AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. ___
OFFERED BY MS. PRESSLEY OF MASSACHUSETTS

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Credit Reporting Accuracy After a Legal Name Change Act of 2022”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Consumer reports are significant to the ability for American consumers to access credit, housing, and employment.

(2) Fragmented files created by the credit reporting industry lead to inaccuracies on the consumer reports of transgender and gender nonconforming consumers after a legal name change. Inaccurate consumer reports create additional burdens and barriers for these consumers and impair their ability to access credit, housing, and employment.

(3) As of 2017, there were approximately 1.4 million adults who identify as transgender, according to the Williams Institute report, “Age of Individuals
Who Identify as Transgender in the United States”, and as of 2021, approximately 1.2 million adults identify as nonbinary, according to the Williams Institute report, “Nonbinary LGBTQ Adults in the United States”.

(4) As evidence that transgender and gender nonconforming adults are vulnerable to discrimination, harassment, and abuse based on their gender identity and expression, in its 2016 report “Injustice at Every Turn”, the National Center for Transgender Equality found that transgender adults experienced unemployment at twice the rate of the general population, and 90% reported experiencing harassment, discrimination, or mistreatment in the workplace. The report further found that one in five transgender adults reported having been refused a home or apartment because of their gender identity.

(5) Transgender and gender nonconforming consumers face a myriad of problems in terms of consumer reporting problems after they change their names, including that their credit report fragments into two or more unconnected files upon their name change and that their name change and any credit actions that follow are never reflected in their report at all. Many consumers report that credit reporting
problems have a negative impact on their financial
and personal lives, including credit score decreases
of 100 points or more, which can be a barrier to ac-
cessing banking services, mortgages, auto financing,
employment, and rental housing.

(6) Transgender consumers face severe adverse
effects from having their former name reflected on
their credit report. The disclosure of a transgender
person’s prior name in a consumer report to a cred-
itor, employer, or lessor can expose those consumers
to unlawful discrimination on the basis of that con-
sumer’s gender identity.

(b) Sense of Congress.—It is the sense of Con-
gress that the Bureau of Consumer Financial Protection
should take measures to address the problems faced by
transgender and nonbinary consumers after they change
their legal names, including by requiring consumer report-
ing agencies to—

(1) improve their matching criteria and algo-
rithms to ensure information is associated with the
correct consumer;

(2) establish a system that allows a consumer
to submit a single request to all consumer reporting
agencies to have their legal name on their consumer
report updated;
(3) establish clear procedures to update a consumer’s name when presented with a consumer’s request to have their legal name on their consumer report updated and ensure that staff are sufficiently trained in those procedures; and

(4) create procedures to detect when a consumer changes their legal name with a creditor, to associate the new name with their credit file, and to consolidate a consumer’s information in their current and previous names in a single file.

SEC. 3. REQUIREMENT TO USE A CONSUMER’S CURRENT LEGAL NAME ON CONSUMER REPORTS.

Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

“(9) Any prior name of the consumer about whom the report relates, other than the consumer’s current legal name, after receiving a request from the consumer to use only the consumer’s current legal name on all consumer reports.”.