

113TH CONGRESS
2D SESSION

S. 2456

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

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2014

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

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. NOTICE OF STATUS AS AN ACTIVE DUTY MILI-**
4 **TARY CONSUMER.**

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

7 (1) in section 605, by adding at the end the fol-
8 lowing:

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

14 (2) in section 605A(c)—

15 (A) by redesignating paragraphs (1), (2),
 16 and (3) as subparagraphs (A), (B), and (C), re-
 17 spectively, and moving such redesignated sub-
 18 paragraphs 2 ems to the right;

19 (B) in the matter preceding subparagraph
 20 (A), as so redesignated, by striking “Upon” and
 21 inserting the following:

22 “(1) IN GENERAL.—Upon”; and

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

24 “(2) NEGATIVE INFORMATION ALERT.—If a
 25 consumer reporting agency receives an adverse item

1 of information about a consumer who has provided
2 appropriate proof that the consumer is an active
3 duty military consumer, the consumer reporting
4 agency shall promptly notify the consumer—

5 “(A) that the consumer reporting agency
6 has received the adverse item of information,
7 along with a description of the item; and

8 “(B) the method by which the consumer
9 may dispute the validity of the item.

10 “(3) CONTACT INFORMATION FOR ACTIVE DUTY
11 MILITARY CONSUMERS.—If a consumer who has pro-
12 vided appropriate proof to a consumer reporting
13 agency that the consumer is an active duty military
14 consumer provides the consumer reporting agency
15 with contact information for the purpose of commu-
16 nicating with the consumer while the consumer is an
17 active military consumer, the consumer reporting
18 agency shall use such contact information for all
19 communications while the consumer is an active
20 military consumer.

21 “(4) SENSE OF CONGRESS.—It is the sense of
22 Congress that any person making use of a consumer
23 report that contains an adverse item of information
24 should, if the action or inaction that gave rise to the
25 item occurred while the consumer was an active duty

1 military consumer, take such fact into account when
2 evaluating the creditworthiness of the consumer.”;
3 and

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

6 “(D) NOTICE OF DISPUTE RELATED TO
7 ACTIVE DUTY MILITARY CONSUMERS.—With re-
8 spect to an item of information described under
9 subparagraph (A) that is under dispute, if the
10 consumer to whom the item relates has notified
11 the consumer reporting agency, and has pro-
12 vided appropriate proof, that the consumer was
13 an active duty military consumer at the time
14 the action or inaction that gave rise to the dis-
15 puted item occurred, the consumer reporting
16 agency shall—

17 “(i) include such fact in the file of the
18 consumer; and

19 “(ii) indicate such fact in each con-
20 sumer report that includes the disputed
21 item.”.

○