

117TH CONGRESS
1ST SESSION

H. R. 3439

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

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

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

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. 1681e) 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. 1681e–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
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 (e)(1), in the case of a referral under subsection
13 (e)(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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