

115TH CONGRESS
1ST SESSION

H. R. 4313

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2017

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

A BILL

To amend the Fair Credit Reporting Act to provide protections for active duty military 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”.

6 **SEC. 2. NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY**
7 **CONSUMER.**

8 The Fair Credit Reporting Act (15 U.S.C. 1681 et
9 seq.) is amended—

1 (1) in section 603(q)(1)(B), by inserting before
2 the period the following: “for a period of not less
3 than 90 days”;

4 (2) in section 605, by adding at the end the fol-
5 lowing:

6 “(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILI-
7 TARY CONSUMER.—With respect to an item of adverse in-
8 formation about a consumer, if the action or inaction that
9 gave rise to the item occurred while the consumer was an
10 active duty military consumer, the consumer may provide
11 appropriate proof, including official orders, to a consumer
12 reporting agency that the consumer was an active duty
13 military consumer at the time such action or inaction oc-
14 curred, and any consumer report provided by the con-
15 sumer reporting agency that includes such item of infor-
16 mation shall clearly and conspicuously disclose that the
17 consumer was an active duty military consumer when the
18 action or inaction that gave rise to the item occurred.”;

19 (3) in section 605A—

20 (A) in subsection (c)—

21 (i) by striking “Upon” and inserting
22 the following:

23 “(1) IN GENERAL.—Upon”;

24 (ii) by redesignating paragraphs (1),
25 (2), and (3) as subparagraphs (A), (B),

1 and (C), and moving such redesignated
2 subparagraphs 2 ems to the right; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(2) NEGATIVE INFORMATION ALERT.—Any
6 time a consumer reporting agency receives an item
7 of adverse information about a consumer, if the con-
8 sumer has provided appropriate proof that the con-
9 sumer is an active duty military consumer, the con-
10 sumer reporting agency shall promptly notify the
11 consumer—

12 “(A) that the agency has received such
13 item of adverse information, along with a de-
14 scription of the item; and

15 “(B) the method by which the consumer
16 can dispute the validity of the item.

17 “(3) CONTACT INFORMATION FOR ACTIVE DUTY
18 MILITARY CONSUMERS.—With respect to any con-
19 sumer that has provided appropriate proof to a con-
20 sumer reporting agency that the consumer is an ac-
21 tive duty military consumer, if the consumer pro-
22 vides the consumer reporting agency with separate
23 contact information to be used when communicating
24 with the consumer while the consumer is an active
25 duty military consumer, the consumer reporting

1 agency shall use such contact information for all
2 communications while the consumer is an active
3 duty military consumer.

4 “(4) SENSE OF CONGRESS.—It is the sense of
5 Congress that any person making use of a consumer
6 report containing an item of adverse information
7 should, if the action or inaction that gave rise to the
8 item occurred while the consumer was an active duty
9 military consumer, take such fact into account when
10 evaluating the creditworthiness of the consumer.”;
11 and

12 (B) in subsection (e), by amending para-
13 graph (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).”; and

17 (4) in section 611(a)(1), by adding at the end
18 the following:

19 “(D) NOTICE OF DISPUTE RELATED TO
20 ACTIVE DUTY MILITARY CONSUMERS.—With re-
21 spect to any item of information described
22 under subparagraph (A) that is under dispute,
23 if the consumer has notified the consumer re-
24 porting agency, and provided appropriate proof,
25 that the consumer was an active duty military

1 consumer at the time the action or inaction that
2 gave rise to the disputed item occurred, the
3 consumer reporting agency shall include such
4 fact in the consumer's file and shall indicate
5 that fact in each consumer report that includes
6 the disputed item.”.

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