdown’ means a consumer who—

“(1) is an employee of—

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

“(B) the District of Columbia, and who is furloughed or excepted from a furlough during the shutdown;

“(C) the District of Columbia Courts, and who is furloughed or excepted from a furlough during the shutdown;

“(D) the Public Defender Service for the District of Columbia, and who is furloughed or excepted from a furlough during the shutdown; or

“(E) a Federal contractor (as defined under section 7101 of title 41, United States Code) or other business, and who has experienced a substantial reduction in pay (directly or indirectly) due to the shutdown; and

“(2) who—

“(A) is listed in the database established under section 63; or

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

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

“(gg) COVERED SHUTDOWN PERIOD.—The term ‘covered shutdown period’ means, with respect to a shutdown, the period beginning on the first day of the shutdown and ending on the date that is 90 days after the last day of the shutdown.”

(b) EXCLUSION FOR EMPLOYEES AFFECTED BY A SHUTDOWN.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)), as amended by section 809, is further amended by adding at the end the following:

“(18) Any adverse item of information with respect to an action or inaction taken during a covered shutdown period by an employee affected by a shutdown.”

(c) AMENDMENT TO SUMMARY OF RIGHTS FOR EMPLOYEES AFFECTED BY A SHUTDOWN.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following:

“(7) Information on the rights of an employee affected by a shutdown, including which consumers may be an employee af-

ected by a shutdown and the process for a consumer to self-certify as an employee affected by a shutdown under section 637.”.

(d) DATABASE AND SELF-CERTIFICATION FOR EMPLOYEES AFFECTED BY A SHUTDOWN.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by section 706, is further amended by adding at the end the following new section:

**“§ 637. Database and self-certification for employees affected by a shutdown**

“(a) DATABASE.—

“(1) IN GENERAL.—With respect to each shutdown, the consumer reporting agencies described in section 603(p) shall jointly establish a database that includes employees affected by the shutdown as reported pursuant to paragraph (2).

“(2) CONTENTS OF DATABASE.—

“(A) FURLOUGHED EMPLOYEES AND CONTRACTORS.—Each authority of the executive, legislative, 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 identifies a consumer as an employee affected by a shutdown.

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

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

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

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

“(d) OPT-OUT.—The consumer reporting agencies described in section 603(p) shall provided a process through the website described under subsection (c) for consumers to opt-out of having their name included in the database established under this section.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Fair Credit Reporting Act, as amended by section 706, is further amended by adding at the end the following new item:

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

(e) PROHIBITION ON ADVERSE ACTIONS AGAINST EMPLOYEES AFFECTED BY A SHUTDOWN.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended by adding at the end the following:

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

“(1) any adverse item of information contained in such report with respect to an action or inaction taken during a covered shutdown period by the employee; or

“(2) information on the consumer included in the database established under section 637.”.

(f) BUREAU REGULATIONS OR GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Director of the Bureau of Consumer Financial Protection shall issue rules or guidance, as appropriate, to carry out the requirements of this Act.

Page 175, line 8, strike “Paragraph” and insert the following:

(a) IN GENERAL.—Paragraph

Page 176, after line 10, insert the following:

(b) RULEMAKING.—Not later than the end of the 2-year period beginning on the date of enactment of this Act, the Director of the Bureau of Consumer Financial Protection shall issue final rules to carry out the amendment made by subsection (a).

Page 193, after line 12, insert the following:

(c) RULEMAKING.—Not later than the end of the 2-year period beginning on the date of enactment of this Act, the Director of the Bureau of Consumer Financial Protection shall issue final rules to carry out the amendment made by subsection (b).

#### PART B—TEXT OF AMENDMENTS TO H.R. 3621 MADE IN ORDER

#### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DESAULNIER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, add at the end the following:

#### SEC. 904. GAO STUDY ON THE USE OF CREDIT IN HOUSING DETERMINATIONS.

(a) STUDY.—The Comptroller General of the United States shall carry out a study of the use of consumer reports and credit scores in housing determinations to determine whether consumer reports or credit scores are being used as tools to perform the equivalent of banned red-lining.

(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Comptroller General shall—

(1) examine both rental applications and mortgage applications; and

(2) include a demographic breakdown by race, gender, age, sexual orientation, city/suburban/rural, socioeconomic status,



and any other demographic that the Comptroller General determines appropriate.

(c) REPORT.—The Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the study required under subsection (a).

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHALALA OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, add at the end the following:

**SEC. 904. GAO STUDY ON THE EFFECTS OF CREDIT SCORES IMPACTED BY A STUDENT BORROWER'S DEFAULTED OR DELINQUENT PRIVATE EDUCATION LOAN.**

(a) STUDY.—The Comptroller General of the United States shall carry out a study on how credit scores impacted by a student borrower's defaulted or delinquent private education loan impacts applying for future loans, including information on the treatment of different demographic populations.

(b) REPORT.—The Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the study required under subsection (a).

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIMMONS IV OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IX, add at the end the following:

**SEC. 904. GAO STUDY ON CONSUMER REPORTING AGENCY COMPLIANCE WITH CONSENT ORDERS.**

(a) STUDY.—The Comptroller General of the United States shall carry out a study of the compliance by consumer reporting agencies that compile and maintain files on consumers on a nationwide basis with consent orders, and the impact such compliance has on consumers.

(b) REPORT.—Not later than the end of the 180-day period beginning on the date of enactment of this Act, the Comptroller General shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing all findings and determinations made in carrying out the study required under subsection (a).

(c) DEFINITIONS.—In this section, the terms “consumer” and “consumer reporting agency that compiles and maintains files on consumers on a nationwide basis” have the meaning given those terms, respectively, under section 603 of the Fair Credit Reporting Act.

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PART B—TEXT OF AMENDMENTS TO H.R. 3621 MADE IN ORDER

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CLAY OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 18, before the period insert “(increased by \$1,000,000)”.

In title IX, add at the end the following:

**SEC. 904. POSITIVE CREDIT REPORTING PERMITTED.**

(a) IN GENERAL.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s-2), as amended by section 103, is further amended by adding at the end the following new subsection:

“(g) FULL-FILE CREDIT REPORTING.—

“(1) IN GENERAL.—Subject to the requirements of paragraphs (2) through (5) and notwithstanding any other provision of law, a person that has obtained the written authorization of a consumer may furnish to a consumer reporting agency information relating to the performance of a consumer in making payments—

“(A) under a lease agreement with respect to a dwelling;

or

“(B) pursuant to a contract for services provided by a utility or telecommunication firm.

“(2) LIMITATIONS.—

“(A) WITHHELD PAYMENTS DUE TO HABITABILITY OR SANITARY CONDITIONS.—No person shall furnish or threaten to furnish negative information relating to the performance of a consumer in making payments under a lease agreement with respect to a dwelling if the consumer has withheld payment pursuant to—

“(i) any right or remedy for breach of the warranty of habitability; or

“(ii) any violation of a Federal, State, or municipal law, code, or regulation regarding sanitary conditions.

“(B) SERVICES PROVIDED BY A UTILITY OR TELECOMMUNICATION FIRM.—Information about a consumer’s usage of any services provided by a utility or telecommunication firm may be furnished to a consumer reporting agency only to the extent that such information relates to—

“(i) payment by the consumer for such services; or

“(ii) other terms of the provision of such services to the consumer, including any deposit, discount, or conditions for interruption or termination of such services.

“(3) PAYMENT PLAN.—A utility or telecommunication firm may not report payment information to a consumer reporting agency with respect to an outstanding balance of a consumer as late if—

“(A) the utility or telecommunication firm and the consumer have entered into a payment plan (including a deferred payment agreement, an arrearage management program, or a debt forgiveness program) with respect to such outstanding balance; and

“(B) the consumer is meeting the obligations of the payment plan, as determined by the utility or telecommunication firm.

“(4) PROHIBITION ON USE BY DEBT COLLECTORS.—A debt collector (as defined in section 803(6) of the Fair Debt Collection Practices Act) may not use the information described in paragraph (1).

“(5) RELATION TO STATE LAW.—Notwithstanding section 625, this subsection shall not preempt any law of a State with respect to furnishing to a consumer reporting agency information

relating to the performance of a consumer in making payments pursuant to a lease agreement with respect to a dwelling or a contract for a utility or telecommunications service. For purposes of this paragraph, the term 'law of a State' shall include all laws, decisions, rules, regulations, or other State action having the effect of law, as issued by a State, any political subdivisions thereof, or any agency or instrumentality of either the State or a political subdivision thereof.

“(6) UTILITY OR TELECOMMUNICATION FIRM DEFINED.—In this subsection, the term ‘utility or telecommunication firm’—

“(A) means an entity that provides utility services to the public through pipe, wire, landline, wireless, cable, or other connected facilities, or radio, electronic, or similar transmission (including the extension of such facilities); and

“(B) includes an entity that provides natural gas or electric service to consumers.”.

(b) GAO STUDY AND REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact on consumers of furnishing information pursuant to subsection (g) of section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2), as added by subsection (a).

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEIL OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 163, beginning on line 5, strike “(i) either—” and all that follows through “(I) the person” and insert “(i)(I) the person” (and adjust the margin of the subsequent subclause accordingly).

Page 163, line 8, strike “or” at the end.

Page 163, line 12, add “or” at the end.

Page 163, after line 12, insert the following:

“(III) the report is necessary for a background check or related investigation of financial information that is required by a Federal, State, or local law or regulation;”.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOTTHEIMER OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title V, add at the end the following:

**SEC. 503. REVIEW OF CHANGES TO CREDIT SCORING MODELS.**

Section 631 of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as added by section 502, is amended by adding at the end the following:

“(c) REVIEW OF CHANGES TO CREDIT SCORING MODELS.—With respect to a person that creates credit scoring models used in making credit decisions, if such person creates a new credit scoring model (including a revision to an existing scoring model) that would, when compared to previous credit scoring models created by such person, lower the credit scores of a class of consumers, the Director of the Bureau may review such new credit scoring model and, if the

Director determines that such new credit scoring model is inappropriate (including, with respect to a revision to an existing scoring model, if such revision does not enhance or contribute to the accuracy and predictive value of the existing scoring model), the Director may prohibit such new credit scoring model.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 134, line 25, before “in an area” insert “or works”.

Page 135, beginning on line 5, strike “the date that is 3 months after such date.” and insert the following: “the date that is the earlier of—

“(i) 6 months after the date on which the major disaster or emergency was declared; and

“(ii) the later of—

“(I) 3 months after the date on which the major disaster or emergency was declared; and

“(II) the date that the Director of the Bureau, in consultation with the Administrator of the Federal Emergency Management Agency, determines is the date on which substantially all provision of assistance by the Federal Emergency Management Agency under such major disaster or emergency declaration has concluded.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 135, beginning on line 3, strike “date on which the major disaster or emergency was declared” and insert “initial date of the incident period of the major disaster or emergency”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SÁNCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 18, before the period insert “(increased by \$1,000,000)”.

Page 182, line 8, strike “military” and insert “uniformed”.

Page 182, line 10, strike “military” and insert “uniformed”.

Page 182, line 11, strike “military” and insert “uniformed”.

Page 182, line 14, strike “military” and insert “uniformed”.

Page 182, beginning on line 16, strike “military”.

Page 182, line 19, strike “military” and insert “uniformed”.

Page 182, line 21, strike “military” and insert “uniformed”.

Page 192, line 7, strike “military” and insert “uniformed”.

In title IX, add at the end the following:

**SEC. 904. PROTECTIONS FOR ACTIVE DUTY UNIFORMED CONSUMER.**

(a) DEFINITIONS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended—

(1) in subsection (q), by amending paragraph (1) to read as follows:

“(1) ACTIVE DUTY UNIFORMED CONSUMER.—The term ‘active duty uniformed consumer’ means a consumer who is—

“(A) in military service and on active service (as defined in section 101(d) of title 10, United States Code); or

“(B) a member of the uniformed services (as defined in section 101(a) of title 10, United States Code) who is not a member of the armed forces and is on active service.”; and

(2) by inserting after subsection (dd) (as added by section 901) the following:

“(ee) EXTENDED ACTIVE DUTY UNIFORMED CONSUMER.—The term ‘extended active duty uniformed consumer’ means an active duty uniformed consumer that is deployed—

“(1) in a combat zone (as defined under section 112(c) of the Internal Revenue Code of 1986); or

“(2) aboard a United States vessel.”.

(b) PROHIBITION ON INCLUDING CERTAIN ADVERSE INFORMATION IN CONSUMER REPORTS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a), as amended by section 809, by adding at the end the following:

“(18) Any item of adverse information about a consumer, if the action or inaction that gave rise to the item occurred while the consumer was an extended active duty uniformed consumer.”; and

(2) by inserting after subsection (h) (as added by section 705) the following:

“(i) NOTICE OF STATUS AS AN EXTENDED ACTIVE DUTY UNIFORMED CONSUMER.—With respect to an item of adverse information about a consumer, if the action or inaction that gave rise to the item occurred while the consumer was an extended active duty uniformed consumer, the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was an extended active duty uniformed consumer at the time such action or inaction occurred. The consumer reporting agency shall promptly delete that item of adverse information from the file of the consumer and notify the consumer and the furnisher of the information of the deletion.”.

(c) COMMUNICATIONS BETWEEN THE CONSUMER AND CONSUMER REPORTING AGENCIES.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c-1) is amended—

(1) in subsection (c), as amended by section 803, by adding at the end the following:

“(2) NEGATIVE INFORMATION ALERT.—Any time a consumer reporting agency receives an item of adverse information about a consumer, if the consumer has provided appropriate proof that the consumer is an extended active duty uniformed consumer, the consumer reporting agency shall promptly notify the consumer—

“(A) that the agency has received such item of adverse information, along with a description of the item; and

“(B) the method by which the consumer can dispute the validity of the item.

“(3) CONTACT INFORMATION FOR EXTENDED ACTIVE DUTY UNIFORMED CONSUMERS.—With respect to any consumer that has provided appropriate proof to a consumer reporting agency that the consumer is an extended active duty uniformed consumer,

if the consumer provides the consumer reporting agency with separate contact information to be used when communicating with the consumer while the consumer is an extended active duty uniformed consumer, the consumer reporting agency shall use such contact information for all communications while the consumer is an extended active duty uniformed consumer.”; and

(2) in subsection (e), by amending paragraph (3) to read as follows:

“(3) subparagraphs (A) and (B) of subsection (c)(1), in the case of a referral under subsection (c)(1)(C).”.

(d) CONFORMING AMENDMENT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking “active duty military” each place such term appears and inserting “active duty uniformed”.

(e) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer report containing an item of adverse information should, if the action or inaction that gave rise to the item occurred while the consumer was an extended active duty uniformed consumer, take such fact into account when evaluating the creditworthiness of the consumer.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 137, line 16, insert before the period the following: “as soon as possible, but in no case later than 5 days after such completion”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 162, line 15, after “purposes” insert the following: “, including for the purpose of denying employment.”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAKANO OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 143, after line 8, insert the following:

(c) PROHIBITION ON INCLUSION OF ARREST INFORMATION IF THERE IS NO CONVICTION.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)), as amended by section 809, is further amended by adding at the end the following:

“(18) Records of an arrest, if the consumer was not convicted of any crime in connection with the arrest.”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 18, before the period insert “(increased by \$15,000,000)”.

At the end of title IX, add the following:

**SEC. 904. SENSE OF CONGRESS.**

It is the sense of Congress that efforts to enhance cybersecurity and implement routine security updates of databases maintained

by the nationwide consumer reporting agencies that contain sensitive consumer data, including the credit history and personal information of millions of Americans, is critical to the national interest of the United States.

**SEC. 905. CYBERSECURITY SUPERVISION AND EXAMINATION OF LARGE CONSUMER REPORTING AGENCIES.**

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by section 706, is further amended by adding at the end the following:

**“SEC. 637. CYBERSECURITY SUPERVISION AND EXAMINATION OF LARGE CONSUMER REPORTING AGENCIES.**

“(a) IN GENERAL.—Consumer reporting agencies described under section 603(p) shall be subject to cybersecurity supervision and examination by the Bureau.

“(b) MINIMUM TRAINING REQUIREMENTS.—Consumer reporting agencies described under section 603(p) shall meet minimum training and ongoing certification requirements with respect to cybersecurity at regular intervals, as established by the Director of the Bureau.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Fair Credit Reporting Act, as amended by section 706, is further amended by adding at the end the following:

“637. Cybersecurity supervision and examination of large consumer reporting agencies.”.

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**14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PANETTA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 135, line 21, insert “, including homelessness (as defined by the Secretary of Housing and Urban Development),” after “barriers”.