

115TH CONGRESS
2D SESSION

S. 3040

To amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2018

Mr. SCOTT (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive 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 2018”.

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:

5 “(f) FULL-FILE CREDIT REPORTING.—

6 “(1) DEFINITIONS.—In this subsection, the fol-
7 lowing definitions shall apply:

8 “(A) ENERGY UTILITY FIRM.—The term
9 ‘energy utility firm’ means an entity that pro-
10 vides gas or electric utility services to the pub-
11 lic.

12 “(B) UTILITY OR TELECOMMUNICATION
13 FIRM.—The term ‘utility or telecommunication
14 firm’ means an entity that provides utility serv-
15 ices to the public through pipe, wire, landline,
16 wireless, cable, or other connected facilities, or
17 radio, electronic, or similar transmission (in-
18 cluding the extension of such facilities).

19 “(2) INFORMATION RELATING TO LEASE
20 AGREEMENTS, UTILITIES, AND TELECOMMUNI-
21 CATIONS SERVICES.—Subject to the limitation in
22 paragraph (3) and notwithstanding any other provi-
23 sion of law, a person or the Secretary of Housing
24 and Urban Development may furnish to a consumer
25 reporting agency information relating to the per-
26 formance of a consumer in making payments—

1 “(A) under a lease agreement with respect
2 to a dwelling, including such a lease in which
3 the Department of Housing and Urban Devel-
4 opment provides subsidized payments for occu-
5 pancy in a dwelling; or

6 “(B) pursuant to a contract for a utility or
7 telecommunications service.

8 “(3) LIMITATION.—Information about a con-
9 sumer’s usage of any utility service provided by a
10 utility or telecommunication firm may be furnished
11 to a consumer reporting agency only to the extent
12 that the information relates to the payment by the
13 consumer for the service of the utility or tele-
14 communication service or other terms of the provi-
15 sion of the services to the consumer, including any
16 deposit, discount, or conditions for interruption or
17 termination of the service.

18 “(4) PAYMENT PLAN.—An energy utility firm
19 may not report payment information to a consumer
20 reporting agency with respect to an outstanding bal-
21 ance of a consumer as late if—

22 “(A) the energy utility firm and the con-
23 sumer have entered into a payment plan (in-
24 cluding a deferred payment agreement, an ar-
25 rearage management program, or a debt for-

1 givenness 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 energy utility firm.”.

6 (b) LIMITATION ON LIABILITY.—Section 623(c) of
7 the Consumer Credit Protection Act (15 U.S.C. 1681s-
8 2(c)) is amended—

9 (1) in paragraph (2), by striking “or” at the
10 end;

11 (2) by redesignating paragraph (3) as para-
12 graph (4); and

13 (3) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) subsection (f) of this section, including any
16 regulations issued thereunder; or”.

17 (c) GAO STUDY AND REPORT.—Not later than 2
18 years after the date of the enactment of this Act, the
19 Comptroller General of the United States shall submit to
20 Congress a report on the impact of furnishing information
21 pursuant to subsection (f) of section 623 of the Fair Cred-
22 it Reporting Act (15 U.S.C. 1681s-2), as added by sub-
23 section (a) of this Act, on consumers.

○