II

118TH CONGRESS
2D SESSION

S. 4455

To amend the Fair Credit Reporting Act to prohibit consumer reporting agencies from furnishing consumer reports containing adverse items of information about a consumer that resulted from that consumer being unlawfully or wrongfully detained abroad or held hostage abroad.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2024

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

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A BILL

To amend the Fair Credit Reporting Act to prohibit consumer reporting agencies from furnishing consumer reports containing adverse items of information about a consumer that resulted from that consumer being unlawfully or wrongfully detained abroad or held hostage abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Fair Credit for American Hostages Act’’.

SEC. 2. ADVERSE INFORMATION ABOUT CONSUMERS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD OR HELD HOSTAGE ABROAD.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605C the following:

"§ 605D. Adverse information about consumers unlawfully or wrongfully detained abroad or held hostage abroad

"(a) DEFINITIONS.—In this section:

"(1) COVERED CONSUMER.—The term 'covered consumer' means an individual who has been—

"(A) a United States national unlawfully or wrongfully detained abroad, as determined under section 302(a) of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741(a)); or

"(B) a United States national taken hostage abroad, as determined by the Hostage Recovery Fusion Cell (as described in section 304 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741b).

"(2) DETENTION OR HOSTAGE DOCUMENTATION.—The term 'detention or hostage documentation' means—

"(A) documentation of a determination that a consumer is a covered consumer, including the time period during which the consumer was a covered consumer made by a Federal entity; and

"(B) documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items were about a consumer during the time period the consumer was a covered consumer.

"(b) ADVERSE INFORMATION.—A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a covered consumer if the covered consumer has provided detention or hostage documentation to the consumer reporting agency.

"(c) RULEMAKING.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Director shall issue rules to implement subsection (a).

"(2) CONTENTS.—The rules issued pursuant to paragraph (1) shall establish a method by which consumers or legal representatives of consumers shall submit detention or hostage documentation to consumer reporting agencies.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Fair Credit Reporting Act is amended by inserting after the item relating to section 605C the following:

``605D. Adverse information about consumers unlawfully or wrongfully detained abroad or held hostage abroad.''.

(c) APPLICATION.—The amendments made by this section shall apply on the date that is 30 days after the date on which the Director of the Bureau of Consumer Financial Protection issues a rule pursuant to section 605D(c) of the Fair Credit Reporting Act, as added by subsection (a) of this section. Any rule issued by the Director to implement such section 605D shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a covered consumer (as such terms are defined, respectively, in section 603 the Fair Credit Reporting Act (15 U.S.C. 1681a)).

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