

December 4, 2023

The Honorable Rohit Chopra
Director, Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552

Re: Do Not Delay Fair Credit Reporting Act Rulemaking

Dear Director Chopra:

The undersigned 60 consumer, civil rights, health care, and advocacy organizations write in response to the [November 17, 2023 letter](#) sent to you by 15 industry trade organizations, including ACA International, the Consumer Data Industry Association (CDIA), American Bankers Association (ABA), the Independent Community Bankers of America (ICBA) and the US Chamber of Commerce (Chamber). The industry trade letter urges you to delay the Consumer Financial Protection Bureau's planned Fair Credit Reporting Act (FCRA) rulemaking by issuing an Advanced Notice of Proposed Rulemaking (ANPR). For the following reasons, the undersigned groups strongly believe that an ANPR is not necessary for the proposals that were included in the CFPB's [September 15, 2023 Outline of Proposals](#) for the Small Business Advisory Review for the FCRA Rulemaking.

The FCRA Outline of Proposals consisted of three major components:

1. A proposal to cover many data brokers under the FCRA
2. A proposal to ban the reporting of medical debt on credit reports
3. A proposal to improve aspects of dispute handling under the FCRA

Each of these issues has been the subject of extensive public input or fact gathering, and thus does not require an ANPR.

1. Data Broker Provisions

The CFPB issued a [Request for Information \(RFI\)](#) on March 15, 2023, that solicited detailed feedback on 29 questions (with subparts) regarding the proposal to cover data brokers under the FCRA. As you know, an RFI serves a [similar role](#) to an ANPR. The CFPB extended the comment period for this RFI from about 90 days to 120 days. Over [7,300 comments](#) were submitted in response to the RFI, including by CDIA, the ABA, ICBA, and the Chamber. There is simply no need to issue an ANPR on top of an RFI.

2. Medical Debt Ban

The medical debt provisions in the Outline of Proposals have been the subject of two comment periods already, arising from two petitions for rulemaking regarding the very provision that the CFPB has proposed. Both of these petitions were subject to a comment period of 60 days and

were posted on regulations.gov. The [first petition, submitted by NCLC](#) in September 2022, had 90 groups signed on in support, while ACA International filed a comment in opposition. The [second petition, submitted by Community Catalyst](#) in April 2023, received 145 comments in response. With a combined 120 days for comment and numerous comments on the petitions, there is no need for an additional period for comment.

3. Dispute Handling Proposals

The proposal regarding dispute resolution has been the subject of another type of input and information gathering in the form of significant litigation. The issue of whether the FCRA exempts consumer reporting agencies (CRAs) and furnishers from reasonably investigating so-called legal disputes has been the subject of several dozen legal cases, which are listed in NCLC's Fair Credit Reporting treatise, §§ 4.5.3.4.6 and 6.10.2.5. The CFPB has filed at least five amicus briefs regarding this issue. Thus, the issue has been thoroughly debated, researched, and analyzed. Furthermore, there was an opportunity to comment on this issue in response to the Outline of Proposals itself.

Indeed, the November 17 industry trade letter neglects to mention that the CFPB invited members of the public to submit comments in response to the Outline of Proposals, which stakeholders took advantage of. For example, the American Hospital Association (AHA) submitted [a comment](#) regarding the medical debt proposal, noting that it aligned with the AHA's own guidelines.

Finally, we urge the CFPB not to delay in completing this rulemaking, but to move forward as expeditiously as possible. Millions of consumers are impacted by the abuses that the proposed FCRA rule would address. The medical debt issue alone impairs the credit histories of [over 10 million Americans](#). The enormous scale of credit reporting problems is also shown by the hundreds of thousands of complaints to CFPB each year, as well as the millions of disputes to the nationwide CRAs. Thousands of consumers are being harmed by the flaws in our credit reporting systems on a daily basis. Consumers need relief and they need it expeditiously.

Thank you for all you do for American consumers. Please contact Chi Chi Wu at [ccwu@nclc.org](mailto:cwu@nclc.org) with any questions about this letter.

Respectfully submitted,

National Organizations

National Consumer Law Center (on behalf of its low-income clients)

20/20 Vision

Americans for Financial Reform

Center for Responsible Lending

Community Catalyst

Consumer Federation of America

Consumer Reports

(signatories continue on following page)

Consumer Watchdog
Consumer Action
Debt Collective
Electronic Privacy Information Center
Just Futures Law
Justice in Aging
National Association of Consumer Advocates
National Association of Consumer Bankruptcy Attorneys
Public Citizen
Public Counsel
Public Good Law Center
Revolving Door Project
U.S. PIRG
Upturn
Woodstock Institute

State and Local Organizations

Center for Economic Integrity (AZ)
Colorado Center on Law and Policy
Tzedek DC
Jacksonville Area Legal Aid
Landers & Sternberg PLLC (FL)
Georgia Watch
Legal Council for Health Justice (IL)
Legal Action Chicago
Fair Housing Center of Central Indiana
Hoosier Action (IN)
Kentucky Voices for Health
Long Island Progressive Coalition
Economic Action Maryland
Health Law Advocates (MA)
Public Justice Center (MD)
New Jersey Appleseed Public Interest Law Center
New Jersey Citizen Action
New Mexico Center on Law & Poverty
Queens Volunteer Lawyers Project, Inc.
Metro New York Health Care for All
Northwest Bronx Indivisible
Long Island Center for Independent Living, Inc.
WEDI (Westminster Economic Development Initiative, inc.) (NY)
Western New York Law Center
Community Service Society of New York

(signatories continue on following page)

New York State Public Health Association
Center for Elder Law & Justice (NY)
The Legal Aid Society (New York City)
Voices Organized in Civic Engagement (VOICE) (OK)
Oregon Consumer Justice
Community Legal Services of Philadelphia
South Carolina Appleseed Legal Justice Center
Texas Appleseed
Legal Aid Justice Center (VA)
Virginia Organizing
Virginia Poverty Law Center
WV Citizen Action
ABC for Health, Inc. (WI)