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February 9, 2026

Comment Intake
Consumer Financial Protection Bureau
Attention: PRA Office
1700 G Street NW
Washington, DC 20552

Re: Docket No. CFPB–2025–0047, Agency Information Collection Activities and
Comment Request

To Whom It May Concern,

The National Consumer Reporting Association (“NCRA”)¹ is grateful for the chance to comment on the review of the Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking (Regulation V) (“Human Trafficking Rule” or “Rule”).² While the Consumer Financial Protection Bureau’s (“CFPB” or “Bureau”) notice is under the Paperwork Reduction Act of 1995 (PRA),³

NCRA urges the Bureau to undertake a substantive review of the rule as it impacts resellers of consumer reports as defined by the Fair Credit Reporting Act (“FCRA”).⁴ A small but impactful change will adequately balance the needs of all parties in human trafficking remediation. The Bureau should exempt resellers from the Human Trafficking Rule, in accordance with the standard set by the identity theft rules.⁵ In addition to, or separate from, restarting the rulemaking process, the Bureau should also investigate the extent to which the Final Rule is being used to facilitate abuse.

¹ Founded in 1992, the National Consumer Reporting Association is a national trade organization of reseller consumer reporting agencies (CRAs) and associated professionals. Our members serve as conduits between the nationwide consumer reporting agencies (Experian, Equifax and TransUnion), mortgage lenders, and property managers to provide products and services to the businesses making lending and housing decisions.

² [12 CFR § 1022.142](#), approved under OMB Control Number 3170–0002.

³ [90 Fed. Reg. 57036](#) (Dec. 9, 2025).

⁴ [15 U.S.C. § 1681a\(u\)](#) (FCRA § 603(u)).

⁵ *Id.*, [§ 1681c-2\(a\)](#) (FCRA § 605B(a)).

1. Background

In June 2022, the Bureau issued a final rule “to address...legislation that assists consumers who are victims of trafficking.”⁶ The consumer reporting community, including NCRA members, supported the legislation as it moved through Congress, and the comments of the consumer reporting ecosystem then, as now, are made in the spirit of creating a rule that works for survivors of human trafficking, their advocates, and the consumer reporting agencies (“CRAs”) who are committed to supporting survivors on their journey of healing and recovery.

The Human Trafficking Rule was enabled by a 2021 amendment to the FCRA, which prohibits CRAs from “furnish[ing] a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.”⁷ The statute and the Rule rightly applied to nationwide consumer reporting agencies to help survivors since it is those CRAs that actually have an impact to prevent the release of adverse information related to human trafficking. Yet, in creating the Rule, the Bureau cast too wide a net to accomplish Congressional aims.⁸

Unfortunately, the Human Trafficking Rule has a harsh impact on resellers of consumer reports, without any appreciable benefit to those the rule is intended to serve. The Rule sets false expectations for survivors and their advocates because resellers are practically unable to block requests. However, Congress rightly empowered the nationwide consumer reporting agencies to assist since it is the nationwide bureaus that maintain consumer files, not resellers. When the Rule was finalized, the Bureau dismissed resellers’ legitimate concerns raised on their behalf and for consumers seeking real remediation. By acting on this comment, the Bureau can do more good for the consumer reporting system and consumers.

⁶ [87 Fed. Reg. 37,700](#) (June 24, 2022). The Human Trafficking Rule was promulgated under [Pub. L. 117-81, div. F, title LXI, § 6102\(a\)](#), when Congress passed the National Defense Authorization Act for Fiscal Year 2022 (“NDAA”) and added human trafficking provisions to the FCRA in [15 U.S. Code § 1681c-3](#) (FCRA § 605C). The language passed in the NDAA began as [H.R.2332](#), the Debt Bondage Repair Act (“DBRA”), a bipartisan bill sponsored by U.S. Rep. Patrick T. McHenry (R-NC), the ranking member of the House Committee on Financial Services.

⁷ [15 U.S. Code § 1681c-3](#) (FCRA § 605C).

⁸ In June 2021, the Chair of the House Financial Services Committee, Rep. Maxine Waters (D-CA), said that the Debt Bondage Repair Act would “help survivors of human trafficking restore their credit and gain access to the consumer financial products and services that most of us take for granted, is an important step in restoring survivors’ dignity and financial stability and in preventing revictimization.” Rep. McHenry said the bill will “will help victims to regain their financial freedom and begin to rebuild their lives.” [167 Cong. Rec. H2749, H2785-86 \(June 15, 2021\)](#).

2. Resellers in the consumer reporting ecosystem

A. Resellers under the law: A distinction with a difference

The Human Trafficking Rule should recognize and apply the differences between reseller CRAs and other CRAs. Resellers of consumer reports occupy a unique role in the consumer reporting ecosystem, and this distinction is codified in the FCRA, but not the Human Trafficking Rule. The FCRA establishes a broad definition of a consumer reporting agency (“CRA”) in § 603(f) (15 U.S.C. § 1681a(f)) and then creates statutory subclassifications for three of CRAs, including resellers.⁹ A reseller of consumer reports is defined in § 603(u) (15 U.S.C. § 1681a(u)). Under this definition, a reseller is a consumer reporting agency that

(1) Assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

(2) Does not maintain a database of the assembled or merged information from which new consumer reports are produced.

Since resellers are often viewed as wholesalers or go-betweens for data they did not create, the FCRA distinguishes resellers from other CRAs in the statute's operational provisions. For example, resellers have limited obligations and exemptions when it comes to identity theft,¹⁰ certain compliance procedures,¹¹ and dispute handling.¹²

B. Resellers and operations

While resellers play an important role in the mortgage marketplace, many (and perhaps most) are small businesses, some of which are in their fourth generation of family ownership. Resellers are distinct in law because they are distinct in operations.

While the [nationwide] CRAs gather, store, and sell credit information, [resellers] are separate entities that purchase information from the [nationwide] CRAs and merge the data into credit reports for third parties...In the context of mortgage lending, the resellers

⁹ The other two subclasses of CRAs are nationwide CRAs, defined in § 603(p) (15 U.S.C. § 1681a(p)), and nationwide specialty CRAs, defined in § 603(x) (15 U.S.C. § 1681a(x)). Nationwide CRAs are also called “nationwide credit bureaus.”

¹⁰ *Id.*, §§1681c-1(f), 1681c-2(d).

¹¹ *Id.*, § 1681e(e)

¹² *Id.*, 1681i(a)(1)(A), (f).

aggregate consumer credit data from the three CRAs and package it into a single mortgage credit report often referred to as ‘the tri-merge credit report.’¹³

For borrowers with a traditional credit history, lenders must try to obtain a tri-merge credit report for each borrower on the loan application.¹⁴

The nationwide credit bureaus batch process tens of millions of pieces of information daily from lenders and creditors and store them in their databases. In 2019, one of the nationwide credit bureaus reported that it processed more than two billion credit updates to its database each month for over 230 million credit-active consumers.¹⁵ A second nationwide bureau said that it “delivered 2.3 billion consumer credit files – more than six million per day – to lenders.”¹⁶ This data covers nearly every consumer in the United States.

By contrast, many resellers individually process reports on consumers when they receive an order from a customer that pertains to a transaction initiated by that consumer. Resellers then gather information from the national credit bureaus and, using software and investigative review, develop the report at the instruction of the consumer for the user. This report is maintained for a short period of time in a reseller’s system and archived after that time.

In the mortgage context, resellers provide the most comprehensive view of a consumer’s credit history because, in a mortgage, the financial stakes in a lending decision are extraordinary.¹⁷ Resellers will also obtain credit, criminal, and eviction information under the FCRA and provide that to landlords and property managers to help them keep their tenants and buildings safe.¹⁸

¹³ [Credit Score Request for Input](#), Federal Housing Finance Agency, Dec. 20, 2017, 8 (“FHFA RFI”).

¹⁴ *Id.*, FHFA RFI, 9. “Fannie Mae refers to the tri-merge credit report as the ‘Three in-file Merged Credit Report’ in its Selling Guide, and Freddie Mac refers to the tri-merge credit report as a ‘Three Repository Merged Credit Report’ in its Selling Guide.” *Id.*

¹⁵ Who’s Keeping Score? Holding Credit Bureaus Accountable and Repairing a Broken System, hearing before the H. Comm. on Fin. Serv., Feb. 26, 2019, [Serial No. 116-3](#), 6 (Statement of James M. Peck, President and CEO, TransUnion).

¹⁶ *Id.*, 5 (Statement of Mark Begor, President and CEO, Equifax).

¹⁷ The “tri-merge” credit report was supported by the FHFA Director, Bill Pulte, in a social media post in July 2025, <https://x.com/pulte/status/1942589271702962447> (viewed Aug. 9, 2025).

¹⁸ The dangers of not conducting a background check on prospective tenants are well-documented. “The Addison is a federally assisted housing project [in Seattle] that for several years [before 2018] was economically viable and a going concern, but [in 2020, the building was] sustaining material losses so great that [the building’s owner] may not be able to remain its owner.” This, after Seattle banned landlords from conducting criminal background checks on prospective tenants. *Yim v. Seattle*, U.S. Dist. Ct. (W.D. Wash.), *Amicus* brief of GRE Downtowner (May 7, 2020), 4-5.

The Human Trafficking Rule would benefit from modest technical changes to limit the impact on resellers, while maintaining high standards of support for survivors and their advocates.

3. Resellers Should Be Exempt from an Improved Human Trafficking Rule

In crafting the Human Trafficking Rule, the Bureau looked to identity theft rules but unnecessarily deviated from those models by failing to incorporate special processes for CRAs that do not maintain a file on a consumer.¹⁹ The Bureau should look to its identity theft rules to create special obligations for resellers, as incorporated in the FCRA and other Bureau rules.

For example, under the FCRA, there is a general rule that consumer reporting agencies “shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft...”²⁰ However, for a reseller that, at the time of the block request, neither maintains a file nor furnishes or resells a consumer report concerning the information identified by the consumer, the only obligation is to provide the consumer with the identity theft summary of rights.²¹ The special recognition in the identity theft rules follows the special status of resellers under the FCRA.²²

Consumer reporting agencies that do not maintain a file on a consumer have no means to block information from use in future consumer reports. Thus, upon notice from a consumer, the most a CRA without a file would be able to do is (1) notify the CRA from which it received the information of the consumer’s request, (2) notify the consumer of the CRA from which the information was obtained, or (3) point the consumer to the CFPB for more information on trafficking. This is likely not the result survivors are looking for; they want actionable steps from CRAs who can offer real solutions. While resellers would like to serve survivors to the maximum extent possible, operationally and legally, resellers are the conduits that connect the originators of the information, CRAs that maintain consumer files.

Consumer reporting agencies want to ensure the victims can efficiently block information resulting from trafficking, and without this exemption, victims may be confused as to which CRAs can block information. The Bureau should amend the Human Trafficking Rule to recognize the special role resellers play in the consumer reporting ecosystem.

¹⁹ A “file” means “all of the information on [a] consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.” [15 U.S.C. § 1681a\(g\)](#) (FCRA §603(g)).

²⁰ *Id.*, [§ 1681c-2\(a\)](#) (FCRA § 605B(a)).

²¹ *Id.*, § 1681c-2(d)(1).

²² *Infra*, 3-4.

4. The Rule and Resellers

In publishing the final rule, the Bureau wrote that “[e]ven if a reseller does not maintain a file on consumers, if the reseller has received a request to block information from a consumer, the reseller can comply by ensuring that any consumer report it provides does not contain items of adverse information requested by the consumer to be blocked.”²³ This statement is neither reasonable nor based on operational reality.

As the Bureau knows, resellers do not have consumer files and will not have them unless and until a user requests a report. Thus, if Jane Consumer calls The Reseller Agency, fulfills all the obligations required of her under the Human Trafficking Rule and requests that The Reseller Agency now block the impacted tradelines, the reseller will not have a system-level mechanism by which it can effectuate the request in a manner contemplated by the Rule since, as stated above, it does not maintain a file on Jane Consumer. Assisting Jane Consumer introduces delays and risk increased errors when automated processing is replaced by manual intervention, all to the survivor’s disadvantage in ways not intended by Congress. Without an exemption for resellers in the Human Trafficking Rule, Jane Consumer is likely to be frustrated by the outcome, and her hopes of resolution could be dashed because she contacted a CRA operating under a fundamentally different model from the nationwide credit bureaus, which maintain files on hundreds of millions of consumers.

Further, not only do resellers not maintain files on consumers, but they also have no independent data source for the reports they create. All credit data in a reseller credit report comes from the nationwide credit bureaus. When a nationwide bureau blocks items as required by the Rule, those blocked items are not sent to resellers and thus do not appear in the reports they prepare. Thus, when Jane Consumer requests a human trafficking block from a nationwide credit bureau under the Rule, The Reseller Agency and its reseller counterparts will never see the blocked information. That is the very point of the DBRA and the Rule. Congress intended the law to “help survivors of human trafficking restore their credit” and “help victims to regain their financial freedom and begin to rebuild their lives.”²⁴ That legislative intent cannot be achieved by imposing reseller obligations under the Rule.

5. Scammers Abusing the Debt Bondage Repair Act and the Human Trafficking Rule

The members of NCRA remain concerned that while noble in its intent, scammers have found ways to exploit the DBRA and the Human Trafficking Rule. Consumer reporting agencies warned about this very thing in comments to the Bureau.²⁵ Prescient warnings also came from

²³ 87 Fed. Reg., 37,700, 37,703.

²⁴ *Infra*, n. 8.

²⁵ Consumer Data Ind. Assn., [Comment Letter on Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking \(Regulation V\)](#), Eric J. Ellman (May 9, 2022).

the American Bankers Association,²⁶ the American Financial Services Association,²⁷ and the U.S. Chamber of Commerce.²⁸

Based on experience and empirical data, CRAs saw a rash of fraudulent identity theft reports, sometimes submitted to the CRAs without consumers' knowledge. The Federal Trade Commission ("FTC") observed abuse of the identity theft process as well.²⁹ In the absence of controls, the process created for victims of trafficking could similarly yield the abuse that has happened with identity theft.

The 2021 Trafficking in Persons Report summarizes a general concern held by CRAs: "...service providers must take all reports of human trafficking seriously, which means that increased reports based on false information make it more difficult for responders to provide support to victims of human trafficking."³⁰ If the appropriate controls are not in place, the process created by the Rule allows fraudsters, including traffickers, to remove evidence of the trafficking (e.g., removing tradelines opened under duress) and to potentially continue to hide the true victim's location, allowing for further victimization of individuals. This would have a devastating effect on an already vulnerable population.

Past is now prologue. Last year, Forbes published a story about how a "TikTok Human Trafficking 'Hack' Erases Bad Credit."³¹ Forbes reported that "'Maria' was just one of thousands who have been caught up in a credit repair scam sweeping social media – 'The 7-Day Credit Hack', and just the latest example of how people are unknowingly being lured into sweeping fraud schemes on social media. The DBRA and the Human Trafficking Rule exposed a fissure that scammers have been able to exploit at the expense of consumers, human trafficking survivors, and those seeking to help both categories of people.

²⁶ Am. Bankers Assn., [Comment Letter on Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking \(Regulation V\)](#), Nessa Feddis (May 9, 2022).

²⁷ Am. Fin. Serv. Assn., [Comment Letter on Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking \(Regulation V\)](#), Celia Winslow (May 9, 2022).

²⁸ U.S. Chamber of Comm., [Comment Letter on Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking \(Regulation V\)](#), Bill Hulse (May 9, 2022).

²⁹ The FTC Office of the Inspector General observed that "[d]eliberately false identity theft complaints are submitted for various reasons—including to elude payments on purchases, sell bogus credit repair services to unwitting consumers, or otherwise leverage the effects that a report can have on their credit scores." See Fed. Trade Comm., [FY 2021 Report on the FTC's Top Management and Performance Challenges](#), Office of the Inspector General, OIG Report No. OIG-21-05 (Sept. 30, 2021), 8

³⁰ See U.S. Dept. of State, [2021 Trafficking in Persons Report](#), 34 (June 2021), 34.

³¹ McKenna, Frank, [How This TikTok Human Trafficking 'Hack' Erases Bad Credit](#), Forbes, June 12, 2025.

“Virtually anyone could easily create a fake attestation letter and use it as proof of human trafficking. The CFPB even [published a template letter](#) that anyone could simply fill out as proof.”³² Sadly, as CRAs predicted,

[i]t didn't take long for credit repair companies and influencers on social media to sniff out the business opportunity with the new CFPB rule. They could charge thousands to help people exploit the system.

By April 2024, TikTok, Instagram, and Facebook videos were popping up everywhere, advertising the ‘New 7-Day Credit Sweep’. People could merely log in to the credit bureaus, dispute all the negative credit items, and upload a self-attestation letter explaining they were victims of sex trafficking.³³

Social media platforms and Reddit sites offered how-to guides for consumers wanting to remove accurate, adverse data from their credit files. “[F]or people that didn’t want to do it [themselves], experts were more than willing to do the sweep for a price. For a payment between \$1,000 to \$2,000 they would sweep the credit for them.”³⁴

Fraud dilutes the purpose of the statute. The law should protect true survivors of trafficking who suffered financial abuse, not a haven for credit repair scammers. False claims also distort the consumer reporting systems, increasing risk and costs for CRAs and lenders if adverse information is improperly suppressed.

In addition to or separate from restarting the rulemaking process to exempt resellers from the Final Rule, the Bureau should also investigate the extent to which the Final Rule is being used as a tool for abuse.

6. Conclusion

The National Consumer Reporting Association is grateful for the chance to comment on the review of the Human Trafficking Rule. NCRA urges the Bureau to undertake a substantive review of the rule as it impacts resellers of consumer reports to craft a refined rule that recognizes the unique role resellers play in the consumer reporting ecosystem. Also, the Bureau should investigate the extent to which the Final Rule is being to perpetuate fraud.

³² The final rule permits “a consumer to self-attest as a victim of trafficking if the document or an accompanying document is signed or certified by a Federal, State, or Tribal governmental entity, a court of competent jurisdiction, or the representatives of these entities.” *Id.*, 87 Fed. Reg., 37701.

³³ *Id.*, McKenna.

³⁴ *Id.*

The consumer reporting community, including NCRA members, was proud to support the legislation as it moved through Congress, and the comments of the consumer reporting ecosystem then, as now, are made in the spirit of creating a rule that works for survivors of human trafficking, their advocates, and the consumer reporting agencies who are committed to supporting survivors on their journey of healing and recovery.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Ellman', with a long horizontal flourish extending to the right.

Eric J. Ellman
President