

116TH CONGRESS
2D SESSION

H. R. 6370

To amend the Fair Credit Reporting Act to provide for disaster protection
for workers' credit.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. SHERMAN introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to provide for
disaster protection for workers' credit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Protection
5 for Workers' Credit Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act, and the amendments made
8 by this Act, is to protect consumers' credit from negative
9 impacts as a result of financial hardship due to the

1 coronavirus disease (COVID–19) outbreak and future
2 major disasters.

3 **SEC. 3. REPORTING OF INFORMATION DURING MAJOR DIS-**
4 **ASTERS.**

5 (a) IN GENERAL.—The Fair Credit Reporting Act is
6 amended by inserting after section 605B the following:

7 **“§ 605C. Reporting of information during major disas-**
8 **ters**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COVID–19 EMERGENCY PERIOD.—The
11 term ‘COVID–19 emergency period’ means the pe-
12 riod beginning on the date of enactment of this sec-
13 tion and ending on the later of—

14 “(A) 120 days after the date of enactment
15 of this section; or

16 “(B) 120 days after the date of termi-
17 nation by the Federal Emergency Management
18 Administration of the emergency declared on
19 March 13, 2020, by the President under the
20 Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 4121 et seq.)
22 relating to the Coronavirus Disease 2019
23 (COVID-19) pandemic.

24 “(2) COVERED MAJOR DISASTER PERIOD.—The
25 term ‘covered major disaster period’ means—

1 “(A) the period beginning on the date on
2 which a major disaster is declared by the Presi-
3 dent under section 401 of the Robert T. Staf-
4 ford Disaster Relief and Emergency Assistance
5 Act (42 U.S.C. 5170), under which assistance
6 is authorized under section 408 of such Act (42
7 U.S.C. 5174), and ending on the date that is
8 120 days after the end of the incident period
9 designated in such declaration; or

10 “(B) the period ending 120 days after the
11 date of termination by the Federal Emergency
12 Management Administration of the emergency
13 declared on March 13, 2020, by the President
14 under the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 4121
16 et seq.) relating to the Coronavirus Disease
17 2019 (COVID-19) pandemic.

18 “(3) MAJOR DISASTER.—The term ‘major dis-
19 aster’ means a major disaster declared by the Presi-
20 dent under section 401 of the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act (42
22 U.S.C. 5170), under which assistance is authorized
23 under section 408 of such Act (42 U.S.C. 5174).

24 “(b) MORATORIUM ON FURNISHING ADVERSE IN-
25 FORMATION DURING COVID–19 EMERGENCY PERIOD.—

1 No person may furnish any adverse item of information
2 (except information related to a felony criminal conviction)
3 relating to a consumer that was the result of any action
4 or inaction that occurred during the COVID–19 emer-
5 gency period.

6 “(c) MORATORIUM ON FURNISHING ADVERSE INFOR-
7 MATION DURING COVERED MAJOR DISASTER PERIOD.—

8 No person may furnish any adverse item of information
9 (except information related to a felony criminal conviction)
10 relating to a consumer that was the result of any action
11 or inaction that occurred during a covered major disaster
12 period if the consumer is a resident of the affected area
13 covered by a declaration made by the President under sec-
14 tion 401 of the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act (42 U.S.C. 5170), under which
16 assistance is authorized under section 408 of such Act (42
17 U.S.C. 5174).

18 “(d) INFORMATION EXCLUDED FROM CONSUMER
19 REPORTS.—In addition to the information described in
20 section 605(a), no consumer reporting agency may make
21 any consumer report containing an adverse item of infor-
22 mation (except information related to a felony criminal
23 conviction) reported relating to a consumer that was the
24 result of any action or inaction that occurred during the
25 COVID–19 emergency period or a covered major disaster

1 period, and as applicable under subsection (f)(3), for 270
2 days after the expiration of the applicable period.

3 “(e) SUMMARY OF RIGHTS.—Not later than 60 days
4 after the date of enactment of this subsection, the Bureau
5 shall update the model summary of rights under section
6 609(c)(1) to include a description of the right of a con-
7 sumer to—

8 “(1) request the deletion of adverse items of in-
9 formation under subsection (f); and

10 “(2) request a consumer report or score, with-
11 out charge to the consumer, under subsection (g).

12 “(f) DELETION OF ADVERSE ITEMS OF INFORMA-
13 TION RESULTING FROM THE CORONAVIRUS DISEASE
14 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

15 “(1) REPORTING.—

16 “(A) IN GENERAL.—Not later than 60
17 days after the date of enactment of this sub-
18 section, the Bureau shall create a website for
19 consumers to report, under penalty of perjury,
20 economic hardship as a result of the
21 coronavirus disease (COVID–19) outbreak or a
22 major disaster (if the consumer is a resident of
23 the affected area covered by such major dis-
24 aster) for the purpose of extending credit report
25 protection for an additional 270 days after the

1 end of the COVID–19 emergency period or cov-
2 ered major disaster period, as applicable.

3 “(B) DOCUMENTATION.—The Bureau
4 shall—

5 “(i) not require any documentation
6 from a consumer to substantiate the eco-
7 nomic hardship; and

8 “(ii) provide notice to the consumer
9 that a report under subparagraph (A) is
10 under penalty of perjury.

11 “(C) REPORTING PERIOD.—A consumer
12 may report economic hardship under subpara-
13 graph (A) during the COVID–19 emergency pe-
14 riod or a covered major disaster period, as ap-
15 plicable, and for 60 days thereafter.

16 “(2) DATABASE.—The Bureau shall establish
17 and maintain a secure database that—

18 “(A) is accessible to each consumer report-
19 ing agency described in section 603(p) and na-
20 tionwide specialty consumer reporting agency
21 for purposes of fulfilling their duties under
22 paragraph (3) to check and automatically delete
23 any adverse item of information (except infor-
24 mation related to a felony criminal conviction)
25 reported that occurred during the COVID–19

1 emergency period or a covered major disaster
2 period with respect to a consumer; and

3 “(B) contains the information reported
4 under paragraph (1).

5 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
6 MATION BY NATIONWIDE CONSUMER REPORTING
7 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
8 ING AGENCIES.—

9 “(A) IN GENERAL.—Each consumer re-
10 porting agency described in section 603(p) and
11 each nationwide specialty consumer reporting
12 agency shall, using the information contained in
13 the database established under paragraph (2),
14 delete from the file of each consumer named in
15 the database each adverse item of information
16 (except information related to a felony criminal
17 conviction) that was a result of an action or in-
18 action that occurred during the COVID–19
19 emergency period or a covered major disaster
20 period up to 270 days following the end of the
21 such period.

22 “(B) TIMELINE.—Each consumer report-
23 ing agency described in section 603(p) and each
24 nationwide specialty consumer reporting agency
25 shall check the database at least weekly and de-

lete adverse items of information as soon as practicable after information that is reported under paragraph (1) appears in the database established under paragraph (2).

“(4) REQUEST FOR DELETION OF ADVERSE ITEMS OF INFORMATION.—

“(A) IN GENERAL.—A consumer who has filed a report of economic hardship with the Bureau may submit a request, without charge to the consumer, to a consumer reporting agency to delete from the consumer’s file an adverse item of information (except information related to a felony criminal conviction) that was a result of an action or inaction that occurred during the COVID–19 emergency period or a covered major disaster period up to 270 days following the end of the such period.

“(B) TIMING.—A consumer may submit a request under subparagraph (A), not later than 270-day period described in that subparagraph.

“(C) REMOVAL AND NOTIFICATION.—Upon receiving a request under this paragraph to delete an adverse item of information, a consumer reporting agency shall—

1 “(i) delete the adverse item of infor-
2 mation (except information related to a fel-
3 ony criminal conviction) from the con-
4 sumer’s file; and

5 “(ii) notify the consumer and the fur-
6 nisher of the adverse item of information
7 of the deletion.

8 “(g) FREE CREDIT REPORT AND SCORES.—

9 “(1) IN GENERAL.—During the COVID–19
10 emergency period or a covered major disaster period
11 and ending 12 months after the expiration of the
12 COVID–19 emergency period or covered major dis-
13 aster period, as applicable, each consumer reporting
14 agency as described under 603(p) and nationwide
15 specialty consumer reporting agency shall make all
16 disclosures described under section 609 upon request
17 by a consumer, by mail or online, without charge to
18 the consumer and without limitation as to the num-
19 ber of requests. A consumer reporting agency shall
20 also supply a consumer, upon request and without
21 charge, with a credit score that—

22 “(A) is derived from a credit scoring model
23 that is widely distributed to users by the con-
24 sumer reporting agency for the purpose of any
25 extension of credit or other transaction des-

1 ignated by the consumer who is requesting the
2 credit score; or

3 “(B) is widely distributed to lenders of
4 common consumer loan products and predicts
5 the future credit behavior of the consumer.

6 “(2) TIMING.—A file disclosure or credit score
7 under paragraph (1) shall be provided to the con-
8 sumer not later than—

9 “(A) 7 days after the date on which the re-
10 quest is received if the request is made by mail;
11 and

12 “(B) not later than 15 minutes if the re-
13 quest is made online.

14 “(3) ADDITIONAL REPORTS.—A file disclosure
15 provided under paragraph (1) shall be in addition to
16 any disclosure requested by the consumer under sec-
17 tion 612(a).

18 “(4) PROHIBITION.—A consumer reporting
19 agency that receives a request under paragraph (1)
20 may not request or require any documentation from
21 the consumer that demonstrates that the consumer
22 was impacted by the coronavirus disease (COVID-
23 19) outbreak or a major disaster (except to verify
24 that the consumer resides in an area covered by the

1 major disaster) as a condition of receiving the file
2 disclosure or score.

3 “(h) POSTING OF RIGHTS.—Not later than 30 days
4 after the date of enactment of this section, each consumer
5 reporting agency shall prominently post and maintain a
6 direct link on the homepage of the public website of the
7 consumer reporting agency information relating to the
8 right of consumers to—

9 “(1) request the deletion of adverse items of in-
10 formation (except information related to a felony
11 criminal conviction) under subsection (f); and

12 “(2) request consumer file disclosures and
13 scores, without charge to the consumer, under sub-
14 section (g).

15 “(i) BAN ON REPORTING MEDICAL DEBT INFORMA-
16 TION RELATED TO COVID–19 OR A MAJOR DISASTER.—

17 “(1) FURNISHING BAN.—No person shall fur-
18 nish adverse information to a consumer reporting
19 agency related to medical debt if such medical debt
20 is with respect to medical expenses related to treat-
21 ments arising from COVID–19 or a major disaster
22 (whether or not the expenses were incurred during
23 the COVID–19 emergency period or covered major
24 disaster period).

1 “(2) CONSUMER REPORT BAN.—No consumer
 2 reporting agency may make a consumer report con-
 3 taining adverse information related to medical debt
 4 if such medical debt is with respect to medical ex-
 5 penses related to treatments arising from COVID-
 6 19 or a major disaster (whether or not the expenses
 7 were incurred during the COVID-19 emergency pe-
 8 riod or covered major disaster period).

9 “(j) CREDIT SCORING MODELS.—A person that cre-
 10 ates and implements credit scoring models may not treat
 11 the absence, omission, or deletion of any information pur-
 12 suant to this section as a negative factor or negative value
 13 in credit scoring models created or implemented by such
 14 person.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 16 The table of contents for the Fair Credit Reporting Act
 17 is amended by inserting after the item relating to section
 18 605B the following:

“605C. Reporting of information during major disasters.”.

19 **SEC. 4. LIMITATIONS ON NEW CREDIT SCORING MODELS**
 20 **DURING THE COVID-19 EMERGENCY AND**
 21 **MAJOR DISASTERS.**

22 The Fair Credit Reporting Act (15 U.S.C. 1681 et
 23 seq.) is amended—

24 (1) by adding at the end the following:

1 **“§ 630. Limitations on new credit scoring models dur-**
2 **ing the COVID–19 emergency and major**
3 **disasters**

4 “With respect to a person that creates and imple-
5 ments credit scoring models, such person may not, during
6 the COVID–19 emergency period or a covered major dis-
7 aster period (as such terms are defined under section
8 605C), create or implement a new credit scoring model
9 (including a revision to an existing scoring model) if the
10 new credit scoring model would identify a significant per-
11 centage of consumers as being less creditworthy when
12 compared to the previous credit scoring models created or
13 implemented by such person.”; and

14 (2) in the table of contents for such Act, by
15 adding at the end the following new item:

“630. Limitations on new credit scoring models during major disasters.”.

