AMENDMENT TO H.R. 5332, AS REPORTED OFFERED BY MR. MCHENRY OF NORTH CAROLINA

Strike sections 2 through 11 and insert the following:

1	SEC. 2. PROHIBITION ON THE USE OF SOCIAL SECURITY
2	NUMBERS.
3	(a) In General.—Section 605 of the Fair Credit
4	Reporting Act (15 U.S.C. 1681c) is amended by adding
5	at the end the following:
6	"(i) Prohibition on the Use of Social Security
7	Numbers.—A consumer reporting agency described
8	under section 603(p)—
9	"(1) may not make any consumer report con-
10	taining a social security number; and
11	"(2) may not use the social security number of
12	a consumer as a method to verify the consumer.".
13	(b) Conforming Amendment.—Section 609(a)(1)
14	of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1))
15	is amended by striking "except that—" and all that fol-
16	lows through "(B) nothing" and inserting "except that
17	nothing".

1	(c) Effective Date.—The amendments made by
2	this section shall take effect on January 1, 2020.
3	SEC. 3. EXCLUSION OF PAID MEDICAL DEBT.
4	Section 605(a) of the Fair Credit Reporting Act (15
5	U.S.C. 1681c(a)) is amended, by adding at the end the
6	following:
7	"(9) Paid debt arising from the receipt of medi-
8	cally necessary, non-elective medical services, prod-
9	ucts, or devices which from the date of payment,
10	antedate the report by more than 1 year.".
11	SEC. 4. SECURITY FREEZES FOR PROTECTED CONSUMERS.
12	(a) Placement of Freeze.—Section 605A(j)(2)(A)
13	of the Fair Credit Reporting Act (15 U.S.C. 1681c–
14	1(j)(2)(A)) is amended to read as follows:
15	"(A) In General.—Upon receiving a di-
16	rect request from a protected consumer's rep-
17	resentative, by mail, toll-free telephone, or se-
18	cure electronic means, that a consumer report-
19	ing agency place a security freeze, and upon re-
20	ceiving sufficient proof of identification and suf-
21	ficient proof of authority, the consumer report-
22	ing agency shall, free of charge, place the secu-
23	rity freeze not later than 3 business days after
24	receiving the request directly from the protected
25	consumer's representative.".

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

1	agency shall include the source of such public record
2	data in such report.".
3	SEC. 6. PROHIBITION ON INCLUDING ADVERSE INFORMA-
4	TION RELATED TO PREDATORY MORTGAGE
5	LENDING.
6	(a) In General.—The Fair Credit Reporting Act
7	(15 U.S.C. 1681 et seq.) is amended by inserting after
8	section 605B the following:
9	"§ 605C. Adverse information relating to predatory
10	mortgage lending
11	"(a) In General.—A consumer reporting agency
12	may not furnish any consumer report containing any ad-
13	verse item of information relating to a covered residential
14	mortgage loan (including the origination and servicing of
15	such a loan, any loss mitigation activities related to such
16	a loan, and any foreclosure, deed in lieu of foreclosure,
17	or short sale related to such a loan), if the action or inac-
18	tion to which the item of information relates—
19	"(1) resulted from an unfair, deceptive, or abu-
20	sive act or practice, or a fraudulent, discriminatory,
21	or illegal activity of a financial institution, as deter-
22	mined by a court of competent jurisdiction; or
23	"(2) is related to an unfair, deceptive, or abu-
24	sive act or practice, or a fraudulent, discriminatory,
25	or illegal activity of a financial institution that is the

1	subject of a settlement agreement initiated on behalf
2	of a consumer and that is between the financial in-
3	stitution and an agency or department of a local,
4	State, or Federal Government.
5	"(b) Covered Residential Mortgage.—In this
6	section, the term 'covered residential mortgage loan'
7	means any loan made primarily for personal, family, or
8	household use that is secured by a mortgage, deed of trust,
9	or other equivalent consensual security interest on a dwell-
10	ing (as defined in section 103(w) of the Truth in Lending
11	Act), including a loan in which the proceeds will be used
12	for—
13	"(1) a manufactured home (as defined in sec-
14	tion 603 of the Housing and Community Develop-
15	ment Act of 1974);
16	"(2) any installment sales contract, land con-
17	tract, or contract for deed on a residential property;
18	or
19	"(3) a reverse mortgage transaction (as defined
20	in section 103(cc) of the Truth in Lending Act).".
21	(b) Table of Contents Amendment.—The table
22	of contents of the Fair Credit Reporting Act is amended
23	by inserting after the item relating to section 605B the
24	following new item:

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

1	SEC. 7. PROHIBITION ON INCLUDING ADVERSE INFORMA-
2	TION WHEN FINANCIAL ABUSE HAS BEEN DE-
3	TERMINED.
4	(a) In General.—The Fair Credit Reporting Act
5	(15 U.S.C. 1681 et seq.), as amended by section 6, is fur-
6	ther amended by inserting after section 605C the fol-
7	lowing:
8	"§ 605D. Adverse information in cases of financial
9	abuse
10	"A consumer reporting agency may not furnish a con-
11	sumer report containing any adverse item of information
12	about a consumer that resulted from intentionally abusive
13	or harmful financial behavior if—
14	"(1) a court of competent jurisdiction, in a law-
15	suit that is not a class action lawsuit, has deter-
16	mined that the consumer is a victim of such inten-
17	tionally abusive or harmful financial behavior;
18	"(2) such intentionally abusive or harmful fi-
19	nancial behavior was conducted by a spouse, family
20	or household member, caregiver, or person with
21	whom such consumer had a dating relationship; and
22	"(3) such consumer did not participate in or
23	consent to such behavior.".
24	(b) Table of Contents Amendment.—The table
25	of contents of the Fair Credit Reporting Act is amended

1	by inserting after the item relating to section $605\mathrm{C}$ the
2	following new item:
	"605D. Adverse information in cases of financial abuse.".
3	SEC. 8. PROHIBITION ON INCLUDING ADVERSE INFORMA-
4	TION WHEN A STUDENT OBLIGOR IS DE-
5	FRAUDED.
6	(a) In General.—The Fair Credit Reporting Act
7	(15 U.S.C. 1681 et seq.), as amended by section 7, is fur-
8	ther amended by inserting after section 605D the fol-
9	lowing:
10	"§ 605E. Adverse information in cases of a defrauded
11	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 with
17	respect to such private education loan; and
18	"(2) a court of competent jurisdiction, in a law-
19	suit that is not a class action lawsuit, has deter-
20	mined that such consumer is a victim of fraud with
21	respect to such private education loan.
22	"(c) PRIVATE EDUCATION LOAN DEFINED.—For the
23	purposes of this section, the term 'private education loan'
24	has the meaning given the term in section in section
25	140(a) of the Truth in Lending Act.".

1	(b) Table of Contents Amendment.—The table
2	of contents of the Fair Credit Reporting Act is amended
3	by inserting after the item relating to section 605D the
4	following new item:
	"605E. Adverse information in cases of a defrauded student obligor.".
5	SEC. 9. GAO STUDY AND REPORT ON USE OF NON-TRADI-
6	TIONAL DATA IN CREDIT SCORING.
7	(a) STUDY.—The Comptroller General of the United
8	States shall carry out a study about the use of non-tradi-
9	tional data—
10	(1) by consumer reporting agencies when com-
11	piling and furnishing consumer reports; and
12	(2) by persons that create, maintain, or pur-
13	chase credit scoring models used in making credit
14	decisions.
15	(b) Report.—Not later than 18 months after the
16	date of the enactment of this section, the Comptroller
17	General shall issue a report to the Committee on Financial
18	Services of the House of Representatives and the Com-
19	mittee on Banking, Housing, and Urban Affairs of the
20	Senate containing all findings and determinations, includ-
21	ing any recommendations for any legislative or regulatory
22	changes, made in carrying out the study required under
23	subsection (a).
24	(c) Definitions.—For the purposes of this section,
25	the terms "consumer reporting agency" and "consumer

- 1 report" shall have the meanings given the terms in section
- $2\,$ $\,603$ of the Fair Credit Reporting Act.

