

**[DISCUSSION DRAFT]**116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Credit Access and In-  
5       clusion Act of 2019”.

1 **SEC. 2. POSITIVE CREDIT REPORTING PERMITTED.**

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

5 “(f) FULL-FILE CREDIT REPORTING.—

6 “(1) IN GENERAL.—Subject to the require-  
7 ments of paragraphs (2) through (5) and notwith-  
8 standing any other provision of law, a person that  
9 has obtained the written authorization of a con-  
10 sumer may furnish to a consumer reporting agency  
11 information relating to the performance of a con-  
12 sumer in making payments—

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

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

17 “(2) LIMITATIONS.—

18 “(A) WITHHELD PAYMENTS DUE TO HAB-  
19 ITABILITY OR SANITARY CONDITIONS.—No per-  
20 son shall furnish or threaten to furnish negative  
21 information relating to the performance of a  
22 consumer in making payments under a lease  
23 agreement with respect to a dwelling if the con-  
24 sumer has withheld payment pursuant to—

25 “(i) any right or remedy for breach of  
26 the warranty of habitability; or

1           “(ii) any violation of a Federal, State,  
2           or municipal law, code, or regulation re-  
3           garding sanitary conditions.

4           “(B) SERVICES PROVIDED BY A UTILITY  
5           OR TELECOMMUNICATION FIRM.—Information  
6           about a consumer’s usage of any services pro-  
7           vided by a utility or telecommunication firm  
8           may be furnished to a consumer reporting agen-  
9           cy only to the extent that such information re-  
10          lates to—

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

13           “(ii) other terms of the provision of  
14          such services to the consumer, including  
15          any deposit, discount, or conditions for  
16          interruption or termination of such serv-  
17          ices.

18          “(3) PAYMENT PLAN.—A utility or tele-  
19          communication firm may not report payment infor-  
20          mation to a consumer reporting agency with respect  
21          to an outstanding balance of a consumer as late if—

22           “(A) the utility or telecommunication firm  
23          and the consumer have entered into a payment  
24          plan (including a deferred payment agreement,  
25          an arrearage management program, or a debt

1 forgiveness program) with respect to such out-  
2 standing balance; and

3 “(B) the consumer is meeting the obliga-  
4 tions of the payment plan, as determined by the  
5 utility or telecommunication firm.

6 “(4) PROHIBITION ON USE BY DEBT COLLEC-  
7 TORS.—A debt collector (as defined in section  
8 803(6) of the Fair Debt Collection Practices Act)  
9 may not use the information described in paragraph  
10 (1).

11 “(5) RELATION TO STATE LAW.—Notwith-  
12 standing section 625, this subsection shall not pre-  
13 empt any law of a State with respect to furnishing  
14 to a consumer reporting agency information relating  
15 to the performance of a consumer in making pay-  
16 ments pursuant to a lease agreement with respect to  
17 a dwelling or a contract for a utility or telecommuni-  
18 cations service. For purposes of this paragraph, the  
19 term ‘law of a State’ shall include all laws, decisions,  
20 rules, regulations, or other State action having the  
21 effect of law, as issued by a State, any political sub-  
22 divisions thereof, or any agency or instrumentality of  
23 either the State or a political subdivision thereof.

1           “(6) UTILITY OR TELECOMMUNICATION FIRM  
2           DEFINED.—In this subsection, the term ‘utility or  
3           telecommunication firm’—

4                   “(A) means an entity that provides utility  
5                   services to the public through pipe, wire,  
6                   landline, wireless, cable, or other connected fa-  
7                   cilities, or radio, electronic, or similar trans-  
8                   mission (including the extension of such facili-  
9                   ties); and

10                   “(B) includes an entity that provides nat-  
11                   ural gas or electric service to consumers.”.

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