

AMENDMENT TO THE RULES COMMITTEE PRINT
116-47
OFFERED BY MS. WATERS OF CALIFORNIA

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:

1 (c) MEDICALLY NECESSARY PROCEDURE DE-
2 FINED.—Section 603 of the Fair Credit Reporting Act (15
3 U.S.C. 1681a), as amended by section 901, is further
4 amended by adding at the end the following:

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

7 “(1) health care services or supplies needed to
8 diagnose or treat an illness, injury, condition, dis-

1 ease, or its symptoms and that meet accepted stand-
2 ards of medicine; and

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

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

At the end of title VII, add the following:

7 **SEC. 707. PROTECTION FOR CERTAIN CONSUMERS AF-**
8 **FECTED BY A SHUTDOWN.**

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

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

16 “(1) is an employee of—

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

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

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

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

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

16 “(2) who—

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

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

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

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

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

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

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

18 “(7) Information on the rights of an employee
19 affected by a shutdown, including which consumers
20 may be an employee affected by a shutdown and the
21 process for a consumer to self-certify as an employee
22 affected by a shutdown under section 637.”.

23 (d) DATABASE AND SELF-CERTIFICATION FOR EM-
24 PLOYEES AFFECTED BY A SHUTDOWN.—

1 (1) IN GENERAL.—The Fair Credit Reporting
2 Act (15 U.S.C. 1681 et seq.), as amended by section
3 706, is further amended by adding at the end the
4 following new section:

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

7 “(a) DATABASE.—

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

13 “(2) CONTENTS OF DATABASE.—

14 “(A) FURLOUGHED EMPLOYEES AND CON-
15 TRACTORS.—Each authority of the executive,
16 legislative, or judicial branch of the Federal
17 Government or District of Columbia shall pro-
18 vide to the consumer reporting agencies de-
19 scribed in section 603(p) a list identifying—

20 “(i) employees of such authority that
21 are furloughed, excepted from furlough, or
22 not receiving pay because of a shutdown;
23 and

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

1 “(B) SELF-CERTIFIED CONSUMERS.—A
2 consumer that self-certifies as an employee af-
3 fected by a shutdown pursuant to subsection
4 (b) shall be included in the database, unless the
5 Bureau determines such consumer is not an
6 employee affected by a shutdown.

7 “(3) ACCESS TO DATABASE.—The consumer re-
8 porting agencies described in section 603(p) shall
9 make the database established under this subsection
10 available to the Bureau, other consumer reporting
11 agencies, furnishers of information to consumer re-
12 porting agencies, and users of consumer reports. A
13 consumer reporting agency described in section
14 603(x) shall periodically access the database to con-
15 firm the accuracy of information such an agency has
16 that identifies a consumer as an employee affected
17 by a shutdown.

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

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

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

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

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

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

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

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

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

24 “(1) any adverse item of information contained
25 in such report with respect to an action or inaction

1 taken during a covered shutdown period by the em-
2 ployee; or

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

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

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

10 (a) IN GENERAL.—Paragraph

Page 176, after line 10, insert the following:

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

Page 193, after line 12, insert the following:

16 (c) RULEMAKING.—Not later than the end of the 2-
17 year period beginning on the date of enactment of this
18 Act, the Director of the Bureau of Consumer Financial

1 Protection shall issue final rules to carry out the amend-
2 ment made by subsection (b).

