

117TH CONGRESS
1ST SESSION

H. R. 6067

To direct the Bureau of Consumer Financial Protection to issue model forms and model language for certain Fair Credit Reporting Act requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 23, 2021

Ms. DEAN (for herself and Mr. HOLLINGSWORTH) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To direct the Bureau of Consumer Financial Protection to issue model forms and model language for certain Fair Credit Reporting Act requirements, 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 “Clarity in Consumer
5 Disclosures Act of 2021”.

1 **SEC. 2. MODEL FORMS AND MODEL LANGUAGE FOR CER-**
2 **TAIN FAIR CREDIT REPORTING ACT RE-**
3 **QUIREMENTS.**

4 (a) MODEL FORMS AND MODEL LANGUAGE.—

5 (1) IN GENERAL.—The Fair Credit Reporting
6 Act (15 U.S.C. 1601 et seq.) is amended by adding
7 after section 604 the following new section:

8 **“§ 604A. Model forms and model language**

9 “(a) IN GENERAL.—Not later than one year after the
10 date of the enactment of this section, the Director of the
11 Bureau shall develop and issue—

12 “(1) model language for a certification that
13 may be used by a person to comply with section
14 604(b)(1)(A);

15 “(2) model forms of disclosure, authorization,
16 notice, and consent that may be used by a consumer
17 or other person to comply with section 604(b)(2);

18 “(3) a model consent form and model language
19 for inclusion in any forms that may be used by a
20 consumer to provide the consent required under sec-
21 tion 604(g)(1)(B)(ii);

22 “(4) a model form and model language for in-
23 clusion in any forms that may be used to provide a
24 consumer with the disclosure and statement required
25 under section 606(a)(1);

1 “(5) model language for a certification that
2 may be used by a person to comply with section
3 606(a)(2); and

4 “(6) model language of certification that may
5 be used by a person seeking to procure a consumer
6 report under section 604(f)(2) or 607(a).

7 “(b) FORMAT.—The Director—

8 “(1) shall ensure that the model forms and
9 model language described in subsection (a) are in
10 plain language comprehensible to an average reader
11 and do not include citations to law;

12 “(2) to the extent practicable, shall develop a
13 single, integrated model form for use to comply with
14 the requirements of section 604, 606, or 607;

15 “(3) shall ensure that such model forms and
16 model language are comprehensible and can be eas-
17 ily adapted based on specific consumer reports; and

18 “(4) with respect to model language for a cer-
19 tification described in paragraph (1) or (6) of sub-
20 section (a), shall allow the user of a consumer report
21 to include such model language in other documents
22 to prospectively certify to a consumer reporting
23 agency user compliance with the requirements of
24 section 604(b)(1)(A) or 606(a)(2), as applicable.

1 “(c) RULEMAKING.—In developing the model forms
2 under subsection (a), the Director shall publish a notice
3 in the Federal Register seeking written comments from
4 the public.

5 “(d) SAFE HARBOR.—Any person or consumer re-
6 porting agency that elects to provide a model form devel-
7 oped under subsection (a) that accurately reflects the
8 practices of such person or such agency shall be deemed
9 to be in compliance with the requirements to which the
10 model form corresponds.

11 “(e) SPECIFIC COMPONENTS.—In developing the
12 model forms under subsection (a), the Director—

13 “(1) shall review State laws regulating con-
14 sumer reports;

15 “(2) shall develop such model forms to satisfy
16 any requirements imposed by State law that are sub-
17 stantially similar to those described in subsection
18 (a);

19 “(3) with respect any disclosures that applica-
20 ble law requires to consist solely of the disclosure,
21 may deem that such model form satisfies such dis-
22 closure; and

23 “(4) with respect to a model form that includes
24 a disclosure described in paragraph (3), may require
25 that such model form consist solely of the disclosure

1 along with any other information the Director deter-
2 mines necessary to properly complete the form.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for Fair Credit Reporting Act is amended by
5 adding after the item relating to section 604 the fol-
6 lowing new item:

“604A. Model forms and model language.”.

7 (b) REPORT TO CONGRESS.—Not later than 6
8 months after the issuance of model forms and model lan-
9 guage under section 604A of the Fair Credit Reporting
10 Act (as added by subsection (a) of this section), the Direc-
11 tor of the Bureau of Consumer Financial Protection shall
12 submit to Congress a report that includes—

13 (1) the methodology used by the Director to
14 create such model forms and model language; and

15 (2) an analysis of the use of such model forms
16 and model language.

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