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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To amend the Fair Credit Reporting Act to provide protections for extended active duty uniformed consumers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SÁNCHEZ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Credit Reporting Act to provide protections for extended active duty uniformed consumers, 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 “Fair Credit Reporting
5 for Servicemembers Act”.

1 **SEC. 2. PROTECTIONS FOR ACTIVE DUTY UNIFORMED CON-**
2 **SUMER.**

3 (a) DEFINITIONS.—Section 603 of the Fair Credit
4 Reporting Act (15 U.S.C. 1681a) is amended—

5 (1) in subsection (q), by amending paragraph
6 (1) to read as follows:

7 “(1) ACTIVE DUTY UNIFORMED CONSUMER.—
8 The term ‘active duty uniformed consumer’ means a
9 consumer who is—

10 “(A) in military service and on active serv-
11 ice (as defined in section 101(d) of title 10,
12 United States Code); or

13 “(B) a member of the uniformed services
14 (as defined in section 101(a) of title 10, United
15 States Code) who is not a member of the armed
16 forces and is on active service.”; and

17 (2) by adding at the end the following:

18 “(bb) EXTENDED ACTIVE DUTY UNIFORMED CON-
19 SUMER.—The term ‘extended active duty uniformed con-
20 sumer’ means an active duty uniformed consumer that is
21 deployed—

22 “(1) in a combat zone (as defined under section
23 112(c) of the Internal Revenue Code of 1986); or

24 “(2) aboard a United States vessel.”.

25 (b) PROHIBITION ON INCLUDING CERTAIN ADVERSE
26 INFORMATION IN CONSUMER REPORTS.—Section 605 of

1 the Fair Credit Reporting Act (15 U.S.C. 1681c) is
2 amended—

3 (1) in subsection (a), by adding at the end the
4 following:

5 “(9) Any item of adverse information about a
6 consumer, if the action or inaction that gave rise to
7 the item occurred while the consumer was an ex-
8 tended active duty uniformed consumer.”; and

9 (2) by adding at the end the following:

10 “(i) NOTICE OF STATUS AS AN EXTENDED ACTIVE
11 DUTY UNIFORMED CONSUMER.—With respect to an item
12 of adverse information about a consumer, if the action or
13 inaction that gave rise to the item occurred while the con-
14 sumer was an extended active duty uniformed consumer,
15 the consumer may provide appropriate proof, including of-
16 ficial orders, to a consumer reporting agency that the con-
17 sumer was an extended active duty uniformed consumer
18 at the time such action or inaction occurred. The con-
19 sumer reporting agency shall promptly delete that item of
20 adverse information from the file of the consumer and no-
21 tify the consumer and the furnisher of the information of
22 the deletion.”.

23 (c) COMMUNICATIONS BETWEEN THE CONSUMER
24 AND CONSUMER REPORTING AGENCIES.—Section 605A

1 of the Fair Credit Reporting Act (15 U.S.C. 1681e–1) is
2 amended—

3 (1) in subsection (c)—

4 (A) by striking “Upon” and inserting the
5 following:

6 “(1) IN GENERAL.—Upon”;

7 (B) by redesignating paragraphs (1), (2),
8 and (3) as subparagraphs (A), (B), and (C),
9 and moving such redesignated subparagraphs
10 ems to the right; and

11 (C) by adding at the end the following:

12 “(2) NEGATIVE INFORMATION ALERT.—Any
13 time a consumer reporting agency receives an item
14 of adverse information about a consumer, if the con-
15 sumer has provided appropriate proof that the con-
16 sumer is an extended active duty uniformed con-
17 sumer, the consumer reporting agency shall prompt-
18 ly notify the consumer—

19 “(A) that the agency has received such
20 item of adverse information, along with a de-
21 scription of the item; and

22 “(B) the method by which the consumer
23 can dispute the validity of the item.

24 “(3) CONTACT INFORMATION FOR EXTENDED
25 ACTIVE DUTY UNIFORMED CONSUMERS.—With re-

1 spect to any consumer that has provided appropriate
2 proof to a consumer reporting agency that the con-
3 sumer is an extended active duty uniformed con-
4 sumer, if the consumer provides the consumer re-
5 porting agency with separate contact information to
6 be used when communicating with the consumer
7 while the consumer is an extended active duty uni-
8 formed consumer, the consumer reporting agency
9 shall use such contact information for all commu-
10 nications while the consumer is an extended active
11 duty uniformed consumer.”; and

12 (2) in subsection (e), by amending paragraph
13 (3) to read as follows:

14 “(3) subparagraphs (A) and (B) of subsection
15 (c)(1), in the case of a referral under subsection
16 (c)(1)(C).”.

17 (d) CONFORMING AMENDMENT.—The Fair Credit
18 Reporting Act (15 U.S.C. 1681 et seq.) is amended by
19 striking “active duty military” each place such term ap-
20 pears and inserting “active duty uniformed”.

21 (e) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that any person making use of a consumer report
23 containing an item of adverse information should, if the
24 action or inaction that gave rise to the item occurred while
25 the consumer was an extended active duty uniformed con-

- 1 sumer, take such fact into account when evaluating the
- 2 creditworthiness of the consumer.