116th CONGRESS
1st Session

H. R. _____

To amend the Fair Credit Reporting Act to clarify reporting requirements of certain consumer credit information to consumer reporting agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Gottheimer introduced the following bill; which was referred to the Committee on __________________

A BILL

To amend the Fair Credit Reporting Act to clarify reporting requirements of certain consumer credit information to consumer reporting agencies, 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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Credit Access and In-
6 clusion Act of 2019”.


SEC. 2. POSITIVE CREDIT REPORTING PERMITTED.

(a) IN GENERAL.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by adding at the end the following new subsection:

“(f) FULL-FILE CREDIT REPORTING.—

“(1) IN GENERAL.—Subject to the requirements of paragraphs (2) through (5) and notwithstanding any other provision of law, a person that has obtained the written authorization of a consumer may furnish to a consumer reporting agency information relating to the performance of a consumer in making payments—

“(A) under a lease agreement with respect to a dwelling; or

“(B) pursuant to a contract for services provided by a utility or telecommunication firm.

“(2) LIMITATIONS.—

“(A) WITHHELD PAYMENTS DUE TO HABITABILITY OR SANITARY CONDITIONS.—No person shall furnish or threaten to furnish negative information relating to the performance of a consumer in making payments under a lease agreement with respect to a dwelling if the consumer has withheld payment pursuant to—

“(i) any right or remedy for breach of the warranty of habitability; or
“(ii) any violation of a Federal, State, or municipal law, code, or regulation regarding sanitary conditions.

“(B) SERVICES PROVIDED BY A UTILITY OR TELECOMMUNICATION FIRM.—Information about a consumer’s usage of any services provided by a utility or telecommunication firm may be furnished to a consumer reporting agency only to the extent that such information relates to—

“(i) payment by the consumer for such services; or

“(ii) other terms of the provision of such services to the consumer, including any deposit, discount, or conditions for interruption or termination of such services.

“(3) PAYMENT PLAN.—A utility or telecommunication firm may not report payment information to a consumer reporting agency with respect to an outstanding balance of a consumer as late if—

“(A) the utility or telecommunication firm and the consumer have entered into a payment plan (including a deferred payment agreement, an arrearage management program, or a debt
forgiveness program) with respect to such outstanding balance; and

“(B) the consumer is meeting the obligations of the payment plan, as determined by the utility or telecommunication firm.

“(4) Prohibition on use by debt collectors.—A debt collector (as defined in section 803(6) of the Fair Debt Collection Practices Act) may not use the information described in paragraph (1).

“(5) Relation to state law.—Notwithstanding section 625, this subsection shall not preempt any law of a State with respect to furnishing to a consumer reporting agency information relating to the performance of a consumer in making payments pursuant to a lease agreement with respect to a dwelling or a contract for a utility or telecommunications service. For purposes of this paragraph, the term ‘law of a State’ shall include all laws, decisions, rules, regulations, or other State action having the effect of law, as issued by a State, any political subdivisions thereof, or any agency or instrumentality of either the State or a political subdivision thereof.
“(6) UTILITY OR TELECOMMUNICATION FIRM

DEFINED.—In this subsection, the term ‘utility or telecommunication firm’—

“(A) means an entity that provides utility services to the public through pipe, wire, landline, wireless, cable, or other connected facilities, or radio, electronic, or similar transmission (including the extension of such facilities); and

“(B) includes an entity that provides natural gas or electric service to consumers.”.

(b) GAO STUDY AND REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact on consumers of furnishing information pursuant to subsection (f) of section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2), as added by subsection (a).