

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

At the end of title VII, add the following:

1 **SEC. 707. PROTECTION FOR CERTAIN CONSUMERS AF-**  
2 **FECTED BY A SHUTDOWN.**

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

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

10 “(1) is an employee of—

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

14 “(B) the District of Columbia, and who is  
15 not receiving pay because of the shutdown; or

16 “(C) a Federal contractor (as defined  
17 under section 7101 of title 41, United States  
18 Code) or other business, and who has experi-

1           enced a substantial reduction in pay (directly or  
2           indirectly) due to the shutdown; and

3           “(2) who—

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

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

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

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

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

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

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

5 “(7) Information on the rights of an employee  
6 affected by a shutdown, including which consumers  
7 may be an employee affected by a shutdown and the  
8 process for a consumer to self-certify as an employee  
9 affected by a shutdown under section 637.”.

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

12 (1) IN GENERAL.—The Fair Credit Reporting  
13 Act (15 U.S.C. 1681 et seq.), as amended by section  
14 706, is further amended by adding at the end the  
15 following new section:

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

18 “(a) DATABASE.—

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

24 “(2) CONTENTS OF DATABASE.—

1           “(A) FURLOUGHED EMPLOYEES AND CON-  
2           TRACTORS.—Each authority of the executive,  
3           legislative, or judicial branch of the Federal  
4           Government or District of Columbia shall pro-  
5           vide to the consumer reporting agencies de-  
6           scribed in section 603(p) a list identifying—

7                   “(i) employees of such authority that  
8                   are furloughed, excepted from furlough, or  
9                   not receiving pay because of a shutdown;  
10                  and

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

13           “(B) SELF-CERTIFIED CONSUMERS.—A  
14           consumer that self-certifies as an employee af-  
15           fected by a shutdown pursuant to subsection  
16           (b) shall be included in the database, unless the  
17           Bureau determines such consumer is not an  
18           employee affected by a shutdown.

19           “(3) ACCESS TO DATABASE.—The consumer re-  
20           porting agencies described in section 603(p) shall  
21           make the database established under this subsection  
22           available to the Bureau, other consumer reporting  
23           agencies, furnishers of information to consumer re-  
24           porting agencies, and users of consumer reports. A  
25           consumer reporting agency described in section

1       603(x) shall periodically access the database to con-  
2       firm the accuracy of information such an agency has  
3       that identifies a consumer as an employee affected  
4       by a shutdown.

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

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

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

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

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

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

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

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

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

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

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

