

115TH CONGRESS  
1ST SESSION

# H. R. 759

To prohibit the Secretary of Labor from enforcing any requirement that consumer reporting agencies that serve only as a secure conduit to data from State unemployment compensation agencies obtain and maintain an individual's informed consent agreement when verifying income and employment with such agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2017

Mr. ELLISON (for himself and Mr. RENACCI) introduced the following bill;  
which was referred to the Committee on Ways and Means

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## A BILL

To prohibit the Secretary of Labor from enforcing any requirement that consumer reporting agencies that serve only as a secure conduit to data from State unemployment compensation agencies obtain and maintain an individual's informed consent agreement when verifying income and employment with such 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 “Ability to Repay  
5 Verification Enabling Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Economic growth requires access to afford-  
4 able credit which depends on consumers' ability to  
5 understand the terms of any loans they make and  
6 the ability of lenders to have an understanding of  
7 the consumers' ability and willingness to repay  
8 loans.

9 (2) New laws enacted by Congress require lend-  
10 ers to ascertain borrowers' willingness and ability to  
11 repay prior to making a loan.

12 (3) Lenders and consumers receive benefits  
13 such as quicker approval, lower interest rates, pro-  
14 tection of privacy, and stronger anti-fraud protec-  
15 tions from automatic underwriting utilizing existing  
16 databases.

17 (4) Eleven States (Alabama, California, Flor-  
18 ida, Georgia, Indiana, Louisiana, Missouri, New  
19 York, Ohio, Oregon, and Virginia) passed enabling  
20 legislation or rules enabling consumers who request  
21 that third parties using consumer report information  
22 for purposes of eligibility determination have effi-  
23 cient access to this information from the State's un-  
24 employment insurance database.

25 (5) Fair Credit Reporting Act requirements al-  
26 ready require third parties using consumer report in-

1 formation for purposes of eligibility determination to  
2 obtain and maintain consent agreements.

3 **SEC. 3. PROHIBITION ON REQUIREMENT FOR ONWARD**  
4 **TRANSFER OF CONSENT AGREEMENTS.**

5 Notwithstanding any other provision of law, the Sec-  
6 retary of Labor may not—

7 (1) take any action to implement or enforce the  
8 requirement described in the Unemployment Insur-  
9 ance Program Letter No. 19–12, dated May 23,  
10 2012, that a third-party consumer reporting agency  
11 that serves only as a secure conduit to data from  
12 State unemployment compensation agencies and that  
13 is not an agent of an individual obtain and maintain  
14 an informed consent agreement from such individual  
15 if the third-party consumer reporting agency seeks  
16 to obtain confidential unemployment compensation  
17 information with respect to such individual from a  
18 State; or

19 (2) issue, implement, administer, or enforce any  
20 rule or other guidance that is the same as, or similar  
21 in effect to, the requirement described in paragraph  
22 (1).

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