

AMENDMENT TO THE RULES COMMITTEE PRINT

116-47

OFFERED BY MR. CLAY OF MISSOURI

Page 44, line 18, before the period insert “(increased by \$1,000,000)”.

In title IX, add at the end the following:

1 SEC. 904. POSITIVE CREDIT REPORTING PERMITTED.

2 (a) IN GENERAL.—Section 623 of the Fair Credit
3 Reporting Act (15 U.S.C. 1681s–2), as amended by sec-
4 tion 103, is further amended by adding at the end the
5 following new subsection:

6 “(g) FULL-FILE CREDIT REPORTING.—

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

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

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

3 “(2) LIMITATIONS.—

4 “(A) WITHHELD PAYMENTS DUE TO HAB-
5 ITABILITY OR SANITARY CONDITIONS.—No per-
6 son shall furnish or threaten to furnish negative
7 information relating to the performance of a
8 consumer in making payments under a lease
9 agreement with respect to a dwelling if the con-
10 sumer has withheld payment pursuant to—

11 “(i) any right or remedy for breach of
12 the warranty of habitability; or

13 “(ii) any violation of a Federal, State,
14 or municipal law, code, or regulation re-
15 garding sanitary conditions.

16 “(B) SERVICES PROVIDED BY A UTILITY
17 OR TELECOMMUNICATION FIRM.—Information
18 about a consumer’s usage of any services pro-
19 vided by a utility or telecommunication firm
20 may be furnished to a consumer reporting agen-
21 cy only to the extent that such information re-
22 lates to—

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

1 “(ii) other terms of the provision of
2 such services to the consumer, including
3 any deposit, discount, or conditions for
4 interruption or termination of such serv-
5 ices.

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

10 “(A) the utility or telecommunication firm
11 and the consumer have entered into a payment
12 plan (including a deferred payment agreement,
13 an arrearage management program, or a debt
14 forgiveness program) with respect to such out-
15 standing balance; and

16 “(B) the consumer is meeting the obliga-
17 tions of the payment plan, as determined by the
18 utility or telecommunication firm.

19 “(4) PROHIBITION ON USE BY DEBT COLLEC-
20 TORS.—A debt collector (as defined in section
21 803(6) of the Fair Debt Collection Practices Act)
22 may not use the information described in paragraph
23 (1).

24 “(5) RELATION TO STATE LAW.—Notwith-
25 standing section 625, this subsection shall not pre-

1 empt any law of a State with respect to furnishing
2 to a consumer reporting agency information relating
3 to the performance of a consumer in making pay-
4 ments pursuant to a lease agreement with respect to
5 a dwelling or a contract for a utility or telecommuni-
6 cations service. For purposes of this paragraph, the
7 term ‘law of a State’ shall include all laws, decisions,
8 rules, regulations, or other State action having the
9 effect of law, as issued by a State, any political sub-
10 divisions thereof, or any agency or instrumentality of
11 either the State or a political subdivision thereof.

12 “(6) UTILITY OR TELECOMMUNICATION FIRM
13 DEFINED.—In this subsection, the term ‘utility or
14 telecommunication firm’—

15 “(A) means an entity that provides utility
16 services to the public through pipe, wire,
17 landline, wireless, cable, or other connected fa-
18 cilities, or radio, electronic, or similar trans-
19 mission (including the extension of such facili-
20 ties); and

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

23 (b) GAO STUDY AND REPORT.—Not later than 2
24 years after the date of enactment of this Act, the Comp-
25 troller General of the United States shall submit to Con-

1 gress a report on the impact on consumers of furnishing
2 information pursuant to subsection (g) of section 623 of
3 the Fair Credit Reporting Act (15 U.S.C. 1681s-2), as
4 added by subsection (a).

