

116TH CONGRESS  
2D SESSION

# H. R. 5677

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2020

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

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## 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”.

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

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

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

3           “(1) ACTIVE DUTY UNIFORMED CONSUMER.—  
4           The term ‘active duty uniformed consumer’ means a  
5           consumer who is—

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

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

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

14           “(bb) EXTENDED ACTIVE DUTY UNIFORMED CON-  
15           SUMER.—The term ‘extended active duty uniformed con-  
16           sumer’ means an active duty uniformed consumer that is  
17           deployed—

18                   “(1) in a combat zone (as defined under section  
19           112(c) of the Internal Revenue Code of 1986); or

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

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

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

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

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

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

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

25               (1) in subsection (c)—

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

3 “(1) IN GENERAL.—Upon”;

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

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

9 “(2) NEGATIVE INFORMATION ALERT.—Any  
10 time a consumer reporting agency receives an item  
11 of adverse information about a consumer, if the con-  
12 sumer has provided appropriate proof that the con-  
13 sumer is an extended active duty uniformed con-  
14 sumer, the consumer reporting agency shall promptly  
15 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 EXTENDED  
22 ACTIVE DUTY UNIFORMED CONSUMERS.—With re-  
23 spect to any consumer that has provided appropriate  
24 proof to a consumer reporting agency that the con-  
25 sumer is an extended active duty uniformed con-

1 consumer, if the consumer provides the consumer re-  
2 porting agency with separate contact information to  
3 be used when communicating with the consumer  
4 while the consumer is an extended active duty uni-  
5 formed consumer, the consumer reporting agency  
6 shall use such contact information for all commu-  
7 nications while the consumer is an extended active  
8 duty uniformed consumer.”; and

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

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

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

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

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