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:

SEC. 5106. PROTECTIONS FOR ACTIVE DUTY UNIFORMED CONSUMER.

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

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

“(1) UNIFORMED CONSUMER.—The term ‘uniformed consumer’ means a consumer who is—

“(A) a member of the—

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

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

“(B) in active service (as such term is defined in section 101(d)(3) of title 10, United States Code), including full-time duty in the
commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration.’’; and

(2) by adding at the end the following:

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

“(1) serves—

“(A) in a combat zone (as such term is defined in section 112(c)(2) of title 26, United States Code); or

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

“(C) in a deployment (as such term is defined in section 991(b) of title 10, United States Code); and

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

(b) PROHIBITION ON INCLUDING CERTAIN ADVERSE INFORMATION IN CONSUMER REPORTS.—Section 605 of
the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

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

“(9) Any item of adverse information about a uniformed consumer, if the action or inaction that gave rise to the item occurred while the consumer was a deployed uniformed consumer.”; and

(2) by adding at the end the following:

“(i) NOTICE OF STATUS AS A UNIFORMED CONSUMER.—With respect to an item of adverse information about a consumer, if the action or inaction that gave rise to the item occurred while the consumer was a uniformed consumer, the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was a deployed uniformed consumer at the time such action or inaction occurred. The consumer reporting agency shall promptly delete that item of adverse information from the file of the uniformed consumer and notify the consumer and the furnisher of the information of the deletion.”.

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

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

“(1) IN GENERAL.—Upon”;

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

(C) by adding at the end the following:

“(2) NEGATIVE INFORMATION ALERT.—Any time a consumer reporting agency receives an item of adverse information about a consumer, if the consumer has provided appropriate proof that the consumer is a uniformed consumer, the consumer reporting agency shall promptly notify the consumer—

“(A) that the agency has received such item of adverse information, along with a description of the item; and

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

“(3) CONTACT INFORMATION FOR UNIFORMED CONSUMERS.—With respect to any consumer that has provided appropriate proof to a consumer reporting agency that the consumer is a uniformed consumer, if the consumer provides the consumer re-
porting agency with separate contact information to be used when communicating with the consumer while the consumer is a uniformed consumer, the consumer reporting agency shall use such contact information for all communications while the consumer is a uniformed consumer.”; and

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

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

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

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