

119TH CONGRESS
1ST SESSION

S. _____

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

Mr. VAN HOLLEN (for himself, Ms. ALSOBROOKS, Mr. KAINE, Mr. WARNER, Mrs. GILLIBRAND, Mr. BOOKER, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on

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”.

1 **SEC. 2. SHUTDOWN GUIDANCE FOR FINANCIAL INSTITU-**
2 **TIONS.**

3 (a) DEFINITIONS.—In this section:

4 (1) CONSUMER AFFECTED BY A SHUTDOWN.—

5 The term “consumer affected by a shutdown” means
6 an individual who is an employee of—

7 (A) the Federal Government, and who is
8 furloughed or excepted from a furlough during
9 a shutdown;

10 (B) the District of Columbia, and who is
11 not receiving pay because of a shutdown; or

12 (C) a Federal contractor or other business,
13 and who has experienced a substantial reduc-
14 tion in pay due to the shutdown.

15 (2) CONSUMERS AND BUSINESSES AFFECTED
16 BY A SHUTDOWN.—The term “consumers and busi-
17 nesses affected by a shutdown” means—

18 (A) a consumer affected by a shutdown;
19 and

20 (B) a Federal contractor (as defined under
21 section 7101 of title 41, United States Code) or
22 other business that has experienced a substan-
23 tial reduction in income due to the shutdown.

24 (3) FEDERAL CONTRACTOR.—The term “Fed-
25 eral contractor” has the meaning given the term

1 “contractor” in section 7101 of title 41, United
2 States Code.

3 (4) FEDERAL FINANCIAL REGULATORS.—The
4 term “Federal financial regulators” means the
5 Board of Governors of the Federal Reserve System,
6 the Bureau of Consumer Financial Protection, the
7 Comptroller of the Currency, the Federal Deposit
8 Insurance Corporation, and the National Credit
9 Union Administration.

10 (5) SHUTDOWN.—The term “shutdown” means
11 any period in which there is more than a 24-hour
12 lapse in appropriations as a result of a failure to
13 enact a regular appropriations bill or continuing res-
14 olution.

15 (b) GUIDANCE.—Not later than the end of the 180-
16 day period beginning on the date of enactment of this Act,
17 the Federal financial regulators jointly, in consultation
18 with State banking regulators and other appropriate Fed-
19 eral and State agencies, shall issue shutdown guidance to
20 the financial institutions they regulate encouraging the fi-
21 nancial institutions to—

22 (1) work with consumers and businesses af-
23 fected by a shutdown;

24 (2) recognize that consumers and businesses af-
25 fected by a shutdown may lose access to credit and

1 face temporary hardship in making payments on
2 debts such as mortgages, student loans, car loans,
3 business loans, or credit cards;

4 (3) consider prudent efforts to modify terms on
5 existing loans or extend new credit to help con-
6 sumers and businesses affected by a shutdown, con-
7 sistent with safe-and-sound lending practices; and

8 (4) take steps to prevent adverse information
9 being reported in a manner that harms consumers
10 affected by a shutdown, including by preventing
11 modified credit arrangements intended to help con-
12 sumers fulfill their financial obligations from being
13 reported to, and coded by, consumer reporting agen-
14 cies on a consumer report in a manner that hurts
15 the creditworthiness of the consumer.

16 (c) NOTICE OF GUIDANCE DURING A SHUTDOWN.—

17 Not later than the end of the 24-hour period beginning
18 at the start of a shutdown, the Federal financial regu-
19 lators jointly shall issue a press release to alert financial
20 institutions, consumers, and businesses to the existence
21 and content of the guidance issued under to subsection
22 (b).

23 (d) POST-SHUTDOWN REPORT TO CONGRESS AND
24 UPDATED GUIDANCE.—

1 (1) IN GENERAL.—Not later than the end of
2 the 90-day period beginning on the date on which a
3 shutdown ends, the Federal financial regulators
4 jointly shall submit to Congress a report that con-
5 tains an analysis of the effectiveness of the guidance
6 issued pursuant to subsection (b).

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