

## 116TH CONGRESS 1ST SESSION

## S. 2919

To require the Federal financial regulators to issue guidance encouraging financial institutions to work with consumers and businesses affected by a Federal Government shutdown, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2019

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

## A BILL

- To require the Federal financial regulators to issue guidance encouraging financial institutions to work with consumers and businesses affected by a Federal Government shutdown, and for other purposes.
  - 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 "Shutdown Guidance
  - 5 for Financial Institutions Act".
  - 6 SEC. 2. SHUTDOWN GUIDANCE FOR FINANCIAL INSTITU-
- 7 TIONS.
- 8 (a) Definitions.—In this section:

1	(1) Consumer affected by a shutdown.—
2	The term "consumer affected by a shutdown" means
3	an individual who is an employee of—
4	(A) the Federal Government, and who is
5	furloughed or excepted from a furlough during
6	a shutdown;
7	(B) the District of Columbia, and who is
8	not receiving pay because of a shutdown; or
9	(C) a Federal contractor or other business,
10	and who has experienced a substantial reduc-
11	tion in pay due to the shutdown.
12	(2) Consumers and Businesses affected
13	BY A SHUTDOWN.—The term "consumers and busi-
14	nesses affected by a shutdown" means—
15	(A) a consumer affected by a shutdown;
16	and
17	(B) a Federal contractor (as defined under
18	section 7101 of title 41, United States Code) or
19	other business that has experienced a substan-
20	tial reduction in income due to the shutdown.
21	(3) Federal contractor.—The term "Fed-
22	eral contractor" has the meaning given the term
23	"contractor" in section 7101 of title 41, United
24	States Code.

1	(4) FEDERAL FINANCIAL REGULATORS.—The
2	term "Federal financial regulators" means the
3	Board of Governors of the Federal Reserve System
4	the Bureau of Consumer Financial Protection, the
5	Comptroller of the Currency, the Federal Deposit
6	Insurance Corporation, and the National Credit
7	Union Administration.
8	(5) Shutdown.—The term "shutdown" means
9	any period in which there is more than a 24-hour
10	lapse in appropriations as a result of a failure to
11	enact a regular appropriations bill or continuing res-
12	olution.
13	(b) GUIDANCE.—Not later than the end of the 180-
14	day period beginning on the date of enactment of this Act
15	the Federal financial regulators jointly, in consultation
16	with State banking regulators and other appropriate Fed-
17	eral and State agencies, shall issue shutdown guidance to
18	the financial institutions they regulate encouraging the fi-
19	nancial institutions to—
20	(1) work with consumers and businesses af-
21	fected by a shutdown;
22	(2) recognize that consumers and businesses af-

fected by a shutdown may lose access to credit and

face temporary hardship in making payments on

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- debts such as mortgages, student loans, car loans,
  business loans, or credit cards;
- 3 (3) consider prudent efforts to modify terms on 4 existing loans or extend new credit to help con-5 sumers and businesses affected by a shutdown, con-6 sistent with safe-and-sound lending practices; and
  - (4) take steps to prevent adverse information being reported in a manner that harms consumers affected by a shutdown, including by preventing modified credit arrangements intended to help consumers fulfill their financial obligations from being reported to, and coded by, consumer reporting agencies on a consumer report in a manner that hurts the creditworthiness of the consumer.
- 15 (c) Notice of Guidance During a Shutdown.—
  16 Not later than the end of the 24-hour period beginning
  17 at the start of a shutdown, the Federal financial regu18 lators jointly shall issue a press release to alert financial
  19 institutions, consumers, and businesses to the existence
  20 and content of the guidance issued under to subsection
  21 (b).
- 22 (d) Post-Shutdown Report to Congress and 23 Updated Guidance.—
- 24 (1) IN GENERAL.—Not later than the end of 25 the 90-day period beginning on the date on which a

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shutdown ends, the Federal financial regulators jointly shall submit to Congress a report that contains an analysis of the effectiveness of the guidance issued pursuant to subsection (b).

(2) UPDATED GUIDANCE.—Not later than the end of the 180-day period beginning on the date on which a report is issued under paragraph (1), the Federal financial regulators shall update the guidance required under subsection (b) if any short-comings are identified in the report.

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