

116TH CONGRESS
2^D 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.**—The 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**
13 **PAGE.**—

14 “(i) **IN GENERAL.**—Not later than 1
15 year after the date of enactment of this
16 subparagraph, each consumer reporting
17 agency described in section 603(p) shall
18 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)
5 of the Fair Credit Reporting Act (15 U.S.C. 1681j(f)(1))
6 is amended, in the matter preceding subparagraph (A),
7 by adding “or that is made through the online consumer
8 portal landing page established under subsection
9 (a)(1)(D),” after “subsections (a) through (d),”.

10 **SEC. 3. ACCURACY IN CONSUMER REPORTS.**

11 Section 607(b) of the Fair Credit Reporting Act (15
12 U.S.C. 1681e) is amended to read as follows:

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
23 “and consider” after “review”; and

24 (B) in subparagraph (F)—

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.

1 “(B) REPORT.—The ombudsperson shall
2 submit to the Committee on Financial Services
3 of the House of Representatives and the Com-
4 mittee on Banking, Housing, and Urban Affairs
5 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:

18 “(D) OBLIGATIONS OF CONSUMER RE-
19 PORTING AGENCIES RELATING TO REINVES-
20 TIGATIONS.—Commensurate with the volume
21 and complexity of disputes about which a con-
22 sumer reporting agency receives notice, or rea-
23 sonably anticipates to receive notice, under this
24 paragraph, each consumer reporting agency
25 shall—

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 redesi-
16 gnating 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 redesign-
22 ating 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 (e) 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 requirements 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 (c); 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”;

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)”;

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

1 LESS FAVORABLE TERM.—Not later than 30 days after
2 the date on which a consumer reporting agency receives
3 a notification under subsection (a)(2) or (h)(6) of section
4 615, or from a debt collection agency affiliated with the
5 consumer reporting agency, the consumer reporting agen-
6 cy shall make to a consumer, without charge to the con-
7 sumer, all disclosures that are made to a user of a con-
8 sumer report in accordance with the rules prescribed by
9 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:

17 “(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
21 612(b);”; and

22 (III) in paragraph (5), as so re-
23 designated—

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”;

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 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
25 acquiring person shall be subject to the requirements

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 a
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 a
23 consumer reporting agency described under
24 subparagraphs (A) through (C).

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-
12 esses to addresses any such data security risks; and

13 (2) the progress of the Director on making any
14 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
2^D SESSION

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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.