

June 26, 2024

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

Re: Request for an extension of time for comments on Docket No. CFPB-2024-0023 (RIN 3170-AA54), Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information (Regulation V)

Dear Director Chopra:

The undersigned trade associations are critical to the American economy. We represent consumer reporting agencies (CRAs), debt collection organizations, lenders, and other financial services providers. Collectively, our members promote and support the timely, accurate reporting of information protected by the Fair Credit Reporting Act (FCRA).¹ On June 11, 2024, the Consumer Financial Protection Bureau announced a proposed rule that:

- Prohibits lenders from using information about medical debt to make credit eligibility determinations, subject to certain exceptions;
- Prohibits credit reporting companies from including medical debt on credit reports sent to creditors when creditor are prohibited from considering it; and,
- Makes a preliminary determination to prohibit medical devices serving as loan collateral.

Credit reporting, in general, and medical debt credit reporting, in particular, is made up of an interconnected set of players: consumers, healthcare providers, insurers, collection agencies, and consumer reporting agencies (CRAs), as well as the users of data who rely on the accurate, reliable, and predictive data provided by CRAs. The size and complexity of medical debt billing and medical debt reporting indicate that more time is needed for many diverse and interconnected parties to provide thoughtful, meaningful input to the Bureau. We respectfully request the comment period be extended 30 days – from August 12, 2024, to September 13, 2024.

The proposed rule seeks to prohibit the reporting and consideration of \$49 billion of legitimately owed debt by 15 million consumers. This would substantially impact the American economy and a thorough analysis cannot be adequately reviewed in a 60-day comment period. The Bureau needs to hear not just from CRAs and debt collectors but also from lenders, healthcare providers, and medical device manufacturers.² The Bureau must also seek input from prudential regulators tasked with protecting the safety and soundness of our banking system.

¹ 15 U.S.C. § 1681 *et seq.*

² One example of the broad scope of the proposal requiring more time for a thorough review is the comment of the American Hospital Association (AHA). During the SBREF process, AHA wrote that a ban on medical debt

...could remove an incentive for individuals to get insurance if they believe they can rely on not paying their bills. While hospitals offer financial assistance, such assistance is not a substitute for comprehensive health insurance and, as a result, patients who choose to forego coverage may face a barrier to routine preventative and restorative care. It is also possible that this proposal may incentivize patients to forego paying bills for

The safety and soundness of lending and credit-granting practices are on the line when the CFPB seeks to remove debt on the scale proposed. Regardless of whether medical debt is unplanned, debt is still a contractual obligation, and having less information available still presents credit risks to lenders and creditors, threatening to put consumers in untenable situations.

...

We respectfully request that the Bureau grant industry and the public sufficient time to provide data-driven comments that will promote sound and durable policy decisions by granting a 30-day extension of the comment period to September 13, 2024.

Sincerely,

ACA International
American Bankers Association (ABA)
America's Credit Unions (ACU)
American Financial Services Association (AFSA)
Consumer Data Industry Association (CDIA)
Consumer Bankers Association (CBA)
Independent Community Bankers of America (ICBA)
Innovative Lending Platform Association (ILPA)
Mortgage Bankers Association (MBA)
National Consumer Reporting Association (NCRA)
Online Lenders Alliance (OLA)
Professional Background Screening Association (PBSA)
US Chamber of Commerce

care that they received and for which they have been determined liable. However, it is not possible to quantify the cost of either of these potential consequences.

Comment of the Am. Hospital Assn, at 5, filed during the Small Business Regulatory Enforcement Fairness Act (SBREFA) process, on file with the CFPB.