SUBSTITUTE AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3629 OFFERED BY MR. MCHENRY OF NORTH CAROLINA

Strike all after the enacting clause and insert the following:

 1
 SECTION 1. CYBERSECURITY SUPERVISION AND EXAMINA

 2
 TION OF LARGE CONSUMER REPORTING

 3
 AGENCIES.

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4 The Federal Financial Institutions Examination
5 Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended
6 by adding at the end the following:

7 "SEC. 1012. CYBERSECURITY SUPERVISION AND EXAMINA8 TION OF LARGE CONSUMER REPORTING
9 AGENCIES.

"(a) IN GENERAL.—Large consumer reporting agencies shall be subject to cybersecurity supervision and examination by the Bureau of Consumer Financial Protection.

14 "(b) LARGE CONSUMER REPORTING AGENCY DE15 FINED.—The term 'large consumer reporting agency' has
16 the meaning given the term 'consumer reporting agency
17 that compiles and maintains files on consumers on a na-

tionwide basis' under section 603(p) of the Fair Credit
 Reporting Act.".

3 SEC. 2. PROHIBITION ON THE USE OF SOCIAL SECURITY 4 NUMBERS.

5 (a) IN GENERAL.—Section 605 of the Fair Credit
6 Reporting Act (15 U.S.C. 1681c) is amended by adding
7 at the end the following:

8 "(i) PROHIBITION ON THE USE OF SOCIAL SECURITY
9 NUMBERS.—A consumer reporting agency described
10 under section 603(p)—

11 "(1) may not make any consumer report con-12 taining a social security number; and

"(2) may not use the social security number of
a consumer as a method to verify the consumer.".
(b) CONFORMING AMENDMENT.—Section 609(a)(1)
of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1))
is amended by striking "except that—" and all that follows through "(B) nothing" and inserting "except that
nothing".

20 (c) EFFECTIVE DATE.—The amendments made by21 this section shall take effect on January 1, 2020.

22 SEC. 3. EXCLUSION OF PAID MEDICAL DEBT.

23 Section 605(a) of the Fair Credit Reporting Act (15
24 U.S.C. 1681c(a)) is amended, by adding at the end the
25 following:

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"(9) Paid debt arising from the receipt of medi cally necessary, non-elective medical services, prod ucts, or devices which from the date of payment,
 antedate the report by more than 1 year.".

5 SEC. 4. SECURITY FREEZES FOR PROTECTED CONSUMERS.

6 (a) PLACEMENT OF FREEZE.—Section 605A(j)(2)(A)
7 of the Fair Credit Reporting Act (15 U.S.C. 1681c8 1(j)(2)(A)) is amended to read as follows:

9 "(A) IN GENERAL.—Upon receiving a di-10 rect request from a protected consumer's rep-11 resentative, by mail, toll-free telephone, or se-12 cure electronic means, that a consumer report-13 ing agency place a security freeze, and upon re-14 ceiving sufficient proof of identification and suf-15 ficient proof of authority, the consumer report-16 ing agency shall, free of charge, place the secu-17 rity freeze not later than 3 business days after 18 receiving the request directly from the protected 19 consumer's representative.".

20 (b) REMOVAL OF FREEZE.—Section 605A(j)(4) of
21 the Fair Credit Reporting Act (15 U.S.C. 1681c-1(j)(4))
22 is amended—

(1) in subparagraph (A)(i), by inserting after
"Upon the direct request" the following: ", by mail
or secure electronic means,";

4

1	(2) in subparagraph (A)(ii), by inserting after
2	"Upon the direct request" the following: ", by mail
3	or secure electronic means,"; and
4	(3) in subparagraph (C)—
5	(A) by striking "not later than—" and in-
6	serting the "not later than 3 days business days
7	after receiving the request directly from the
8	protected consumer or protected consumer's
9	representative."; and
10	(B) by striking clauses (i) and (ii).
11	SEC. 5. PUBLIC RECORD DATA SOURCES IN CONSUMER RE-
11 12	SEC. 5. PUBLIC RECORD DATA SOURCES IN CONSUMER RE- PORTS.
12	PORTS.
12 13	PORTS. Section 605(d) of the Fair Credit Reporting Act (15
12 13 14	PORTS. Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended by adding at the end the
12 13 14 15	PORTS. Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended by adding at the end the following:
12 13 14 15 16	PORTS. Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended by adding at the end the following: "(3) PUBLIC RECORD DATA.—If a consumer re-
12 13 14 15 16 17	PORTS. Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended by adding at the end the following: "(3) PUBLIC RECORD DATA.—If a consumer re- porting agency furnishes a consumer report that

SEC. 6. PROHIBITION ON INCLUDING ADVERSE INFORMA TION RELATED TO PREDATORY MORTGAGE LENDING.

4 (a) IN GENERAL.—The Fair Credit Reporting Act
5 (15 U.S.C. 1681 et seq) is amended by inserting after sec6 tion 605B the following:

7 "§605C Adverse information relating to predatory 8 mortgage lending

9 "(a) IN GENERAL.—A consumer reporting agency may not furnish any consumer report containing any ad-10 verse item of information relating to a covered residential 11 mortgage loan (including the origination and servicing of 12 such a loan, any loss mitigation activities related to such 13 14 a loan, and any foreclosure, deed in lieu of foreclosure, or short sale related to such a loan), if the action or inac-15 tion to which the item of information relates— 16

"(1) resulted from an unfair, deceptive, or abusive act or practice, or a fraudulent, discriminatory,
or illegal activity of a financial institution, as determined by a court of competent jurisdiction; or

"(2) is related to an unfair, deceptive, or abusive act or practice, or a fraudulent, discriminatory,
or illegal activity of a financial institution that is the
subject of a settlement agreement initiated on behalf
of a consumer and that is between the financial in-

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stitution and an agency or department of a local,
 State, or Federal Government.

3 "(b) COVERED RESIDENTIAL MORTGAGE.—In this 4 section, the term 'covered residential mortgage loan' 5 means any loan made primarily for personal, family, or 6 household use that is secured by a mortgage, deed of trust, 7 or other equivalent consensual security interest on a dwell-8 ing (as defined in section 103(w) of the Truth in Lending 9 Act), including a loan in which the proceeds will be used 10 for—

"(1) a manufactured home (as defined in section 603 of the Housing and Community Development Act of 1974);

14 "(2) any installment sales contract, land con15 tract, or contract for deed on a residential property;
16 or

"(3) a reverse mortgage transaction (as defined
in section 103(cc) of the Truth in Lending Act).".
(b) TABLE OF CONTENTS AMENDMENT.—The table
of contents of the Fair Credit Reporting Act is amended
by inserting after the item relating to section 605B the
following new item:

"605C. Adverse information relating to predatory mortgage lending.".

SEC. 7. PROHIBITION ON INCLUDING ADVERSE INFORMA TION WHEN FINANCIAL ABUSE HAS BEEN DE TERMINED.

4 (a) IN GENERAL.—The Fair Credit Reporting Act
5 (15 U.S.C. 1681 et seq), as amended by section 6, is fur6 ther amended by inserting after section 605C the fol7 lowing:

8 "§605D. Adverse information in cases of financial 9 abuse

10 "A consumer reporting agency may not furnish a con11 sumer report containing any adverse item of information
12 about a consumer that resulted from intentionally abusive
13 or harmful financial behavior if—

"(1) a court of competent jurisdiction, in a lawsuit that is not a class action lawsuit, has determined that the consumer is a victim of such intentionally abusive or harmful financial behavior;

"(2) such intentionally abusive or harmful financial behavior was conducted by a spouse, family
or household member, caregiver, or person with
whom such consumer had a dating relationship; and
"(3) such consumer did not participate in or
consent to such behavior.".

(b) TABLE OF CONTENTS AMENDMENT.—The tableof contents of the Fair Credit Reporting Act is amended

1 by inserting after the item relating to section 605C the

2 following new item:

"605D. Adverse information in cases of financial abuse.".

3 SEC. 8. PROHIBITION ON INCLUDING ADVERSE INFORMA4 TION WHEN A STUDENT OBLIGOR IS DE5 FRAUDED.

6 (a) IN GENERAL.—The Fair Credit Reporting Act
7 (15 U.S.C. 1681 et seq), as amended by section 6, is fur8 ther amended by inserting after section 605D the fol9 lowing:

10 "§ 605E. Adverse information in cases of a defrauded student obligor.

12 "(b) IN GENERAL.—A consumer reporting agency
13 may not furnish a consumer report containing any adverse
14 item of information about a consumer that resulted from
15 a private student loan obligation if—

16 "(1) such consumer is a student obligor with17 respect to such private education loan; and

"(2) a court of competent jurisdiction, in a lawsuit that is not a class action lawsuit, has determined that such consumer is a victim of fraud with
respect to such private education loan.

"(c) PRIVATE EDUCATION LOAN DEFINED.—For the
purposes of this section, the term 'private education loan'
has the meaning given the term in section in section
140(a) of the Truth in Lending Act.".

(b) TABLE OF CONTENTS AMENDMENT.—The table
 of contents of the Fair Credit Reporting Act is amended
 by inserting after the item relating to section 605D the
 following new item:

"605E. Adverse information in cases of a defrauded student obligor.".

5 SEC. 9. BUREAU LIST OF CREDIT REPORTING AGENCIES.

6 The Bureau of Consumer Financial Protection shall
7 maintain a list of credit reporting agencies in the United
8 States and publish such list of the website on the Bureau
9 of Consumer Financial Protection.

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 SEC. 10. STUDY AND REPORT TO CONGRESS ON USE OF

 11
 NON-TRADITIONAL DATA IN CREDIT SCOR

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 ING.

(a) STUDY.—The Bureau of Consumer Financial
Protection shall carry out a study about the use of nontraditional data—

16 (1) by consumer reporting agencies when com-piling and furnishing consumer reports; and

18 (2) by persons that create, maintain, or pur19 chase credit scoring models used in making credit
20 decisions.

(b) REPORT.—Not later than 18 months after the
date of the enactment of this section, the Bureau of Consumer Financial Protection 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, including any recommendations for any
 legislative or regulatory changes, made in carrying out the
 study required under subsection (a).

5 (c) DEFINITIONS.—For the purposes of this section,
6 the terms "consumer reporting agency" and "consumer
7 report" shall have the meanings given the terms in section
8 603 of the Fair Credit Reporting Act.

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