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

IN THE HOUSE OF REPRESENTATIVES

Ms. Waters (for herself, Mr. Meeks, Mr. Sherman, Ms. Wexton, and Mr. Garcia of Illinois) introduced the following bill; which was referred to the Committee on

A BILL

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

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 “Protecting Innocent Consumers Affected by a Shutdown Act”.

SEC. 2. DEFINITION OF EMPLOYEE AFFECTED BY A SHUTDOWN.

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

“(bb) 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 not receiving pay because of the shutdown; or

“(C) 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 630; or

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

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

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

SEC. 3. 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 302(b)(2) of the
Economic Growth, Regulatory Relief, and Consumer Pro-
tection Act (Public Law 115–174), is amended by adding
at the end the following:

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

SEC. 4. AMENDMENT TO SUMMARY OF RIGHTS FOR EM-
PLOYEES 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 affected by a shutdown and the
process for a consumer to self-certify as an employee
affected by a shutdown under section 630.”.

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

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

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

“(a) DATABASE.—

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

“(2) CONTENTS OF DATABASE.—

“(A) FURLOUGHED EMPLOYEES AND CON-
TRACTORS.—Each authority of the executive,
legislative, or judicial branch of the Federal
Government or District of Columbia shall pro-
vide to the consumer reporting agencies de-
scribed 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, employ-
ees of contractors of such authority.
“(B) SELF-CERTIFIED CONSUMERS.—A
consumer that self-certifies as an employee af-
fected 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 re-
porting 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 re-
porting agencies, and users of consumer reports. A
consumer reporting agency described in section
603(x) shall periodically access the database to con-
firm 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 a an employee affected by a shut-
down 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.”.

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

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

SEC. 6. 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 630.”.

SEC. 7. BUREAU REGULATIONS OR GUIDANCE.

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