

116TH CONGRESS 2D SESSION

H.R. 5332

AN ACT

- To amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, 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,

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "Protecting Your Credit Score Act of 2020".
- 4 (b) Table of Contents for
- 5 this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Establishment of online consumer portal landing page for consumer access to certain credit information.
 - Sec. 3. Accuracy in consumer reports.
 - Sec. 4. Improved dispute process for consumer reporting agencies.
 - Sec. 5. Injunctive relief.
 - Sec. 6. Increased transparency.
 - Sec. 7. Consumer reporting agency registry.
 - Sec. 8. Authority of Bureau with respect to consumer reporting agencies.
 - Sec. 9. Bureau standards for protecting nonpublic information.
 - Sec. 10. Report on data security risk assessments in examinations of consumer reporting agencies.
 - Sec. 11. GAO study on the use of social security numbers.

6 SEC. 2. ESTABLISHMENT OF ONLINE CONSUMER PORTAL

- 7 LANDING PAGE FOR CONSUMER ACCESS TO
- 8 CERTAIN CREDIT INFORMATION.
- 9 (a) In General.—Section 612(a)(1) of the Fair
- 10 Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended
- 11 by adding at the end the following:
- 12 "(D) Online consumer portal landing
- PAGE.—
- 14 "(i) IN GENERAL.—Not later than 1
- 15 year after the date of enactment of this
- subparagraph, each consumer reporting
- agency described in section 603(p) shall
- jointly develop an online consumer portal

1	landing page that gives each consumer un-
2	limited free access to—
3	"(I) the consumer report of the
4	consumer;
5	"(II) the means by which the
6	consumer may exercise the rights of
7	the consumer under subparagraph (E)
8	and section 604(e);
9	"(III) the ability to initiate a dis-
10	pute with the consumer reporting
11	agency regarding the accuracy or
12	completeness of any information in a
13	report in accordance with section
14	611(a) or 623(a)(8);
15	"(IV) the ability to place and re-
16	move a security freeze on a consumer
17	report for free under section 605A(i)
18	and (j);
19	"(V) if the consumer reporting
20	agency offers a product to consumers
21	to prevent access to the consumer re-
22	port of the consumer for the purpose
23	of preventing identity theft, a disclo-
24	sure to the consumer regarding the
25	differences between that product and

1	a security freeze as defined under sec-
2	tion $605A(i)$ or (j) ;
3	"(VI) information on who has
4	accessed the consumer report of the
5	consumer over the last 24 months,
6	and, as available, for what permissible
7	purpose the consumer report was fur-
8	nished in accordance with section 604
9	and section 609; and
10	"(VII) the credit score of the
11	consumer in accordance with section
12	609(f)(7).
13	"(ii) No waiver.—A consumer re-
14	porting agency described in section 603(p)
15	may not require a consumer to waive any
16	legal or privacy rights to access—
17	"(I) a portal established under
18	this subparagraph; or
19	"(II) any of the services de-
20	scribed in clause (i) that are provided
21	through a portal established under
22	this subparagraph.
23	"(iii) No advertising or solicita-
24	TIONS.—A portal established under this
25	subparagraph may not contain any adver-

1	tising, marketing offers, or other solicita-
2	tions.
3	"(iv) Extension.—The Bureau may
4	allow the consumer reporting agencies an
5	extension of 1 year to develop the online
6	consumer portal landing page required
7	under clause (i).
8	"(v) Rule of construction.—
9	Nothing in this subparagraph may be con-
10	strued as requiring a consumer reporting
11	agency to disclose confidential proprietary
12	information through the online consumer
13	portal landing page.
14	"(E) Opt-out option.—
15	"(i) In general.—If a consumer re-
16	porting agency sells consumer information
17	in a manner that is not included in a con-
18	sumer report, the consumer reporting
19	agency shall provide each consumer with a
20	method (through a website, by phone, or in
21	writing) by which the consumer may elect
22	free of charge, to not have the information
23	of the consumer so sold.
24	"(ii) No expiration.—An election
25	made by a consumer under clause (i) shall

1 expire on the date on which the consumer 2 expressly revokes the election through a 3 website, by phone, or in writing.". 4 (b) Conforming Amendment.—Section 612(f)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(f)(1)) is amended, in the matter preceding subparagraph (A), by adding "or that is made through the online consumer 8 portal landing page established under subsection (a)(1)(D)," after "subsections (a) through (d),". SEC. 3. ACCURACY IN CONSUMER REPORTS. 10 11 Section 607(b) of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended to read as follows: 12 13 "(b) Ensuring Accuracy.— 14 "(1) IN GENERAL.—In preparing a consumer 15 report, each consumer reporting agency shall follow 16 reasonable procedures to assure maximum possible 17 accuracy of the information concerning the consumer 18 to whom the report relates. 19 "(2) MATCHING INFORMATION IN A FILE.—In 20 assuring the maximum possible accuracy under 21 paragraph (1), each consumer reporting agency de-22 scribed in section 603(p) shall ensure that, when in-23 cluding information in the file of a consumer, the 24 consumer reporting agency—

1	"(A) matches all 9 digits of the social se-
2	curity number of the consumer with the infor-
3	mation that the consumer reporting agency is
4	including in the file; or
5	"(B) if a consumer does not have a social
6	security number, matches information that in-
7	cludes the full legal name, date of birth, current
8	address, and at least one former address of the
9	consumer.
10	"(3) Periodic Audits.—Each consumer re-
11	porting agency shall perform periodic audits, on a
12	schedule determined by the Bureau, on a representa-
13	tive sample of consumer reports of the agency to
14	check for accuracy.".
15	SEC. 4. IMPROVED DISPUTE PROCESS FOR CONSUMER RE-
16	PORTING AGENCIES.
17	(a) Responsibilities of Furnishers of Infor-
18	MATION TO CONSUMER REPORTING AGENCIES.—Section
19	623 of the Fair Credit Reporting Act (15 U.S.C. 1681s-
20	2) is amended—
21	(1) in subsection (a)(8)—
22	(A) in subparagraph (E)(ii), by inserting
2223	(A) in subparagraph (E)(ii), by inserting "and consider" after "review"; and

1	(i) in clause (i)(II), by inserting ",
2	and does not include any new or additional
3	information that would be relevant to a re-
4	investigation" before the period at the end;
5	and
6	(ii) by adding at the end the following
7	new clause:
8	"(iv) New or additional informa-
9	TION.—For purposes of clause (i)(II), the
10	term 'new or additional information'—
11	"(I) means information of a type
12	designated by the Bureau; and
13	"(II) does not include informa-
14	tion previously provided to the per-
15	son."; and
16	(2) in subsection (b)(1), by inserting "and con-
17	sider" after "review".
18	(b) Bureau Credit Reporting Ombudsperson.—
19	Section 611(a) of the Fair Credit Reporting Act (15
20	U.S.C. 1681i(a)) is amended by adding at the end the fol-
21	lowing:
22	"(8) Bureau credit reporting
23	OMBUDSPERSON.—
24	"(A) In General.—Not later than 180
25	days after the date of enactment of this para-

1	graph, the Bureau shall establish the position
2	of credit reporting ombudsperson, whose spe-
3	cific duties shall include carrying out the Bu-
4	reau's responsibilities with respect to—
5	"(i) resolving persistent errors that
6	are not resolved in a timely manner by a
7	consumer reporting agency; and
8	"(ii) enhancing oversight of consumer
9	reporting agencies by—
10	"(I) advising the Director of the
11	Bureau, in consultation with the Of-
12	fice of Enforcement and the Office of
13	Supervision of the Bureau, on any po-
14	tential violations of paragraph (5) or
15	any other applicable law by a con-
16	sumer reporting agency, including ap-
17	propriate corrective action for such a
18	violation; and
19	"(II) making referrals to the Of-
20	fice of Supervision for supervisory ac-
21	tion or the Office of Enforcement for
22	enforcement action, as appropriate, in
23	response to violations of paragraph
24	(5) or any other applicable law by a
25	consumer reporting agency.

"(B) Report.—The ombudsperson shall 1 2 submit to the Committee on Financial Services of the House of Representatives and the Com-3 4 mittee on Banking, Housing, and Urban Affairs of the Senate an annual report including statis-6 tics and analysis on consumer complaints the 7 Bureau receives relating to consumer reports, 8 as well as a summary of the supervisory actions 9 and enforcement actions taken with respect to 10 consumer reporting agencies during the year 11 covered by the report.".

- 12 (c) RESPONSIBILITIES OF CONSUMER REPORTING
 13 AGENCIES.—Section 611 of the Fair Credit Reporting Act
 14 (15 U.S.C. 1681i) is amended—
- 15 (1) in subsection (a)—
- 16 (A) in paragraph (1), by adding at the end 17 the following:
 - "(D) Obligations of consumer rePorting agencies relating to relivesTigations.—Commensurate with the volume
 and complexity of disputes about which a consumer reporting agency receives notice, or reasonably anticipates to receive notice, under this
 paragraph, each consumer reporting agency
 shall—

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1	"(i) maintain sufficient personnel to
2	conduct reinvestigations of those disputes;
3	and
4	"(ii) provide training with respect to
5	the personnel described in clause (i).";
6	(B) in paragraph (6)(B)—
7	(i) by amending clause (ii) to read as
8	follows:
9	"(ii) a copy of the consumer's file and
10	a consumer report that is based upon such
11	file as revised, including a description of
12	the specific modification or deletion of in-
13	formation, as a result of the reinvestiga-
14	tion;";
15	(ii) by striking clause (iii) and redes-
16	ignating clauses (iv) and (v) as clauses (vi)
17	and (vii), respectively;
18	(iii) by inserting after clause (ii) the
19	following:
20	"(iii) a description of the actions
21	taken by the consumer reporting agency
22	regarding the dispute;
23	"(iv) if applicable, contact information
24	for any furnisher involved in responding to
25	the dispute and a description of the role

1	played by the furnisher in the reinvestiga-
2	tion process;
3	"(v) the options available to the con-
4	sumer if the consumer is dissatisfied with
5	the result of the reinvestigation, includ-
6	ing—
7	"(I) submitting documents in
8	support of the dispute;
9	"(II) adding a consumer state-
10	ment of dispute to the file of the con-
11	sumer pursuant to subsection (b);
12	"(III) filing a dispute with the
13	furnisher pursuant to section
14	623(a)(8); and
15	"(IV) submitting a complaint
16	against the consumer reporting agen-
17	cy or furnishers through the consumer
18	complaint database of the Bureau or
19	the State attorney general for the
20	State in which the consumer resides;";
21	(C) by striking paragraph (7) and redesig-
22	nating paragraph (8) as paragraph (7); and
23	(D) in paragraph (7), as so redesignated,
24	by striking "paragraphs (2), (6), and (7)" and
25	inserting "paragraphs (2) and (6)"; and

1	(2) by adding at the end the following new sub-
2	section:
3	"(h) Notification of Deletion of Informa-
4	TION.—A consumer reporting agency described in section
5	603(p) shall communicate with other consumer reporting
6	agencies described in section 603(p) to ensure that a dis-
7	pute initiated with one consumer reporting agency is noted
8	in a file maintained by such other consumer reporting
9	agencies.".
10	SEC. 5. INJUNCTIVE RELIEF.
11	(a) In General.—The Fair Credit Reporting Act
12	(15 U.S.C. 1681 et seq.) is amended—
13	(1) in section 616 (15 U.S.C. 1681n)—
14	(A) in subsection (a), by amending the
15	subsection heading to read as follows: "Dam-
16	AGES'';
17	(B) by redesignating subsections (c) and
18	(d) as subsections (d) and (e), respectively; and
19	(C) by inserting after subsection (b) the
20	following:
21	"(c) Injunctive Relief.—
22	"(1) IN GENERAL.—In addition to any other
23	remedy under this section, a court may award in-
24	junctive relief to require compliance with the re-

1	quirements imposed under this title with respect to
2	any consumer.
3	"(2) Attorney's fees.—In the event of any
4	successful action for injunctive relief under this sub-
5	section, a court may award to the prevailing party
6	reasonable attorney's fees (as determined by the
7	court) incurred by the prevailing party during the
8	action."; and
9	(2) in section 617 (15 U.S.C. 1681o)—
10	(A) in subsection (a), in the subsection
11	heading, by striking "(a) IN GENERAL.—" and
12	inserting "(a) Damages.—";
13	(B) by redesignating subsection (b) as sub-
14	section (e); and
15	(C) by inserting after subsection (a) the
16	following:
17	"(b) Injunctive Relief.—
18	"(1) In General.—In addition to any other
19	remedy under this section, a court may award in-
20	junctive relief to require compliance with the re-
21	quirements imposed under this title with respect to
22	any consumer.
23	"(2) Attorney's fees.—In the event of any
24	successful action for injunctive relief under this sub-
25	section, a court may award to the prevailing party

1	reasonable attorney's fees (as determined by the
2	court) incurred by the prevailing party during the
3	action.".
4	(b) Enforcement.—Section 615(h)(8) of the Fair
5	Credit Reporting Act (15 U.S.C. 1681m(h)(8)) is amend-
6	ed—
7	(1) in subparagraph (A), by striking "section"
8	and inserting "subsection"; and
9	(2) in subparagraph (B), by striking "This sec-
10	tion" and inserting "This subsection".
11	SEC. 6. INCREASED TRANSPARENCY.
12	(a) Disclosures to Consumers.—Section 609 of
13	the Fair Credit Reporting Act (15 U.S.C. 1681g) is
14	amended—
15	(1) in subsection (a)(3)(B)—
16	(A) in clause (i), by striking "and" at the
17	end; and
18	(B) by striking clause (ii) and inserting the
19	following:
20	"(ii) the address and telephone number of
21	the person; and
22	"(iii) the permissible purpose, as available,
23	of the person for obtaining the consumer re-
24	port, including the specific type of credit prod-

1	uct that is extended, reviewed, or collected, as
2	described in section 604(a)(3)(A).";
3	(2) in subsection (f)—
4	(A) by amending paragraph (7)(A) to read
5	as follows:
6	"(A) supply the consumer with a credit
7	score through the portal established under sec-
8	tion 612(a)(1)(D) or upon request by the con-
9	sumer, as applicable, that—
10	"(i) is derived from a credit scoring
11	model that is widely distributed to users by
12	that consumer reporting agency for the
13	purpose of any extension of credit or other
14	transaction designated by the consumer
15	who is requesting the credit score; or
16	"(ii) is widely distributed to lenders of
17	common consumer loan products and pre-
18	dicts the future credit behavior of the con-
19	sumer; and"; and
20	(B) in paragraph (8), by inserting ", ex-
21	cept that a credit score shall be provided free
22	of charge to the consumer if requested in con-
23	nection with a free annual consumer report de-
24	scribed in section 612(a) or through the online
25	consumer portal landing page established under

1	section 612(a)(1)(D)" before the period at the
2	end; and
3	(3) in subsection $(g)(1)$ —
4	(A) in subparagraph (A)(ii)—
5	(i) in the clause heading, by striking
6	"SUBPARAGRAPH (D)" and inserting "SUB-
7	PARAGRAPH (C)"; and
8	(ii) by striking "subparagraph (D)"
9	and inserting "subparagraph (C)";
10	(B) in subparagraph (B)(ii), by striking
11	"consistent with subparagraph (C)";
12	(C) by striking subparagraph (C); and
13	(D) by redesignating subparagraphs (D)
14	through (G) as subparagraphs (C) through (F),
15	respectively.
16	(b) Notification Requirements.—
17	(1) Adverse information notification.—
18	(A) IN GENERAL.—The Fair Credit Re-
19	porting Act (15 U.S.C. 1681 et seq.) is amend-
20	ed—
21	(i) in section 612 (15 U.S.C. 1681j),
22	by striking subsection (b) and inserting the
23	following:
24	"(b) Free Disclosure After Notice of Ad-
25	VERSE ACTION OR OFFER OF CREDIT ON MATERIALLY

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Less Favorable Term.—Not later than 30 days after
   the date on which a consumer reporting agency receives
   a notification under subsection (a)(2) or (h)(6) of section
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   615, or from a debt collection agency affiliated with the
 5
   consumer reporting agency, the consumer reporting agen-
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   cy shall make to a consumer, without charge to the con-
   sumer, all disclosures that are made to a user of a con-
 8
   sumer report in accordance with the rules prescribed by
   the Bureau."; and
10
                      (ii) in section 615(a) (15 U.S.C.
11
                  1681m(a)—
12
                           (I) by redesignating paragraphs
13
                      (2), (3), and (4) as paragraphs (3),
14
                      (4), and (5), respectively;
15
                           (II) by inserting after paragraph
16
                      (1) the following:
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             "(2) direct the consumer reporting agency that
18
        provided the consumer report that was used in the
19
        decision to take the adverse action to provide the
20
        consumer with the disclosures described in section
        612(b);"; and
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22
                           (III) in paragraph (5), as so re-
23
                      designated—
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1	(aa) in the matter preceding
2	subparagraph (A), by striking
3	"of the consumer's right";
4	(bb) by striking subpara-
5	graph (A) and inserting the fol-
6	lowing:
7	"(A) that the consumer shall receive a
8	copy of the consumer report with respect to the
9	consumer, free of charge, from the consumer
10	reporting agency that furnished the consumer
11	report; and"; and
12	(cc) in subparagraph (B), by
13	inserting "of the right of the con-
14	sumer" before "to dispute".
15	(B) Conforming Amendment.—Section
16	604(b)(2)(B)(i) of the Fair Credit Reporting
17	Act $(15 \text{ U.S.C. } 1681b(b)(2)(B)(i))$ is amended
18	by striking "section 615(a)(3)" and inserting
19	"section 615(a)(4)".
20	(2) Notification in cases of less favor-
21	ABLE TERMS.—Section 615(h) of the Fair Credit
22	Reporting Act (15 U.S.C. 1681m(h)) is amended—
23	(A) in paragraph (1), by striking "para-
24	graph (6)" and inserting "paragraph (7)":

1	(B) in paragraph (2), by striking "para-
2	graph (6)" and inserting "paragraph (7)";
3	(C) in paragraph (5)(C), by striking "may
4	obtain" and inserting "shall receive";
5	(D) by redesignating paragraphs (6), (7),
6	and (8) as paragraphs (7), (8), and (9), respec-
7	tively; and
8	(E) by inserting after paragraph (5) the
9	following:
10	"(6) Reports provided to consumers.—A
11	person who uses a consumer report as described in
12	paragraph (1) shall notify and direct the consumer
13	reporting agency that provided the consumer report
14	to provide the consumer with the disclosures de-
15	scribed in section 612(b).".
16	(3) Notification of subsequent submis-
17	SIONS OF NEGATIVE INFORMATION.—Section
18	623(a)(7)(A)(ii) of the Fair Credit Reporting Act
19	(15 U.S.C. 1681s–2(a)(7)(A)(ii)) is amended by
20	striking "with respect to" and all that follows
21	through the period at the end and inserting "without
22	providing additional notice to the consumer, unless
23	another person acquires the right to repayment con-
24	nected to the additional negative information. The

acquiring person shall be subject to the requirements

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1	of this paragraph and shall be required to send con-
2	sumers the written notices described in this para-
3	graph, if applicable.".
4	SEC. 7. CONSUMER REPORTING AGENCY REGISTRY.
5	Section 621 of the Fair Credit Reporting Act (15
6	U.S.C. 1681s) is amended by adding at the end the fol-
7	lowing:
8	"(h) Consumer Reporting Agency Registry.—
9	"(1) Establishment of registry.—Not later
10	than 180 days after the date of enactment of this
11	subsection, the Bureau shall establish a publicly
12	available registry of consumer reporting agencies
13	that includes—
14	"(A) each consumer reporting agency that
15	compiles and maintains files on consumers on ε
16	nationwide basis;
17	"(B) each nationwide specialty consumer
18	reporting agency;
19	"(C) all other consumer reporting agencies
20	that are not included under section 603(p) or
21	603(x); and
22	"(D) links to any relevant websites of ϵ
23	consumer reporting agency described under
24	subparagraphs (A) through (C).

1	"(2) Registration requirement.—The Bu-
2	reau shall establish a deadline, which shall be not
3	later than 270 days after the date of the enactment
4	of this subsection, by which each consumer reporting
5	agency described in paragraph (1) shall be required
6	to register in the registry established under such
7	paragraph.".
8	SEC. 8. AUTHORITY OF BUREAU WITH RESPECT TO CON-
9	SUMER REPORTING AGENCIES.
10	Section 1024(a)(1) of the Dodd-Frank Wall Street
11	Reform and Consumer Protection Act (12 U.S.C.
12	5514(a)(1)) is amended—
13	(1) in subparagraph (D), by striking "or" at
14	the end;
15	(2) in subparagraph (E), by striking the period
16	at the end and inserting "; or"; and
17	(3) by adding at the end the following new sub-
18	paragraph:
19	"(F) is a consumer reporting agency de-
20	scribed under section 603(p) of the Fair Credit
21	Reporting Act.".
22	SEC. 9. BUREAU STANDARDS FOR PROTECTING NON-
23	PUBLIC INFORMATION.
24	Title V of the Gramm-Leach-Bliley Act (15 U.S.C.
25	6801 et seq.) is amended—

1	(1) in section 501, by adding at the end the fol-
2	lowing new subsection:
3	"(c) Consumer Reporting Agency Safe-
4	GUARDS.—The Bureau of Consumer Financial Protection
5	shall establish, by rule, appropriate standards for con-
6	sumer reporting agencies described under section 603(p)
7	of the Fair Credit Reporting Act relating to administra-
8	tive, technical, and physical safeguards to protect records
9	and information as described in paragraphs (1) through
10	(3) of subsection (b).";
11	(2) in section 504(a)(1)(A), by striking ", ex-
12	cept that the Bureau of Consumer Financial Protec-
13	tion shall not have authority to prescribe regulations
14	with respect to the standards under section 501";
15	and
16	(3) in section 505(a)(8), by inserting ", other
17	than under subsection (c) of section 501" after "sec-
18	tion 501".
19	SEC. 10. REPORT ON DATA SECURITY RISK ASSESSMENTS
20	IN EXAMINATIONS OF CONSUMER REPORT-
21	ING AGENCIES.
22	Not later than 90 days after the date of the enact-
23	ment of this Act, the Director of the Bureau of Consumer
24	Financial Protection shall assess whether examinations
25	conducted by the Director of consumer reporting agencies

- 1 described under section 603(f) of the Fair Credit Report-
- 2 ing Act (15 U.S.C. 1681a(f)) include sufficient processes
- 3 to addresses any data security risks to the consumers of
- 4 such agencies on which such agencies maintain and com-
- 5 pile files. Along with the first semiannual report required
- 6 under section 1016(b) of the Consumer Financial Protec-
- 7 tion Act of 2010 (12 U.S.C. 5496(b)) to be submitted
- 8 after the 90-day period after the date of the enactment
- 9 of this Act, the Director shall submit to Congress a report
- 10 containing the results of such assessment that includes—
- 11 (1) recommendations for improving the proc-
- esses to addresses any such data security risks; and
- 13 (2) the progress of the Director on making any
- improvements described under paragraph (1).
- 15 SEC. 11. GAO STUDY ON THE USE OF SOCIAL SECURITY
- 16 NUMBERS.
- 17 (a) STUDY.—The Comptroller General of the United
- 18 States shall carry out a study on the feasibility and means
- 19 of consumer reporting agencies replacing the use of social
- 20 security numbers as identifiers with another type of Fed-
- 21 eral identification.
- 22 (b) Report.—Not later than the end of the 2-year
- 23 period beginning on the date of the enactment of this Act,
- 24 the Comptroller General shall issue a report to the Con-

- 1 gress containing all findings and determinations made in
- 2 carrying out the study required under subsection (a).

Passed the House of Representatives June 29, 2020. Attest:

Clerk.

116TH CONGRESS H. R. 5332

AN ACT

To amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, and for other purposes.