

AMENDMENT TO RULES COMMITTEE PRINT 117-

13

OFFERED BY MS. SÁNCHEZ OF CALIFORNIA

In title LI of division E, after section 5105, insert the following:

1 **SEC. 5106. PROTECTIONS FOR ACTIVE DUTY UNIFORMED**
2 **CONSUMER.**

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) UNIFORMED CONSUMER.—The term ‘uni-
8 formed consumer’ means a consumer who is—

9 “(A) a member of the—

10 “(i) uniformed services (as such term
11 is defined in section 101(a)(5) of title 10,
12 United States Code); or

13 “(ii) National Guard (as such term is
14 defined in section 101(c)(1) of title 10,
15 United States Code); and

16 “(B) in active service (as such term is de-
17 fined in section 101(d)(3) of title 10, United
18 States Code), including full-time duty in the

1 commissioned corps of the Public Health Serv-
2 ice or the National Oceanic and Atmospheric
3 Administration.”; and

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

5 “(bb) DEPLOYED UNIFORMED CONSUMER.—The
6 term ‘deployed uniformed consumer’ means an uniformed
7 consumer who—

8 “(1) serves—

9 “(A) in a combat zone (as such term is de-
10 fined in section 112(c)(2) of title 26, United
11 States Code); or

12 “(B) aboard a United States combatant,
13 support, or auxiliary vessel (as such terms are
14 defined in section 231(f) of title 10, United
15 States Code); or

16 “(C) in a deployment (as such term is de-
17 fined in section 991(b) of title 10, United
18 States Code); and

19 “(2) is on active duty (as such term is defined
20 in section 101(d)(2) of title 10, United States Code)
21 for not less than 30 days during the type of service
22 described in paragraph (1).”.

23 (b) PROHIBITION ON INCLUDING CERTAIN ADVERSE
24 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 uniformed consumer, if the action or inaction that
7 gave rise to the item occurred while the consumer
8 was a deployed uniformed consumer.”; and

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

10 “(i) NOTICE OF STATUS AS A UNIFORMED CON-
11 SUMER.—With respect to an item of adverse information
12 about a consumer, if the action or inaction that gave rise
13 to the item occurred while the consumer was a uniformed
14 consumer, the consumer may provide appropriate proof,
15 including official orders, to a consumer reporting agency
16 that the consumer was a deployed uniformed consumer at
17 the time such action or inaction occurred. The consumer
18 reporting agency shall promptly delete that item of ad-
19 verse information from the file of the uniformed consumer
20 and notify the consumer and the furnisher of the informa-
21 tion of the deletion.”.

22 (c) COMMUNICATIONS BETWEEN THE CONSUMER
23 AND CONSUMER REPORTING AGENCIES.—Section 605A
24 of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) is
25 amended—

1 (1) in subsection (c)—

2 (A) by striking “Upon” and inserting the
3 following:

4 “(1) IN GENERAL.—Upon”;

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

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

10 “(2) NEGATIVE INFORMATION ALERT.—Any
11 time a consumer reporting agency receives an item
12 of adverse information about a consumer, if the con-
13 sumer has provided appropriate proof that the con-
14 sumer is a uniformed consumer, the consumer re-
15 porting agency shall promptly notify the consumer—

16 “(A) that the agency has received such
17 item of adverse information, along with a de-
18 scription of the item; and

19 “(B) the method by which the consumer
20 can dispute the validity of the item.

21 “(3) CONTACT INFORMATION FOR UNIFORMED
22 CONSUMERS.—With respect to any consumer that
23 has provided appropriate proof to a consumer re-
24 porting agency that the consumer is a uniformed
25 consumer, if the consumer provides the consumer re-

1 reporting agency with separate contact information to
2 be used when communicating with the consumer
3 while the consumer is a uniformed consumer, the
4 consumer reporting agency shall use such contact in-
5 formation for all communications while the con-
6 sumer is a uniformed consumer.”; and

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

9 “(3) subparagraphs (A) and (B) of subsection
10 (c)(1), in the case of a referral under subsection
11 (c)(1)(C).”.

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

16 (e) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that any person making use of a consumer report
18 containing an item of adverse information should, if the
19 action or inaction that gave rise to the item occurred while
20 the consumer was a uniformed consumer, take such fact
21 into account when evaluating the creditworthiness of the
22 consumer.

