

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4328  
[PROTECTING INNOCENT CONSUMERS AFFECTED  
BY A SHUTDOWN ACT]  
OFFERED BY MS. WATERS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Protecting Innocent  
3 Consumers Affected by a Shutdown Act”.

**4 SEC. 2. DEFINITIONS.**

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

10       “(bb) **EMPLOYEE AFFECTED BY A SHUTDOWN.**—

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

13               “(1) is an employee of—

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



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

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

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

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

13 “(7) Information on the rights of an employee  
14 affected by a shutdown, including which consumers  
15 may be an employee affected by a shutdown and the  
16 process for a consumer to self-certify as an employee  
17 affected by a shutdown under section 630.”.

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

20 (a) IN GENERAL.—The Fair Credit Reporting Act  
21 (15 U.S.C. 1681 et seq.) is amended by adding at the end  
22 the following new section:

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

25 “(a) DATABASE.—

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

6           “(2) CONTENTS OF DATABASE.—

7                   “(A) FURLOUGHED EMPLOYEES AND CON-  
8                   TRACTORS.—Each authority of the executive,  
9                   legislative, or judicial branch of the Federal  
10                  Government or District of Columbia shall pro-  
11                  vide to the consumer reporting agencies de-  
12                  scribed in section 603(p) a list identifying—

13                           “(i) employees of such authority that  
14                           are furloughed, excepted from furlough, or  
15                           not receiving pay because of a shutdown;  
16                           and

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

19                   “(B) SELF-CERTIFIED CONSUMERS.—A  
20                   consumer that self-certifies as an employee af-  
21                   fected by a shutdown pursuant to subsection  
22                   (b) shall be included in the database, unless the  
23                   Bureau determines such consumer is not an  
24                   employee affected by a shutdown.

1           “(3) ACCESS TO DATABASE.—The consumer re-  
2           porting agencies described in section 603(p) shall  
3           make the database established under this subsection  
4           available to the Bureau, other consumer reporting  
5           agencies, furnishers of information to consumer re-  
6           porting agencies, and users of consumer reports. A  
7           consumer reporting agency described in section  
8           603(x) shall periodically access the database to con-  
9           firm the accuracy of information such an agency has  
10          that identifies a consumer as an employee affected  
11          by a shutdown.

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

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

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

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

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

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

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

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

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

14 “(1) any adverse item of information contained  
15 in such report with respect to an action or inaction  
16 taken during a covered shutdown period by the em-  
17 ployee; or

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

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

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

