

117TH CONGRESS  
1ST SESSION

# H. R. 4113

To amend the Fair Credit Reporting Act to fix the consumer report dispute process, to ban misleading and unfair consumer reporting practices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Ms. ADAMS 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 fix the consumer report dispute process, to ban misleading and unfair consumer reporting practices, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Improving Credit Reporting for All Consumers Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Effective date.
- Sec. 4. Consumer Bureau rulemaking.

## TITLE I—IMPROVEMENTS TO THE DISPUTE PROCESS

- Sec. 101. Dispute procedures and disclosures relating to reinvestigations.
- Sec. 102. Consumer awareness of dispute rights.
- Sec. 103. Maintenance of records by furnishers.
- Sec. 104. Duties of furnishers relating to dispute procedures, notices, and disclosures.
- Sec. 105. Right to appeal disputes relating to reinvestigations and investigations.
- Sec. 106. Revised consumer reports.
- Sec. 107. Indication of dispute by consumers and use of disputed information.
- Sec. 108. Accuracy and completeness report duties for consumer reporting agencies and furnishers.
- Sec. 109. Inclusion of public record data sources in consumer reports.
- Sec. 110. Injunctive relief for victims.

TITLE II—PROHIBITION ON MISLEADING AND UNFAIR  
CONSUMER REPORTING PRACTICES

- Sec. 201. Prohibition on automatic renewals for promotional consumer reporting and credit scoring products and services.
- Sec. 202. Prohibition on misleading and deceptive marketing related to the provision of consumer reporting and credit scoring products and services.
- Sec. 203. Prohibition on excessive direct-to-consumer sales.
- Sec. 204. Fair access to consumer reporting and credit scoring disclosures for nonnative English speakers and the visually and hearing impaired.
- Sec. 205. Comparison shopping for loans without harm to credit standing.
- Sec. 206. Nationwide consumer reporting agencies registry.

**1 SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) GENERAL FINDINGS.—

4 (A) Consumer reporting agencies  
 5 (“CRAs”) are companies that collect, compile,  
 6 and provide information about consumers in the  
 7 form of consumer reports for certain permis-  
 8 sible statutory purposes under the Fair Credit  
 9 Reporting Act (15 U.S.C. 1681 et seq.)  
 10 (“FCRA”). The three largest CRAs in this  
 11 country are Equifax, TransUnion, and  
 12 Experian. These CRAs are referred to as na-

1 nationwide CRAs and the reports that they pre-  
2 pare are commonly referred to as credit reports.  
3 Furnishers, such as creditors, lenders, and debt  
4 collection agencies, voluntarily submit informa-  
5 tion to CRAs about their accounts such as the  
6 total amount for each loan or credit limit for  
7 each credit card and the consumer's payment  
8 history on these products. Reports also include  
9 identifying information about a consumer, such  
10 as their birthdate, previous mailing addresses,  
11 and current and previous employers.

12 (B) In a December 2012 paper, "Key Di-  
13 mensions and Processes in the U.S. Credit Re-  
14 porting System: A review for how the nation's  
15 largest credit bureaus manage consumer data",  
16 the Bureau of Consumer Financial Protection  
17 ("Consumer Bureau") noted that the three na-  
18 tionwide CRAs maintain credit files on approxi-  
19 mately 200 million adults and receive informa-  
20 tion from about 10,000 furnishers. On a  
21 monthly basis, these furnishers provide infor-  
22 mation on over 1.3 billion consumer credit ac-  
23 counts or other trade lines.

24 (C) The 10 largest institutions furnishing  
25 credit information to each of the nationwide

1 CRAs account for more than half of all ac-  
2 counts reflected in consumers' credit files.

3 (D) Consumer reports play an increasingly  
4 important role in the lives of American con-  
5 sumers. Most creditors, for example, review  
6 these reports to make decisions about whether  
7 to extend credit to consumers and what terms  
8 and conditions to offer them. As such, informa-  
9 tion contained in these reports affects whether  
10 a person is able to get a private education loan  
11 to pay for college costs, to secure a mortgage  
12 loan to buy a home, or to obtain a credit card,  
13 as well as the terms and conditions under which  
14 consumer credit products or services are offered  
15 to them.

16 (E) Credit reports are also increasingly  
17 used for many noncredit decisions, including by  
18 landlords to determine whether to rent an  
19 apartment to a prospective tenant and by em-  
20 ployers to decide whether to hire potential job  
21 applicants or to offer a promotion to existing  
22 employees.

23 (F) CRAs have a statutory obligation to  
24 verify independently the accuracy and complete-

1           ness of information included on the reports that  
2           they provide.

3           (G) The nationwide CRAs have failed to  
4           establish and follow reasonable procedures, as  
5           required by existing law, to establish the max-  
6           imum level of accuracy of information contained  
7           on consumer reports. Given the repeated fail-  
8           ures of these CRAs to comply with accuracy re-  
9           quirements on their own, legislation is intended  
10          to provide them with detailed guidance improv-  
11          ing the accuracy and completeness of informa-  
12          tion contained in consumer reports, including  
13          procedures, policies, and practices that these  
14          CRAs should already be following to ensure full  
15          compliance with their existing obligations.

16          (H) The presence of inaccurate or incom-  
17          plete information on these reports can result in  
18          substantial financial and emotional harm to  
19          consumers. Credit reporting errors can lead to  
20          the loss of a new employment opportunity or a  
21          denial of a promotion in an existing job, stop  
22          someone from being able to access credit on fa-  
23          vorable terms, prevent a person from obtaining  
24          rental housing, or even trigger mental distress.

1 (I) Current industry practices impose an  
2 unfair burden of proof on consumers trying to  
3 fix errors on their reports.

4 (J) Consumer reports containing inac-  
5 curate or incomplete credit information also un-  
6 dermine the ability of creditors and lenders to  
7 effectively and accurately underwrite and price  
8 credit.

9 (K) Recognizing that credit reporting af-  
10 fects the lives of almost all consumers in this  
11 country and that the consequences of errors on  
12 a consumer report can be catastrophic for a  
13 consumer, the Consumer Bureau began accept-  
14 ing consumer complaints about credit reporting  
15 in October 2012.

16 (L) As of February 2017, the Consumer  
17 Bureau has handled approximately 185,717  
18 credit reporting complaints, making credit re-  
19 porting consistently the third most-complained-  
20 about subject matter on which the Consumer  
21 Bureau accepts consumer complaints.

22 (M) In the “Monthly Complaint Report  
23 Volume 20”, released in February 2017, the  
24 Consumer Bureau noted that 76 percent of  
25 credit reporting complaints involved incorrect

1 information on reports, with consumers fre-  
2 quently expressing their frustrations about the  
3 burdensome and time-consuming process to dis-  
4 puting items.

5 (N) Other common types of credit report-  
6 ing complaints submitted to the Consumer Bu-  
7 reau related to the improper use of a report,  
8 trouble obtaining a report or credit score,  
9 CRAs' investigations, and credit monitoring or  
10 identity protection.

11 (O) In the summer 2015 "Supervisory  
12 Highlights", the Consumer Bureau noted that  
13 one or more of the largest CRAs failed to ade-  
14 quately oversee furnishers to ensure that they  
15 were adhering to the CRA's vetting policies and  
16 to establish proper procedures to verify public  
17 record information.

18 (P) According to the fall 2016 "Super-  
19 visory Highlights", Consumer Bureau exam-  
20 iners determined that one or more debt collec-  
21 tors never investigated indirect disputes that  
22 lacked detail or were not accompanied by at-  
23 tachments with relevant information from the  
24 consumer. Examiners also found that notifica-  
25 tions sent to consumers about disputes consid-

1           ered frivolous failed to identify for the con-  
2           sumers the type of material that they could pro-  
3           vide in order for the debt collector to complete  
4           the investigation of the disputed item.

5           (Q) A February 2014 Consumer Bureau  
6           report titled “Credit Reporting Complaint  
7           Snapshot” found that consumers are confused  
8           about the extent to which the nationwide CRAs  
9           are required to provide them with validation  
10          and documentation of a debt that appears on  
11          their credit report.

12          (R) As evidence that the current system  
13          lacks sufficient market incentives for CRAs to  
14          develop more robust procedures to increase the  
15          accuracy and completeness of information on  
16          credit reports, litigation discovery documented  
17          by the National Consumer Law Center  
18          (“NCLC”), as part of a January 2009 report  
19          titled, “Automated Injustice: How a Mecha-  
20          nized Dispute System Frustrates Consumers  
21          Seeking to Fix Errors in Their Credit Re-  
22          ports”, showed that at least two of the three  
23          largest CRAs use quota systems to force em-  
24          ployees to process disputes hastily and without  
25          the opportunity for conducting meaningful in-



1           vestigations. At least one nationwide CRA only  
2           allowed dispute resolution staff five minutes to  
3           handle a consumer's call. Furthermore, these  
4           CRAs were found to have awarded bonuses for  
5           meeting quotas and punished those who didn't  
6           meet production numbers with probation.

7           (S) Unlike most other business relation-  
8           ships, where consumers can register their satis-  
9           faction or unhappiness with a particular credit  
10          product or service simply by taking their busi-  
11          ness elsewhere, consumers have no say in  
12          whether their information is included in the  
13          CRAs databases and limited legal remedies to  
14          hold the CRAs accountable for inaccuracies or  
15          poor service.

16          (T) Accordingly, despite the existing statu-  
17          tory mandate for CRAs to follow reasonable  
18          procedures to assure the maximum possible ac-  
19          curacy of the information whenever they pre-  
20          pare consumer reports, numerous studies, the  
21          high volume of consumer complaints submitted  
22          to the Consumer Bureau about incorrect infor-  
23          mation on consumer reports, and supervisory  
24          activities by the Consumer Bureau demonstrate

1 that CRAs continue to skirt their obligations  
2 under the law.

3 (2) INCORRECT INFORMATION ON CONSUMER  
4 REPORTS.—

5 (A) Consumers are entitled to dispute er-  
6 rors on their consumer reports with either the  
7 CRA, who issued the report, or directly with  
8 furnishers, who supplied the account informa-  
9 tion to the CRA, and request that mistakes be  
10 deleted or removed. Consumers, who believe an  
11 investigation has not correctly resolved their  
12 dispute, however, have few options, other than  
13 requesting that a statement about the dispute  
14 be included with their future reports.

15 (B) CRAs have a statutory obligation  
16 under the FCRA to perform a reasonable inves-  
17 tigation by conducting a substantive and  
18 searching inquiry when a consumer disputes an  
19 item on their report. In doing so, CRAs must  
20 conduct an independent review about the accu-  
21 racy of any disputed item and cannot merely  
22 rely on a furnisher's "rubber-stamp"  
23 verification of the integrity of the information  
24 they have provided to CRAs.

1           (C) The Federal Trade Commission  
2           (“FTC”), in a “Report to Congress Under Sec-  
3           tion 319 of the Fair and Accurate Credit  
4           Transactions Act of 2003” released in Decem-  
5           ber 2012, found that 26 percent of survey par-  
6           ticipants identified at least one potentially ma-  
7           terial error on their consumer reports, and 13  
8           percent experienced a change in their credit  
9           score once the error was fixed.

10           (D) Consumer Bureau examiners have  
11           identified repeated deficiencies with the nation-  
12           wide CRAs’ information collection. In the sum-  
13           mer 2015 “Supervisory Highlights” released in  
14           June 2015, the Consumer Bureau noted contin-  
15           ued weaknesses with CRAs’ methods and proc-  
16           esses for assuring maximum possible accuracy  
17           in their reports. Examiners also found, with  
18           certain exceptions, no quality control policies  
19           and procedures in place to test consumer re-  
20           ports for accuracy.

21           (E) In its “Credit Reporting Complaint  
22           Snapshot” released in February 2014, the Con-  
23           sumer Bureau found that consumers were un-  
24           certain about the depth and validity of the in-  
25           vestigations performed about a disputed item.

1 Consumers also expressed frustration that, even  
2 though they provided supporting materials that  
3 they believed demonstrated the inaccuracy of  
4 the information provided by furnishers, errors  
5 continued to remain on their reports.

6 (F) In the winter 2015 “Supervisory High-  
7 lights” released in March 2015, the Consumer  
8 Bureau reported that one or more nationwide  
9 CRAs failed to adequately fulfill their dispute-  
10 handling obligations, including by not for-  
11 warding to furnishers all relevant information  
12 found in letters and supporting documents sup-  
13 plied by consumers when they submitted dis-  
14 putes failing to notify consumers that they had  
15 completed investigations, and not providing con-  
16 sumers with the results of the CRAs’ reviews  
17 about their disputes.

18 (G) Consumer Bureau examiners also  
19 noted in the fall 2016 “Supervisory Highlights”  
20 released in October 2016 that one or more enti-  
21 ties failed to provide adequate guidance and  
22 training to staff about how to differentiate  
23 FCRA disputes from general customer inquir-  
24 ies, complaints, or debt validation requests.  
25 Consumer Bureau supervisors also directed one

1 or more entities to develop and implement rea-  
2 sonable procedures to ensure that direct and in-  
3 direct disputes are appropriately logged, cat-  
4 egorized, and resolved.

5 (H) Consumers’ increasing frustration  
6 about the difficulties of trying to fix credit re-  
7 porting errors, evidenced through the volume of  
8 consumer complaints related to errors sub-  
9 mitted to the Consumer Bureau, are also  
10 echoed in another FTC study issued in January  
11 2015. In the “Report to Congress under Sec-  
12 tion 319 for the Fair and Accurate Credit  
13 Transactions Act of 2003”, the FTC found that  
14 nearly 70 percent (84 people) of participants  
15 from a previous survey that had filed disputes  
16 with CRAs continued to believe that at least  
17 some of the disputed information remained in-  
18 accurate at the time of the follow-up survey.  
19 Despite these views, 50 percent (42 people) of  
20 the survey participants decided to just give up  
21 trying to fix the errors, with only 45 percent  
22 (38 people) of them planning to continue to try  
23 to resolve their disputes.

24 (I) The consistently high volume of con-  
25 sumer complaints submitted to the Consumer

1 Bureau about credit reporting errors, coupled  
2 with the largest CRAs' repeated quality control  
3 weaknesses found by Consumer Bureau exam-  
4 iners, show that the nationwide CRAs have  
5 failed to establish and follow reasonable proce-  
6 dures to assure maximum accuracy of informa-  
7 tion and to conduct independent investigations  
8 of consumers' disputes. These ongoing problems  
9 demonstrate the need for legislation to—

10 (i) enhance obligations on furnishers  
11 to substantiate information and require  
12 furnishers to keep records for the same  
13 amount of time that adverse information  
14 about these accounts may appear on a per-  
15 son's consumer report;

16 (ii) eliminate CRAs' discretion to de-  
17 termine the relevancy of materials provided  
18 by consumers to support their dispute  
19 claims by instead requiring them to pass  
20 all material onto furnishers and elimi-  
21 nating CRA's discretion to deem some dis-  
22 putes frivolous or irrelevant when a con-  
23 sumer resubmits a claim that they believe  
24 has been inadequately resolved;

1 (iii) enhance educational content on  
2 CRAs' websites to improve consumers' un-  
3 derstanding of the dispute process and to  
4 make it easier for all consumers to initiate  
5 claims, including by providing these disclo-  
6 sures in other languages besides English;  
7 and

8 (iv) create a new consumer right to  
9 appeal reviews by CRAs and furnishers of  
10 the initial disputes.

11 (3) INJUNCTIVE RELIEF.—

12 (A) Despite the fact that the FCRA cur-  
13 rently provides implicit authority for injunctive  
14 relief, consumers have been prevented from ex-  
15 ercising this right. Legislation explicitly clari-  
16 fying this right is intended to underscore con-  
17 gressional intent that injunctive relief should be  
18 viewed as a remedy available to consumers.

19 (B) Myriad findings by the courts, regu-  
20 lators, consumers, and consumer advocates  
21 make clear that CRAs have failed to establish  
22 adequate standards for the accuracy and com-  
23 pleteness of consumer reports, yet the nation-  
24 wide CRAs have demonstrated little willingness

1 to voluntarily retool their policies and proce-  
2 dures to fix the problems.

3 (C) Providing courts with explicit authority  
4 to issue injunctive relief, by telling the CRAs to  
5 remedy unlawful practices and procedures,  
6 would further CRAs' mandate under the FCRA  
7 to assure the maximum possible accuracy and  
8 completeness of information contained on credit  
9 reports.

10 (D) Absent explicit authority to issue in-  
11 junctions, history suggests that the nationwide  
12 CRAs are likely to continue conducting business  
13 as usual in treating any monetary settlements  
14 with individual consumers and fines imposed by  
15 State attorneys general and Federal regulators,  
16 simply as the "cost of doing business".

17 (4) DECEPTIVE AND MISLEADING MARKETING  
18 PRACTICES.—

19 (A) The Consumer Bureau's February  
20 2015 report titled "Consumer Voices on Credit  
21 Reports and Scores" found that some con-  
22 sumers did not obtain a copy of their consumer  
23 report due to concerns about security or of  
24 being trapped into purchasing unwanted prod-



1           ucts like an additional report or a credit moni-  
2           toring service.

3           (B) In January 2017, the Consumer Bu-  
4           reau fined TransUnion and Equifax for decep-  
5           tively marketing credit scores for purchase by  
6           consumers as the same credit scores typically  
7           used by lenders to determine creditworthiness  
8           and for luring consumers into costly subscrip-  
9           tion services that were advertised as “free” or  
10          “\$1” that automatically charged recurring fees  
11          unless cancelled by consumers. The Consumer  
12          Bureau also found that Equifax was illegally  
13          advertising its products on webpages that con-  
14          sumers                   accessed                   through  
15          AnnualCreditReport.com before consumers ob-  
16          tained their free disclosures. Because of these  
17          troubling practices, TransUnion was ordered to  
18          pay \$13.9 million in restitution to harmed con-  
19          sumers and a civil penalty of \$3 million to the  
20          Consumer Bureau. Equifax was ordered to pay  
21          more than \$3.7 million to affected consumers  
22          as well as a civil money penalty of \$2.5 million  
23          to the Consumer Bureau. As part of the con-  
24          sent orders, the CRAs are also supposed to  
25          change the way that they sell their products to

1 consumers. The CRAs must also obtain con-  
2 sumers' express consent before enrolling them  
3 into subscription services as well as make it  
4 easier for consumers to cancel these programs.

5 (C) The Consumer Bureau fined the other  
6 nationwide CRA—Experian—in March 2017  
7 for deceiving consumers about the use of credit  
8 scores that it marketed and sold to consumers  
9 as credit scores that were used by lenders and  
10 for illegally advertising its products on web  
11 pages that consumers accessed through  
12 AnnualCreditReport.com before they obtained  
13 their free annual disclosures. Experian was or-  
14 dered to pay more than \$3.7 million in restitu-  
15 tion to harmed consumers and a civil monetary  
16 penalty of \$2.5 million to the Consumer Bu-  
17 reau.

18 (D) The Consumer Bureau's January and  
19 March 2017 consent orders with the three na-  
20 tionwide CRAs show that these CRAs have en-  
21 ticed consumers into purchasing products and  
22 services that they may not want or need, in  
23 some instances by advertising products or serv-  
24 ices "free" that automatically converted into an  
25 ongoing subscription service at the regular price

1 unless cancelled by the consumer. Although  
2 these CRAs must now change their deceptive  
3 marketing practices, codifying these duties is an  
4 appropriate way to ensure that these companies  
5 never revert back to such misleading tactics.

6 (E) Given the ubiquitous use of consumer  
7 reports in consumers' lives and the fact that  
8 consumers' participation in the credit reporting  
9 system is involuntary, CRAs should also  
10 prioritize providing consumers with the effective  
11 means to safeguard their personal and financial  
12 information and improve their credit standing,  
13 rather than seeking to exploit consumers' con-  
14 cerns and confusion about credit reporting and  
15 scoring, to boost their companies' profits.

16 (F) Vulnerable consumers, who have legiti-  
17 mate concerns about the security of their per-  
18 sonal and financial information, deserve clear,  
19 accurate, and transparent information about  
20 the credit reporting tools that may be available  
21 to them, such as fraud alerts and freezes.

22 **SEC. 3. EFFECTIVE DATE.**

23 The amendments made by this Act shall take effect  
24 2 years after the date of the enactment of this Act.

1 **SEC. 4. CONSUMER BUREAU RULEMAKING.**

2 Except as otherwise provided, not later than the end  
3 of the 2-year period beginning on the date of the enact-  
4 ment of this Act, the Bureau of Consumer Financial Pro-  
5 tection shall issue final rules to implement the amend-  
6 ments made by this Act.

7 **TITLE I—IMPROVEMENTS TO**  
8 **THE DISPUTE PROCESS**

9 **SEC. 101. DISPUTE PROCEDURES AND DISCLOSURES RE-**  
10 **LATING TO REINVESTIGATIONS.**

11 (a) IN GENERAL.—Section 611(a) of the Fair Credit  
12 Reporting Act (15 U.S.C. 1681i(a)) is amended to read  
13 as follows:

14 “(a) REINVESTIGATIONS OF DISPUTED INFORMA-  
15 TION BY A CONSUMER REPORTING AGENCY.—

16 “(1) REINVESTIGATIONS REQUIRED.—

17 “(A) IN GENERAL.—Subject to subsection  
18 (f), if the completeness or accuracy of any item  
19 of information contained in a consumer’s file at  
20 a consumer reporting agency is disputed by the  
21 consumer and the consumer notifies the agency  
22 (either directly or indirectly through a reseller  
23 or an authorized third party) of such dispute,  
24 the agency shall, free of charge—

25 “(i) conduct a reasonable reinvestiga-  
26 tion using the process described in para-

1 graph (3) to determine whether the dis-  
2 puted information is inaccurate, incom-  
3 plete, or cannot be verified;

4 “(ii) notify the consumer that a nota-  
5 tion described in section 605(e) will be  
6 added to the consumer’s file until the re-  
7 investigation has been completed and that  
8 such notation can be removed at the re-  
9 quest of the consumer; and

10 “(iii) before the end of the 30-day pe-  
11 riod beginning on the date on which the  
12 consumer reporting agency receives the no-  
13 tice of the dispute from the consumer or  
14 the reseller—

15 “(I) record the current status of  
16 the disputed information; or

17 “(II) delete or modify the item in  
18 accordance with paragraph (3)(D).

19 “(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph  
20 (C), the 30-day period described in subpara-  
21 graph (A) may be extended for period not to ex-  
22 ceed 15 days if the consumer reporting agency  
23 receives additional information from the con-  
24 sumer or the reseller regarding the dispute  
25

1 after the date on which the consumer reporting  
2 agency notified any person who provided any  
3 item of information in dispute under paragraph  
4 (2)(A).

5 “(C) LIMITATIONS ON EXTENSION OF PE-  
6 RIOD TO REINVESTIGATE.—Subparagraph (B)  
7 shall not apply to any reinvestigation in which,  
8 during the 30-day period described in subpara-  
9 graph (A), the disputed information is found to  
10 be inaccurate or incomplete, or the consumer  
11 reporting agency determines that the disputed  
12 information cannot be verified.

13 “(2) PROMPT NOTICE OF DISPUTE TO FUR-  
14 NISHER OF INFORMATION; PROVISION OF INFORMA-  
15 TION REGARDING DISPUTE PROVIDED BY THE CON-  
16 SUMER OR RESELLER.—

17 “(A) IN GENERAL.—Before the end of the  
18 period of 5 business days beginning on the date  
19 on which a consumer reporting agency receives  
20 notice of a dispute from any consumer or re-  
21 seller under paragraph (1)(A), the consumer re-  
22 porting agency shall provide notification of the  
23 dispute to any person who provided any item of  
24 information in dispute, at the address and in  
25 the manner established with such person. The

1 notice shall include all information, including  
2 substantiating documents, regarding the dispute  
3 that was submitted to the consumer reporting  
4 agency.

5 “(B) PROVISION OF ADDITIONAL INFORMA-  
6 TION REGARDING DISPUTE AFTER NOTIFICA-  
7 TION TO THE FURNISHER OF INFORMATION.—

8 If a consumer reporting agency receives addi-  
9 tional information regarding the dispute from  
10 the consumer or reseller after the agency pro-  
11 vides the notification described under subpara-  
12 graph (A) and before the end of the 30-day pe-  
13 riod described in paragraph (1)(A), the con-  
14 sumer reporting agency shall, not later than 3  
15 business days after receiving such information,  
16 provide such information to the person who pro-  
17 vided the information in dispute.

18 “(3) REASONABLE STANDARDS FOR CONSUMER  
19 REPORTING AGENCIES FOR CONDUCTING REINVES-  
20 TIGATIONS AND RESOLVING DISPUTES SUBMITTED  
21 BY CONSUMERS.—

22 “(A) IN GENERAL.—In conducting a re-  
23 investigation of disputed information, a con-  
24 sumer reporting agency shall, at a minimum—

1           “(i) maintain sufficient resources and  
2           trained staff, commensurate with the vol-  
3           ume and complexity of disputes received or  
4           reasonably anticipated to be received, to  
5           determine whether the disputed informa-  
6           tion is accurate, complete, or can be  
7           verified by the person who provided the in-  
8           formation;

9           “(ii) ensure that all staff involved at  
10          any level of the reinvestigation process, in-  
11          cluding any individual with ultimate au-  
12          thority over determining whether the dis-  
13          puted information is inaccurate, incom-  
14          plete, or cannot be verified, are located  
15          within the United States;

16          “(iii) verify that the personally identi-  
17          fiable information of the consumer submit-  
18          ting the dispute matches the personally  
19          identifiable information contained in the  
20          consumer’s file, and that such information  
21          is accurate and complete;

22          “(iv) verify that the consumer report-  
23          ing agency has a record of the information  
24          being disputed; and



1                   “(v) conduct a reasonable review that  
2                   considers all information, including sub-  
3                   stantiating documents, provided by the  
4                   consumer or reseller.

5                   “(B) CONSUMER REPORTING.—The con-  
6                   sumer reporting agency shall not impose any  
7                   limitation or otherwise impede the ability of a  
8                   consumer to submit information about the dis-  
9                   puted item.

10                   “(C) INDEPENDENT ANALYSIS.—The re-  
11                   investigation conducted under subparagraph  
12                   (A) shall be an independent analysis, separate  
13                   from any investigation by a reseller or a person  
14                   who provided the disputed information.

15                   “(D) DELETION OR MODIFICATION OF IN-  
16                   FORMATION CONTAINED IN A CONSUMER  
17                   FILE.—If the disputed information is found to  
18                   be inaccurate, incomplete, or cannot be verified,  
19                   the dispute resolution staff of the consumer re-  
20                   porting agency shall have the direct authority to  
21                   delete or modify such information in the con-  
22                   sumer’s file, as appropriate, during the 30-day  
23                   period described in paragraph (1)(A), shall  
24                   promptly notify the consumer of the results of  
25                   the reinvestigation as described in paragraph

1 (4), and shall promptly notify any person who  
2 provided such information to the consumer re-  
3 porting agency of the modification or deletion  
4 made to the consumer's file.

5 “(4) NOTICE TO CONSUMER OF RESULTS OF  
6 REINVESTIGATION.—

7 “(A) IN GENERAL.—Not later than 5 busi-  
8 ness days after the conclusion of a reinvestiga-  
9 tion conducted under this subsection, the con-  
10 sumer reporting agency shall provide written  
11 notice to the consumer of the results of the re-  
12 investigation by postal mail or, if authorized by  
13 the consumer for that purpose, by other means  
14 available to the agency.

15 “(B) CONTENTS OF NOTICE TO CONSUMER  
16 OF RESULTS OF REINVESTIGATION.—The notice  
17 described in subparagraph (A) shall include—

18 “(i) a statement that the reinvestiga-  
19 tion of the disputed information has been  
20 completed;

21 “(ii) a statement informing the con-  
22 sumer as to whether the disputed informa-  
23 tion was determined to be inaccurate, in-  
24 complete, or unverifiable, including a state-

1                   ment of the specific reasons supporting the  
2                   determination;

3                   “(iii) if information in the consumer’s  
4                   file has been deleted or modified as a re-  
5                   sult of the reinvestigation—

6                   “(I) a copy of the consumer re-  
7                   port and credit score or educational  
8                   score (if applicable) that is based  
9                   upon the consumer’s revised file;

10                  “(II) a statement identifying the  
11                  specific information from the con-  
12                  sumer’s file that was deleted or modi-  
13                  fied because such information was de-  
14                  termined to be inaccurate, incomplete,  
15                  or unverifiable by the consumer re-  
16                  porting agency;

17                  “(III) a statement that the con-  
18                  sumer has the right, free of charge, to  
19                  obtain an additional consumer report  
20                  and credit score or educational credit  
21                  score (if applicable) within the 12-  
22                  month period following the date of the  
23                  conclusion of the reinvestigation, re-  
24                  gardless of whether the consumer ob-  
25                  tained or will obtain a free annual

1 consumer report and credit score or  
2 educational score (if applicable) under  
3 section 612; and

4 “(IV) a statement that the con-  
5 sumer has the right, free of charge, to  
6 request under subsection (d) that the  
7 consumer reporting agency furnish  
8 notifications of the consumer’s revised  
9 report;

10 “(iv) a description of the procedure  
11 used by the dispute resolution staff of the  
12 consumer reporting agency to determine  
13 the accuracy or completeness of the infor-  
14 mation, including the business name, mail-  
15 ing address, telephone number, and Inter-  
16 net website address (if available) of any  
17 person who provided information who was  
18 contacted by the staff in connection with  
19 the determination;

20 “(v) a statement that the consumer  
21 has the right, free of charge, to add a nar-  
22 rative statement to the consumer’s file dis-  
23 puting the accuracy or completeness of the  
24 information, regardless of the results of  
25 the reinvestigation by the agency, and the

1 process for submitting such a narrative  
2 pursuant to subsection (b);

3 “(vi) a copy of all information relating  
4 to the consumer that was used by the con-  
5 sumer reporting agency in carrying out the  
6 reinvestigation and relied upon as the basis  
7 for the determination about the accuracy  
8 and completeness of the disputed informa-  
9 tion;

10 “(vii) a statement that a consumer  
11 may, free of charge, challenge the results  
12 of the reinvestigation by appeal within 120  
13 days after the date the notice of the results  
14 of the reinvestigation was provided to the  
15 consumer and the process for submitting  
16 an appeal;

17 “(viii) a statement informing the con-  
18 sumer that a notation described in section  
19 605(e) will be added to the file of the con-  
20 sumer during the period in which the con-  
21 sumer appeals the results of a reinvestiga-  
22 tion and that such notation can be re-  
23 moved at the request of the consumer; and

24 “(ix) any other information, as deter-  
25 mined by the Bureau.

1           “(5) REQUIREMENTS RELATING TO REINSER-  
2           TION OF PREVIOUSLY DELETED OR MODIFIED MATE-  
3           RIAL.—

4                   “(A) CERTIFICATION OF NEW DETERMINA-  
5           TION THAT ITEM IS ACCURATE OR COM-  
6           PLETE.—A consumer reporting agency may not  
7           reinsert into a consumer’s file any information  
8           that was previously deleted or modified pursu-  
9           ant to paragraph (3)(D), unless the person who  
10          provided the information—

11                   “(i) requests that the consumer re-  
12           porting agency reinsert such information;

13                   “(ii) submits a written certification  
14           that the information is accurate and com-  
15           plete; and

16                   “(iii) provides a statement describing  
17           the specific reasons why the information  
18           should be inserted.

19                   “(B) NOTICE TO CONSUMER BEFORE RE-  
20           INSERTION CAN OCCUR.—Upon receipt of a re-  
21           quest for reinsertion of disputed information  
22           under subparagraph (A), the consumer report-  
23           ing agency shall, not later than 5 business days  
24           before the consumer reporting agency reinserts  
25           the information into the consumer’s file, notify

1 the consumer in writing of such request for re-  
2 insertion. Such notice shall include—

3 “(i) the business name, mailing ad-  
4 dress, telephone number, and Internet  
5 website address (if available) of any person  
6 who provided information to or contacted  
7 the consumer reporting agency in connec-  
8 tion with the reinsertion;

9 “(ii) a copy of the information relat-  
10 ing to the consumer, the certification that  
11 the information is accurate or complete,  
12 and the statement of the reasons sup-  
13 porting reinsertion provided by the person  
14 who provided the information to the con-  
15 sumer reporting agency under subpara-  
16 graph (A);

17 “(iii) a statement that the consumer  
18 may obtain, free of charge and within the  
19 12-month period following the date the no-  
20 tice under this subparagraph was issued, a  
21 consumer report and credit score or edu-  
22 cational score (if applicable) from the con-  
23 sumer reporting agency that includes the  
24 reinserted information, regardless of  
25 whether the consumer obtained or will ob-

1           tain a free annual consumer report and  
2           credit score or educational credit score (if  
3           applicable) under section 612;

4           “(iv) a statement that the consumer  
5           may appeal the determination that the pre-  
6           viously deleted or modified information is  
7           accurate or complete and a description of  
8           the procedure for the consumer to make  
9           such an appeal pursuant to subsection (h);  
10          and

11          “(v) a statement that the consumer  
12          has the right to add a narrative statement,  
13          free of charge, to the consumer’s file dis-  
14          puting the accuracy or completeness of the  
15          disputed information and a description of  
16          the process to add such a narrative state-  
17          ment pursuant to subsection (b).

18          “(6) EXPEDITED DISPUTE RESOLUTION.—If a  
19          consumer reporting agency determines that the in-  
20          formation provided by the consumer is sufficient to  
21          substantiate that the item of information is inac-  
22          curate, incomplete, or cannot be verified by the per-  
23          son who furnished such information, and the con-  
24          sumer reporting agency deletes or modifies such in-  
25          formation within 3 business days of receiving notice



1 of the dispute, the consumer reporting agency shall  
2 be exempt from the requirements of paragraph (4),  
3 if the consumer reporting agency provides to the  
4 consumer—

5 “(A) prompt notice confirming the deletion  
6 or modification of the information from the con-  
7 sumer’s file in writing or by other means, if  
8 agreed to by the consumer when the informa-  
9 tion is disputed;

10 “(B) a statement of the consumer’s right  
11 to request that the consumer reporting agency  
12 furnish notifications of a revised consumer re-  
13 port pursuant to subsection (d);

14 “(C) not later than 5 business days after  
15 deleting or modifying the information, a copy of  
16 the consumer report and credit score or edu-  
17 cational score (if applicable) that is based upon  
18 the consumer’s revised file; and

19 “(D) a statement that the consumer may  
20 obtain, free of charge and within the 12-month  
21 period following the date the notice under this  
22 paragraph was sent to the consumer, a con-  
23 sumer report and credit score or educational  
24 score (if applicable) from the consumer report-  
25 ing agency, regardless of whether the consumer

1           obtained or will obtain their free annual con-  
2           sumer report and credit score or educational  
3           score (if applicable) under section 612.

4           “(7) NO EXCUSE FOR FAILURE TO CONDUCT  
5           REINVESTIGATION.—A consumer reporting agency  
6           may not refuse to conduct a reinvestigation under  
7           this subsection because the agency determines that  
8           the dispute was submitted by an authorized third  
9           party, unless the agency has clear and convincing  
10          evidence that the third party is not authorized to  
11          submit the dispute on the consumer’s behalf. If the  
12          consumer reporting agency refuses to reinvestigate a  
13          dispute for these reasons, it shall provide a clear and  
14          conspicuous notice to the consumer explaining the  
15          reasons for the refusal and describing the specific in-  
16          formation the consumer is required to provide for  
17          the agency to conduct the reinvestigation.”.

18          (b) ENSURING CONSUMER REPORTING AGENCIES  
19          FURNISH CERTAIN NOTIFICATIONS WITHOUT CHARGE.—  
20          Section 611(d) of the Fair Credit Reporting Act (15  
21          U.S.C. 1681i(d)) is amended by inserting “and without  
22          charge” after “request of the consumer”.

23          (c) INCLUDING SPECIALTY CONSUMER REPORTING  
24          AGENCIES IN REPORTS.—

1           (1) IN GENERAL.—Section 611(e) of the Fair  
2           Credit Reporting Act (15 U.S.C. 1681i(e)) is  
3           amended by inserting “or 603(x)” after “section  
4           603(p)” each place such term appears.

5           (2) TECHNICAL AMENDMENT.—Paragraph (1)  
6           of such section (15 U.S.C. 1681i(e)(1)) is amended  
7           by striking “The Commission” and inserting “The  
8           Bureau”.

9           (d) CONFORMING AMENDMENTS.—Such Act is fur-  
10          ther amended—

11           (1) in section 605B(c)(2), by striking “section  
12          611(a)(5)(B)” and inserting “section 611(a)(5)”;

13           (2) in section 611—

14           (A) in subsection (e), by striking “unless  
15          there is reasonable grounds to believe that it is  
16          frivolous or irrevelant,”; and

17           (B) in subsection (f)(3)—

18           (i) in subparagraph (A), by striking  
19          “paragraph (6), (7), or (8) of subsection  
20          (a)” and inserting “paragraph (4) or (5) of  
21          subsection (a)”;

22           (ii) in subparagraph (B), by striking  
23          “in the manner required under paragraph  
24          (8)(A)”;

1           (3) in section 623(b)(1)(B), by striking “rel-  
2           evant” before “information”.

3           (e) GLOBAL TECHNICAL CORRECTIONS TO REF-  
4           ERENCES TO NATIONWIDE SPECIALTY CONSUMER RE-  
5           PORTING AGENCY.—Such Act is further amended—

6           (1) by striking “section 603(w)” and inserting  
7           “section 603(x)” each place such term appears; and

8           (2) in section 612(a)(1)(A), by striking “(w)”  
9           and inserting “(x)”.

10 **SEC. 102. CONSUMER AWARENESS OF DISPUTE RIGHTS.**

11           Section 611 of the Fair Credit Reporting Act (15  
12           U.S.C. 1681i) is amended by adding at the end the fol-  
13           lowing new subsection:

14           “(i) INCREASED CONSUMER AWARENESS OF DIS-  
15           PUTE RIGHTS.—

16           “(1) IN GENERAL.—Not later than 180 days  
17           after the date of enactment of this subsection, each  
18           consumer reporting agency described under sub-  
19           section (p) or (x) of section 603 shall—

20                   “(A) establish an Internet website acces-  
21                   sible to consumers; and

22                   “(B) post on the home page of such  
23                   website a hyperlink to a separate webpage es-  
24                   tablished and maintained solely for the purpose  
25                   of providing information to a consumer about

1           how to dispute an item of information in the  
2           consumer report of the consumer.

3           “(2) DISPUTE WEBPAGE REQUIREMENTS.—For  
4           a consumer reporting agency described under sub-  
5           section (p) or (x) of section 603, the separate dis-  
6           pute webpage described in paragraph (1)(B)—

7                   “(A) may not include any type or form of  
8                   marketing, advertising, information, or material  
9                   associated with any products or services offered  
10                  or sold to consumers;

11                  “(B) shall clearly and conspicuously dis-  
12                  close a concise statement regarding how to file  
13                  a dispute through the agency, free of charge, in  
14                  the manner and format prescribed by the Bu-  
15                  reau;

16                  “(C) shall describe the types of documents  
17                  that will be used by the agency in resolving the  
18                  dispute, including the business name and mail-  
19                  ing address to which a consumer may send such  
20                  documents;

21                  “(D) shall include a clear and concise ex-  
22                  planation of and the process for using electronic  
23                  or other means to submit such documents, free  
24                  of charge, and without any character or data  
25                  limitation imposed by the agency;

1           “(E) shall include a statement that the  
2 consumer may submit information, free of  
3 charge, that the consumer believes will assist  
4 the consumer reporting agency in determining  
5 the results of the reinvestigation of the dispute;

6           “(F) shall clearly and conspicuously dis-  
7 close a statement describing the procedure like-  
8 ly to be used by the consumer reporting agency  
9 in carrying out a reinvestigation to determine  
10 the accuracy or completeness of the disputed  
11 item of information, including the time period  
12 in which the consumer will be notified of the re-  
13 sults of the reinvestigation, and a statement  
14 that the agency may extend the reinvestigation  
15 period by an additional 15 days if the consumer  
16 submits additional information after a certain  
17 date; and

18           “(G) shall provide translations of all infor-  
19 mation on the webpage in each of the 10 most  
20 commonly spoken languages, other than  
21 English, in the United States, as determined by  
22 the Bureau of the Census on an ongoing basis,  
23 and in formats accessible to individuals with  
24 hearing or vision impairments.”.

1 **SEC. 103. MAINTENANCE OF RECORDS BY FURNISHERS.**

2 Section 623 of the Fair Credit Reporting Act (15  
3 U.S.C. 1681s-2) is amended by adding at the end the fol-  
4 lowing new subsection:

5 “(f) DUTY OF FURNISHERS TO MAINTAIN RECORDS  
6 OF CONSUMERS.—

7 “(1) IN GENERAL.—A person who furnishes in-  
8 formation to a consumer reporting agency relating  
9 to a consumer who has an account with that person  
10 shall maintain all information necessary to substan-  
11 tiate the accuracy and completeness of the informa-  
12 tion furnished, including any records establishing the  
13 liability and terms and conditions under which credit  
14 was extended to a consumer and any payment his-  
15 tory with respect to such credit.

16 “(2) RETENTION PERIOD.—Records described  
17 under paragraph (1) shall be maintained until the  
18 information with respect to which the records relate  
19 may no longer be included in a consumer report pur-  
20 suant to section 605.

21 “(3) TRANSFER OF OWNERSHIP.—If a person  
22 providing information to a consumer reporting agen-  
23 cy is acquired by another person, or if another per-  
24 son acquires the right to repayment connected to  
25 such information, the acquiring person shall be sub-  
26 ject to the requirements of this subsection with re-

1 spect to such information to the same extent as the  
2 person who initially provided such information to the  
3 consumer reporting agency. The person selling or  
4 transferring the right to repayment shall provide the  
5 information described in paragraph (1) to the trans-  
6 feree or the acquirer.”.

7 **SEC. 104. DUTIES OF FURNISHERS RELATING TO DISPUTE**  
8 **PROCEDURES, NOTICES, AND DISCLOSURES.**

9 (a) DUTY TO PROVIDE ACCURATE AND COMPLETE  
10 INFORMATION.—Section 623(a) of the Fair Credit Re-  
11 porting Act (15 U.S.C. 1681s–2(a)) is amended—

12 (1) in the subsection heading, by inserting  
13 “AND COMPLETE” after “ACCURATE”;

14 (2) in paragraph (1)—

15 (A) by inserting “or incomplete” after “in-  
16 accurate” each place that term appears; and

17 (B) in subparagraph (D), by inserting “or  
18 completeness” after “accuracy”; and

19 (3) in paragraph (8)—

20 (A) in subparagraph (A), by inserting  
21 “and completeness” after “accuracy”; and

22 (B) in subparagraph (D), by inserting “or  
23 completeness” after “accuracy”.



1 (b) NEGATIVE INFORMATION NOTICES TO CON-  
2 SUMERS.—Section 623(a)(7) (15 U.S.C. 1681s–2(a)(7))  
3 of such Act is amended to read as follows:

4 “(7) DUTY OF FURNISHERS TO INFORM CON-  
5 SUMERS ABOUT REPORTING NEGATIVE INFORMA-  
6 TION.—

7 “(A) GENERAL NEGATIVE INFORMATION  
8 WARNING NOTICE TO ALL CONSUMERS PRIOR  
9 TO FURNISHING SUCH INFORMATION.—

10 “(i) IN GENERAL.—Any person that  
11 regularly furnishes negative information to  
12 a consumer reporting agency described in  
13 subsection (p) or (x) of section 603 about  
14 activity on any accounts of a consumer  
15 held by such person or transactions associ-  
16 ated with credit extended to a consumer by  
17 such person shall provide a written general  
18 negative information warning notice to  
19 each such consumer before such person  
20 may furnish any negative information re-  
21 lating to such a consumer.

22 “(ii) CONTENT.—Such notice shall—

23 “(I) be clear and conspicuous;

1           “(II) describe the types of activi-  
2           ties that constitute negative informa-  
3           tion;

4           “(III) inform the consumer that  
5           the person may report negative infor-  
6           mation relating to any such accounts  
7           or transactions to a consumer report-  
8           ing agency described in subsection (p)  
9           or (x) of section 603;

10          “(IV) state that the negative in-  
11          formation may appear on a consumer  
12          report of the consumer for the periods  
13          described in section 605 and that dur-  
14          ing such periods, the negative infor-  
15          mation may adversely impact the con-  
16          sumer’s credit score;

17          “(V) state that in some limited  
18          circumstances, the negative informa-  
19          tion may result in other adverse ac-  
20          tions, including a denial of a new job  
21          or a promotion from existing employ-  
22          ment; and

23          “(VI) state that the consumer  
24          has right to—

1           “(aa) obtain a copy of their  
2           consumer report and credit score  
3           or educational score (if applica-  
4           ble), which in some instances can  
5           be obtained free of charge, from  
6           any consumer reporting agency  
7           to which negative information  
8           may be been sent; and

9           “(bb) dispute, free of  
10          charge, any errors on a consumer  
11          report relating to the consumer.

12          “(iii) TIMING OF NOTICE.—Such per-  
13          son shall provide such notice to a consumer  
14          not later than 90 days before the date on  
15          which the person furnishes negative infor-  
16          mation relating to such consumer.

17          “(B) SPECIFIC NEGATIVE INFORMATION  
18          NOTICE TO A CONSUMER.—

19          “(i) IN GENERAL.—Any person de-  
20          scribed in subparagraph (A) that has fur-  
21          nished negative information relating to ac-  
22          tivity on any accounts of a consumer held  
23          by such person or transactions associated  
24          with credit extended to a consumer by such  
25          person to a consumer reporting agency de-

1 scribed in subsection (p) or (x) of section  
2 603 shall send a written notice to each  
3 such consumer.

4 “(ii) CONTENT.—Such notice shall—

5 “(I) be clear and conspicuous;

6 “(II) inform the consumer that  
7 the person has furnished negative in-  
8 formation relating to such accounts or  
9 transactions to a consumer reporting  
10 agency described in subsection (p) or  
11 (x) of section 603;

12 “(III) identify any consumer re-  
13 porting agency to which the negative  
14 information was furnished, including  
15 the name of the agency, mailing ad-  
16 dress, Internet website address, and  
17 toll-free telephone number; and

18 “(IV) include the statements de-  
19 scribed in subclauses (IV), (V), and  
20 (VI) of subparagraph (A)(ii).

21 “(iii) TIME OF NOTICE.—Such person  
22 shall provide such notice to a consumer not  
23 later than 5 business days after the date  
24 on which the person furnished negative in-  
25 formation relating to such consumer.

1           “(C) NOTICE EFFECTIVE FOR SUBSE-  
2           QUENT SUBMISSIONS.—After providing the no-  
3           tice described in subparagraph (B), the person  
4           may submit additional negative information to  
5           a consumer reporting agency described in sub-  
6           section (p) or (x) of section 603 without pro-  
7           viding additional notice to the consumer, unless  
8           another person acquires the right to repayment  
9           connected to the additional negative informa-  
10          tion. The acquiring person shall be subject to  
11          the requirements of this paragraph and shall be  
12          required to send consumers the written notices  
13          described in this paragraph, if applicable.

14          “(D) NON-TRADITIONAL DATA FUR-  
15          NISHERS.—Any person that furnishes negative  
16          information to a consumer reporting agency de-  
17          scribed in subsection (p) or (x) of section 603  
18          relating to any accounts of, or transactions as-  
19          sociated with, a consumer by such person in-  
20          volving non-traditional data shall be subject to  
21          the requirements described in subparagraphs  
22          (A), (B), and (C).

23          “(E) MODEL NOTICES.—

24                  “(i) DUTY OF BUREAU.—Not later  
25                  than 6 months after date of the enactment

1 of this paragraph, the Bureau shall issue  
2 model forms for the notices described in  
3 subparagraphs (A) and (B) that a person  
4 may use to comply with the requirements  
5 of this paragraph.

6 “(ii) USE OF MODEL NOTICE NOT RE-  
7 QUIRED.—No provision of this paragraph  
8 may be construed to require a person to  
9 use the model notices prescribed by the  
10 Bureau.

11 “(iii) COMPLIANCE USING MODEL NO-  
12 TICES.—A person shall be deemed to be in  
13 compliance with the requirements of sub-  
14 paragraph (A)(ii) or (B)(ii) (as applicable)  
15 if the person uses the model notice pre-  
16 scribed by the Bureau.

17 “(F) ISSUANCE OF GENERAL NEGATIVE  
18 WARNING NOTICE WITHOUT SUBMITTING NEGA-  
19 TIVE INFORMATION.—No provision of this para-  
20 graph may be construed to require a person de-  
21 scribed in subparagraph (A) or (D) to furnish  
22 negative information about a consumer to a  
23 consumer reporting agency described in sub-  
24 section (p) or (x) of section 603.

1           “(G) SAFE HARBOR.—A person shall not  
2           be liable for failure to perform the duties re-  
3           quired by this paragraph if the person reason-  
4           ably believes that the person is prohibited, by  
5           law, from contacting the consumer.

6           “(H) EFFECTIVE DATE.—The require-  
7           ments of subparagraphs (A), (B), (C), and (D)  
8           shall not take effect until the date that is 6  
9           months after the date of the issuance of model  
10          forms for notices under subparagraph (E).

11          “(I) DEFINITIONS.—In this paragraph, the  
12          following definitions shall apply:

13               “(i) NEGATIVE INFORMATION.—The  
14               term ‘negative information’ means infor-  
15               mation concerning a consumer’s delin-  
16               quencies, late payments, insolvency, or any  
17               form of default.

18               “(ii) NON-TRADITIONAL DATA.—The  
19               term ‘non-traditional data’ relates to tele-  
20               communications payments, utility pay-  
21               ments, rent payments, remittances, wire  
22               transfers, and such other items as deter-  
23               mined by the Bureau.”.

24          (c) DUTIES OF FURNISHERS AFTER RECEIVING NO-  
25          TICE OF DISPUTE FROM A CONSUMER.—Section

1 623(a)(8)(E) of the Fair Credit Reporting Act (15 U.S.C.  
2 1681s-2(a)(8)(E)) is amended to read as follows:

3           “(E) DUTIES OF FURNISHERS AFTER RE-  
4           CEIVING NOTICE OF DISPUTE FROM A CON-  
5           SUMER.—After receiving a notice of dispute  
6           from a consumer pursuant to subparagraph  
7           (D), the person that provided the information  
8           in dispute to a consumer reporting agency  
9           shall—

10                   “(i) promptly provide to each con-  
11                   sumer reporting agency to which the per-  
12                   son furnished the disputed information the  
13                   notice of dispute;

14                   “(ii) review all information, including  
15                   any substantiating documents, provided by  
16                   the consumer about the disputed informa-  
17                   tion and conduct an investigation, separate  
18                   from any reinvestigation by a consumer re-  
19                   porting agency or a reseller conducted with  
20                   respect to the disputed information;

21                   “(iii) before the expiration of the pe-  
22                   riod under section 611(a)(1) within which  
23                   a consumer reporting agency would be re-  
24                   quired to complete its action if the con-  
25                   sumer had elected to dispute the informa-



1           tion under that section, complete an inves-  
2           tigation of the disputed information pursu-  
3           ant to the standards described in subpara-  
4           graph (G);

5           “ (iv) notify the consumer, in writing,  
6           of the receipt of the dispute that in-  
7           cludes—

8                   “(I) a statement about any infor-  
9                   mation additional to the information  
10                  that the person is required to main-  
11                  tain under subsection (f) that would  
12                  support the person’s ability to carry  
13                  out an investigation to resolve the  
14                  consumer’s dispute; and

15                  “(II) a statement that the con-  
16                  sumer reporting agency to which the  
17                  disputed information was provided will  
18                  include a notation described in section  
19                  605(e) in the consumer’s file until the  
20                  investigation has been completed, and  
21                  information about how a consumer  
22                  may request that such notation is re-  
23                  moved by the agency;

24           “ (v) if the investigation determines  
25           the disputed information is inaccurate, in-

1 complete, or unverifiable, promptly notify  
2 each consumer reporting agency to which  
3 the person furnished such information in  
4 accordance with paragraph (2); and

5 “(vi) notify the consumer of the re-  
6 sults of the investigation, in writing, in ac-  
7 cordance with subparagraph (H).”.

8 (d) ELIMINATING FURNISHERS’ AUTHORITY TO DIS-  
9 MISS DISPUTES AS FRIVOLOUS OR IRRELEVANT.—Section  
10 623(a)(8) of such Act (15 U.S.C. 1681s–2(a)(8)) is  
11 amended by striking subparagraph (F) and redesignating  
12 subparagraph (G) as subparagraph (F).

13 (e) ADDITIONAL DUTIES.—Section 623(a)(8) of such  
14 Act (15 U.S.C. 1681s–2(a)(8)) is further amended by add-  
15 ing at the end the following new subparagraphs:

16 “(G) REASONABLE STANDARDS FOR FUR-  
17 NISHERS FOR CONDUCTING INVESTIGATIONS  
18 AND RESOLVING DISPUTES SUBMITTED BY CON-  
19 SUMERS.—In any investigation conducted by a  
20 person who furnishes information to a con-  
21 sumer reporting agency of an item of informa-  
22 tion being disputed by a consumer, the person,  
23 at a minimum—

24 “(i) shall maintain sufficient resources  
25 and trained staff, commensurate with the

1 volume and complexity of disputes received  
2 or reasonably anticipated to be received, to  
3 conduct investigations;

4 “(ii) shall verify that the person has a  
5 record of the particular information being  
6 disputed, consistent with the requirements  
7 of subsection (f);

8 “(iii) shall verify that the personally  
9 identifiable information of the consumer  
10 submitting the dispute matches the person-  
11 ally identifiable information contained on  
12 such records;

13 “(iv) shall conduct a reasonable re-  
14 view to determine whether the disputed in-  
15 formation is accurate, complete, and can  
16 be verified that considers all the informa-  
17 tion, including any substantiating docu-  
18 ments, provided by the consumer about the  
19 disputed information;

20 “(v) shall ensure that the investiga-  
21 tion is an independent analysis that is sep-  
22 arate from any reinvestigation by a con-  
23 sumer reporting agency or a reseller con-  
24 ducted with respect to the disputed infor-  
25 mation; and

1           “(vi) may not impose any limitations  
2           or otherwise impede the ability of a con-  
3           sumer to submit information, including  
4           any substantiating documents, about the  
5           disputed information.

6           “(H) CONTENTS OF THE NOTICE TO THE  
7           CONSUMER ABOUT THE RESULTS OF THE IN-  
8           VESTIGATION BY THE FURNISHER.—The notice  
9           of the results of the investigation described in  
10          subparagraph (E) shall include—

11           “(i) a statement informing the con-  
12           sumer as to whether the disputed informa-  
13           tion was determined to be inaccurate, in-  
14           complete, or unverifiable;

15           “(ii) a statement of the specific rea-  
16           sons supporting the results of the inves-  
17           tigation;

18           “(iii) a description of the procedure  
19           used by the dispute resolution staff of the  
20           person who furnishes information to a con-  
21           sumer reporting agency to determine the  
22           accuracy or completeness of the informa-  
23           tion, including the business name, mailing  
24           address, telephone number, and Internet  
25           website address (if available) of any person

1 who was contacted by the staff in connec-  
2 tion with the determination;

3 “(iv) a copy of all information relating  
4 to the consumer that was used in carrying  
5 out the investigation and was the basis for  
6 any determination about the accuracy or  
7 completeness of the disputed information;

8 “(v) a statement that consumer will  
9 receive, free of charge, a copy of their con-  
10 sumer report and credit score or edu-  
11 cational credit score (if applicable), from  
12 any consumer reporting agency to which  
13 the disputed information had been pro-  
14 vided, regardless of whether the consumer  
15 obtained or will obtain a free consumer re-  
16 port and credit score or educational credit  
17 score (if applicable) in the 12-month period  
18 preceding receipt of the notice described in  
19 this subparagraph pursuant to section  
20 612(a)(1);

21 “(vi) if the disputed information was  
22 found to be inaccurate, incomplete, or un-  
23 verifiable, a statement that the consumer  
24 report of the consumer shall be revised to

1 reflect the change to the consumer’s file as  
2 a result of the investigation;

3 “(vii) a statement that the consumer  
4 has the right to appeal the results of the  
5 investigation under paragraph (10), free of  
6 charge, within 120 days after the date of  
7 the notice of the results of the investiga-  
8 tion was provided to the consumer and the  
9 process for submitting an appeal;

10 “(viii) a statement that the consumer  
11 may add a narrative statement, free of  
12 charge, to the consumer’s file held by the  
13 consumer reporting agency to which the in-  
14 formation has been furnished disputing the  
15 accuracy or completeness of the informa-  
16 tion, regardless of the results of the inves-  
17 tigation by the person, and the process for  
18 contacting any agency that received the  
19 consumer’s information from the person to  
20 submit a narrative statement;

21 “(ix) a statement informing the con-  
22 sumer that a notation described in section  
23 605(e) will be added to the consumer’s file  
24 during the period in which the consumer  
25 appeals the results of an investigation and

1 that such notation can be removed at the  
2 request of the consumer; and

3 “(x) a statement that the consumer  
4 has the right to request a copy of their  
5 consumer report and credit score or edu-  
6 cational credit score (if applicable), free of  
7 charge, within the 12-month period fol-  
8 lowing the date of the conclusion of the in-  
9 vestigation from any consumer reporting  
10 agency in which the disputed information  
11 had been provided, regardless of whether  
12 the consumer obtained or will obtain a free  
13 annual consumer report and credit score or  
14 educational credit score (if applicable)  
15 under this subparagraph or section  
16 612(a)(1).”.

17 (f) CONFORMING AMENDMENT.—Section  
18 615(a)(4)(B) is amended—

19 (1) by striking “, under section 611, with a  
20 consumer reporting agency”; and

21 (2) by striking “furnished by the agency” and  
22 inserting “to a consumer reporting agency under  
23 section 611 or to a person who furnished informa-  
24 tion to an agency under section 623”.

1 **SEC. 105. RIGHT TO APPEAL DISPUTES RELATING TO RE-**  
2 **INVESTIGATIONS AND INVESTIGATIONS.**

3 (a) APPEALS OF REINVESTIGATIONS CONDUCTED BY  
4 A CONSUMER REPORTING AGENCY.—Section 611 of the  
5 Fair Credit Reporting Act (15 U.S.C. 1681i) is amend-  
6 ed—

7 (1) in subsection (b), by inserting “or if the  
8 consumer is unsatisfied with the results of an appeal  
9 conducted under subsection (h),” after “resolve the  
10 dispute,”; and

11 (2) by inserting after subsection (h) (as added  
12 by section 102) the following new subsection:

13 “(i) CONSUMER RIGHT TO APPEAL RESULTS OF A  
14 CONSUMER REPORTING AGENCY REINVESTIGATION.—

15 “(1) IN GENERAL.—Within 120 days after the  
16 date of receipt of the results of a reinvestigation  
17 conducted under subsection (a), a consumer (or au-  
18 thorized third party) may, free of charge, appeal the  
19 results of such reinvestigation by submitting a notice  
20 of appeal to the consumer reporting agency.

21 “(2) NOTICE OF APPEAL.—

22 “(A) REQUIREMENTS.—A notice of appeal  
23 described in paragraph (1) may be submitted in  
24 writing, or through a toll-free telephone number  
25 or other electronic means established by the  
26 consumer reporting agency (including on the



1 Internet website described in subsection (g)),  
2 and—

3 “(i) shall identify the information con-  
4 tained in the consumer’s file that is the  
5 subject of the appeal;

6 “(ii) shall describe the specific reasons  
7 for submitting the notice of appeal; and

8 “(iii) may provide any information the  
9 consumer believes is relevant to substan-  
10 tiate the validity of the dispute.

11 “(B) CONSUMER REPORTING AGENCY NO-  
12 TICE TO CONSUMER.—Upon receipt of such no-  
13 tice of appeal, the consumer reporting agency  
14 shall promptly provide to the consumer a state-  
15 ment confirming the receipt of the consumer’s  
16 notice of appeal that shall include—

17 “(i) an approximate date on which the  
18 consumer’s appeal review will be com-  
19 pleted;

20 “(ii) the process and procedures by  
21 which such review will be conducted; and

22 “(iii) an employee reference number  
23 or other employee identifier for each of the  
24 specific individuals designated by the con-  
25 sumer reporting agency who, upon the re-

1           quest of the consumer, may discuss the  
2           substance and status of the appeal.

3           “(3) CONSUMER REPORTING AGENCY REQUIRE-  
4           MENTS UPON RECEIPT OF NOTICE OF APPEAL.—

5           “(A) IN GENERAL.—Not later than 20  
6           days after receiving a notice of appeal, the con-  
7           sumer reporting agency shall review the appeal.  
8           If the consumer reporting agency determines  
9           the information is inaccurate, incomplete, or  
10          cannot be verified, the consumer reporting  
11          agency shall delete or modify the item of infor-  
12          mation being disputed by the consumer from  
13          the file of the consumer before the end of the  
14          20-day period beginning on the date on which  
15          the consumer reporting agency receives a notice  
16          of an appeal from the consumer.

17          “(B) NOTICE OF APPEAL TO FURNISHER;  
18          INFORMATION REGARDING DISPUTE PROVIDED  
19          BY THE CONSUMER.—

20          “(i) IN GENERAL.—Before the end of  
21          the period of 3 business days beginning on  
22          the date on which a consumer reporting  
23          agency receives a notice of appeal, the con-  
24          sumer reporting agency shall provide no-  
25          tice of the appeal, including all information

1 relating to the specific appeal that the con-  
2 sumer reporting agency has received from  
3 the consumer, to any person who provided  
4 any information in dispute.

5 “(ii) PROVISION OF ADDITIONAL IN-  
6 FORMATION REGARDING THE DISPUTE.—If  
7 the consumer reporting agency receives ad-  
8 ditional information from the consumer  
9 after the agency provides the notice re-  
10 quired under clause (i) and before the end  
11 of the 20-day period described in subpara-  
12 graph (A), the consumer reporting agency  
13 shall, not later than 3 business days after  
14 receiving such information, provide such  
15 information to any person who provided  
16 the information in dispute and shall have  
17 an additional 10 business days to complete  
18 the appeal review.

19 “(C) MINIMUM STANDARDS FOR APPEALS  
20 EMPLOYEES.—

21 “(i) DESIGNATION.—Upon receipt of  
22 a notice of appeal under paragraph (1), a  
23 consumer reporting agency shall designate  
24 one or more specific employees who—

1           “(I) shall be assigned an em-  
2           ployee reference number or other em-  
3           ployee identifier that can be used by  
4           the consumer to discuss the appeal  
5           with the specific individuals handling  
6           the appeal;

7           “(II) shall have direct authority  
8           to resolve the dispute that is the sub-  
9           ject of the notice of appeal from the  
10          review stage to its completion;

11          “(III) shall meet minimum train-  
12          ing and ongoing certification require-  
13          ments at regular intervals, as estab-  
14          lished by the Bureau;

15          “(IV) shall be located within the  
16          United States;

17          “(V) may not have been involved  
18          in the reinvestigation conducted or  
19          terminated pursuant to subsection (a);  
20          and

21          “(VI) may not be subject to any  
22          requirements linking incentives, in-  
23          cluding promotion, to the number of  
24          appeals processed within a certain  
25          time period.

1           “(ii) REQUIREMENTS.—Such employ-  
2           ees shall conduct a robust review of the ap-  
3           peal and make a determination regarding  
4           the accuracy and completeness of the dis-  
5           puted information by—

6                   “(I) conducting an independent  
7                   analysis, separate from any investiga-  
8                   tion by a reseller or person who pro-  
9                   vided the disputed information, and  
10                  separate from any prior reinvestiga-  
11                  tion conducted by the consumer re-  
12                  porting agency of the disputed infor-  
13                  mation;

14                  “(II) verifying that the personally  
15                  identifiable information of the con-  
16                  sumer submitting the dispute matches  
17                  the personally identifiable information  
18                  contained on the consumer’s file;

19                  “(III) analyzing the notice of ap-  
20                  peal and all information, including  
21                  any substantiating documents, pro-  
22                  vided by the consumer with the notice  
23                  of appeal;

24                  “(IV) evaluating the validity of  
25                  any information submitted by any

1 person that was used by the consumer  
2 reporting agency in the reinvestigation  
3 of the initial dispute;

4 “(V) verifying that the consumer  
5 reporting agency has a record of the  
6 information being disputed; and

7 “(VI) applying any additional  
8 factors or investigative processes, as  
9 specified by the Bureau.

10 “(D) NOTICE OF APPEAL RESULTS.—Not  
11 later than 5 days after the end of the 20-day  
12 period described under subparagraph (A) (or  
13 the 10-day extension period, as applicable) the  
14 consumer reporting agency shall provide the  
15 consumer with written notice of the results of  
16 the appeal by postal mail or, if requested by the  
17 consumer, by other means. The contents of  
18 such notice shall include—

19 “(i) a statement that the appeal is  
20 completed and the date on which it was  
21 completed, the results of the appeal, and  
22 the specific reasons supporting the results  
23 of the appeal;

1           “(ii) a copy of all information relating  
2 to the consumer that was used as a basis  
3 for deciding the results of the appeal;

4           “(iii) a consumer report that is based  
5 upon the consumer’s file as that file may  
6 have been revised as a result of the appeal;

7           “(iv) a description of the procedure  
8 used to determine the accuracy and com-  
9 pleteness of the information, including the  
10 business name, telephone number, mailing  
11 address, and Internet website address (if  
12 applicable) of any person who provided in-  
13 formation that was contacted in connection  
14 with such information, if reasonably avail-  
15 able;

16           “(v) information describing that the  
17 consumer may submit a statement, without  
18 charge, disputing the accuracy or com-  
19 pleteness of information in the consumer’s  
20 file that was the subject of an appeal  
21 under this subsection by submitting a  
22 statement directly to each consumer re-  
23 porting agency that received the informa-  
24 tion;

1           “(vi) a description of the consumer’s  
2           rights pursuant to subsection (d) (relating  
3           to furnishing notifications to certain users  
4           of consumer reports); and

5           “(vii) any other information, as deter-  
6           mined by the Bureau.

7           “(E) NO EXCUSE FOR FAILURE TO CON-  
8           DUCT APPEAL.—A consumer reporting agency  
9           may not refuse to conduct a review of an appeal  
10          under this subsection because the agency deter-  
11          mines that the notice of appeal was submitted  
12          by an authorized third party, unless the agency  
13          has clear and convincing evidence that the third  
14          party is not authorized to submit the notice of  
15          appeal on the consumer’s behalf. If the con-  
16          sumer reporting agency refuses to conduct a re-  
17          view of the appeal for these reasons, it shall  
18          provide a clear and conspicuous written notice  
19          to the consumer explaining the reasons for the  
20          refusal and describing any information the con-  
21          sumer is required to provide for the agency to  
22          conduct a review of the appeal.”.

23          (b) APPEALS OF INVESTIGATIONS CONDUCTED BY  
24          FURNISHERS OF INFORMATION.—Section 623(a) of the  
25          Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is



1 amended by adding at the end the following new para-  
2 graph:

3 “(10) DUTY OF FURNISHERS OF INFORMATION  
4 UPON NOTICE OF APPEAL OF INVESTIGATION.—

5 “(A) IN GENERAL.—Within 120 days of  
6 the date of receipt of the results of an inves-  
7 tigation conducted under paragraph (8)(E), a  
8 consumer may, free of charge, appeal such re-  
9 sults by submitting a notice of appeal to the  
10 person who provided the information in the dis-  
11 pute to a consumer reporting agency (hereafter  
12 in this paragraph referred to as the ‘furnisher’).

13 “(B) NOTICE OF APPEAL.—A notice of ap-  
14 peal described in subparagraph (A) may be sub-  
15 mitted in writing, through a toll-free telephone  
16 number, or by other electronic means estab-  
17 lished by the furnisher, and—

18 “(i) shall identify the information con-  
19 tained in the consumer’s file that is the  
20 subject of the appeal;

21 “(ii) shall describe the specific reasons  
22 for submitting the notice of appeal; and

23 “(iii) may include any information, in-  
24 cluding substantiating documents, the con-  
25 sumer believes is relevant to the appeal.

1           “(C) FURNISHER ACTIONS.—Upon receipt  
2 of such notice of appeal, the furnisher shall—

3           “(i) before the end of the period of 3  
4 business days beginning on the date on  
5 which the furnisher receives the notice of  
6 appeal, notify each consumer reporting  
7 agency to which the person furnished such  
8 information a statement identifying the  
9 items of information that a consumer is  
10 appealing; and

11           “(ii) notify the consumer confirming  
12 the receipt of the consumer’s notice of ap-  
13 peal, including an approximate date when  
14 the consumer’s appeal will be completed,  
15 the process and procedures by which a re-  
16 view of the appeal will be conducted, and  
17 the specific individual designated by the  
18 consumer reporting agency who, upon the  
19 request of the consumer, may discuss the  
20 substance and status of the appeal.

21           “(D) FURNISHER REQUIREMENTS UPON  
22 RECEIPT OF NOTICE OF APPEAL.—Not later  
23 than 20 days after receiving a notice of appeal,  
24 the furnisher shall determine whether the item  
25 of information being disputed by the consumer

1 is inaccurate, incomplete, or cannot be verified,  
2 and shall notify the consumer reporting agency  
3 of the determination. If the furnisher cannot  
4 verify the accuracy or completeness of the dis-  
5 puted information, the furnisher shall, before  
6 the end of the 20-day period beginning on the  
7 date on which the furnisher receives notice of  
8 an appeal from the consumer, submit instruc-  
9 tions to the consumer reporting agency that the  
10 item of information being disputed by the con-  
11 sumer should be deleted from the file of the  
12 consumer.

13 “(E) MINIMUM STANDARDS FOR APPEALS  
14 EMPLOYEES.—Upon receipt of a notice of ap-  
15 peal under subparagraph (A), a furnisher shall  
16 designate one or more specific employees who—

17 “(i) shall be assigned an employee ref-  
18 erence number or other employee identifier  
19 that can be used by the consumer to dis-  
20 cuss the appeal with the specific individ-  
21 uals handling the appeal;

22 “(ii) shall have direct authority to re-  
23 solve the dispute that is the subject of the  
24 notice of appeal on behalf of the furnisher  
25 from the review stage to its completion;

1           “(iii) shall meet minimum training  
2           and ongoing certification requirements at  
3           regular intervals, as established by the Bu-  
4           reau;

5           “(iv) may not have been involved in  
6           an investigation conducted pursuant to  
7           paragraph (8); and

8           “(v) may not be subject to any re-  
9           quirements linking incentives, including  
10          promotion, to the number of appeals proc-  
11          essed within a certain time period.

12          “(F) REQUIREMENTS FOR APPEALS PROC-  
13          ESS.—Such employees shall conduct a robust  
14          review of the appeal and make a determination  
15          regarding the accuracy and completeness of the  
16          disputed information by—

17               “(i) conducting an independent anal-  
18               ysis, separate from any reinvestigation by  
19               a reseller or consumer reporting agency, of  
20               the disputed information;

21               “(ii) verifying that the personally  
22               identifiable information related to the dis-  
23               pute is accurate and complete;

24               “(iii) analyzing the notice of appeal  
25               and all information, including substan-

1           tiating documents, provided by the con-  
2           sumer with the notice of appeal;

3           “(iv) evaluating the validity of any in-  
4           formation submitted by any person that  
5           was used by the furnisher in the initial in-  
6           vestigation into the dispute;

7           “(v) verifying that the information  
8           being disputed relates to the consumer in  
9           whose file the information is located;

10          “(vi) verifying that the furnisher has  
11          a record of the information being disputed;  
12          and

13          “(vii) applying any additional factors  
14          or investigative processes, as specified by  
15          the Bureau.

16          “(G) EXTENSION OF REVIEW PERIOD.—If  
17          a consumer submits additional information re-  
18          lated to the appeal after the period of 3 busi-  
19          ness days described in subparagraph (C)(i) and  
20          before the end of the 20-day period described in  
21          subparagraph (D), the furnisher shall have an  
22          additional 10 business days to complete the re-  
23          view of the appeal.

24          “(H) NOTICE OF APPEAL RESULTS.—Not  
25          later than 5 days after the end of the 20-day

1 period described in subparagraph (D) (or the  
2 10 business day extension described under sub-  
3 paragraph (G), as applicable) the furnisher  
4 shall provide the consumer with written notice  
5 of the results of the appeal by mail or, if re-  
6 quested by the consumer, by other means. The  
7 contents of such notice shall include—

8 “(i) a statement that the appeal is  
9 completed and the date on which it was  
10 completed, the results of the appeal, and  
11 the specific reasons supporting the results  
12 of the appeal;

13 “(ii) a copy of all information relating  
14 to the consumer that was used as a basis  
15 for deciding the results of the appeal;

16 “(iii) if the appeal results in any  
17 change to the consumer report, a notifica-  
18 tion that the consumer shall receive a copy,  
19 free of charge, of a revised consumer re-  
20 port (based upon the consumer’s file as  
21 that file was changed as a result of the ap-  
22 peal) and a credit score or educational  
23 credit score (if applicable) from each con-  
24 sumer reporting agency that had been fur-  
25 nished incorrect information;

1           “(iv) a description of the procedure  
2           used to determine the accuracy and com-  
3           pleteness of the information, including the  
4           business name, telephone number, mailing  
5           address, and Internet website address (if  
6           applicable), of any person who provided in-  
7           formation that was contacted in connection  
8           with such information, if reasonably avail-  
9           able;

10           “(v) information describing that the  
11           consumer may submit a statement, without  
12           charge, disputing the accuracy or com-  
13           pleteness of information in the consumer’s  
14           file that was the subject of an appeal  
15           under this paragraph by submitting a  
16           statement directly to each consumer re-  
17           porting agency that received the informa-  
18           tion; and

19           “(vi) a notification that the consumer  
20           may request the furnisher to submit to  
21           each consumer reporting agency the con-  
22           sumer’s request to furnish notifications  
23           pursuant to section 611(d) (relating to fur-  
24           nishing notifications to certain users of  
25           consumer reports).”.

1           (c) TECHNICAL AMENDMENT.—Section 623(a)(8)(A)  
2 of the Fair Credit Reporting Act (15 U.S.C. 1681s–  
3 2(a)(8)(A)) is amended by striking “reinvestigate” and in-  
4 serting “investigate”.

5           (d) CONFORMING AMENDMENTS.—Section 609 of the  
6 Fair Credit Reporting Act (15 U.S.C. 1681g) is amend-  
7 ed—

8                   (1) in subsection (c)—

9                           (A) by striking “Commission” and insert-  
10 ing “Bureau” each place that term appears;

11                           (B) in the subsection heading, by striking  
12 “RIGHTS TO OBTAIN AND DISPUTE INFORMA-  
13 TION IN CONSUMER REPORTS AND TO OBTAIN  
14 CREDIT SCORES” and inserting “KEY CON-  
15 SUMER REPORTING RIGHTS”; and

16                           (C) in paragraph (1)—

17                                   (i) in the heading, by striking “COM-  
18 MISSION” and inserting “BUREAU”;

19                                   (ii) in subparagraph (B)—

20   (I) in clause (ii), by striking “a  
21 consumer report without charge under  
22 section 612” and inserting “consumer  
23 reports and credit scores or edu-  
24 cational credit scores (as applicable)



1 without charge under subsections (f),  
2 (g), (i), or (j) or section 612”;

3 (II) in clause (iii), by inserting  
4 “or section 623” after “section 611”;

5 (III) by striking clauses (iv) and  
6 (vi);

7 (IV) by inserting after clause (iii)  
8 the following new clause:

9 “(iv) the right of a consumer to ap-  
10 peal a determination of a reinvestigation  
11 conducted by a consumer reporting agency  
12 under section 611(h) or an investigation  
13 conducted by a furnisher of information  
14 under section 623(a)(10);”;

15 (V) by adding at the end the fol-  
16 lowing new clause:

17 “(vi) the method and circumstances  
18 under which consumers can obtain a 1-  
19 year fraud alert, 7-year fraud alert, active  
20 duty alert, or security freeze as described  
21 in section 605A through a consumer re-  
22 porting agency described under section  
23 603(p).”;

1 (iii) in subparagraph (C) (as amended  
2 by subparagraph (A)) by inserting “and  
3 the Commission” after “Bureau”; and

4 (iv) by adding at the end the following  
5 new subparagraph:

6 “(D) PUBLICATION OF SUMMARY  
7 RIGHTS.—A consumer reporting agency de-  
8 scribed under subsection (p) or (x) of section  
9 603 shall display in a clear and conspicuous  
10 manner, including on the Internet website of  
11 the consumer reporting agency, the summary of  
12 rights prepared by the Bureau under this para-  
13 graph.”; and

14 (2) in subsection (d), by inserting “Bureau and  
15 the” before “Commission”.

16 **SEC. 106. REVISED CONSUMER REPORTS.**

17 Section 611 of the Fair Credit Reporting Act (15  
18 U.S.C. 1681i), as amended by section 105(a)(2), is further  
19 amended by adding at the end the following new sub-  
20 section:

21 “(j) REQUIREMENT TO SEND REVISED CONSUMER  
22 REPORT TO CONSUMER.—Upon receiving a notice de-  
23 scribed in section 623(a)(8)(E)(iv), each consumer report-  
24 ing agency shall send to the consumer a revised consumer  
25 report and credit score or education credit score (if appli-

1 cable) based upon the consumer's file as that file was  
2 changed as a result of the investigation.”.

3 **SEC. 107. INDICATION OF DISPUTE BY CONSUMERS AND**  
4 **USE OF DISPUTED INFORMATION.**

5 Section 605(f) of the Fair Credit Reporting Act (15  
6 U.S.C. 1681c(f)) is amended to read as follows:

7 “(f) INDICATION OF DISPUTE.—

8 “(1) IN GENERAL.—A consumer reporting  
9 agency shall include in any consumer report based  
10 on the consumer's file a notation identifying any  
11 item of information that is currently in dispute by  
12 the consumer if—

13 “(A) a consumer disputes the completeness  
14 or accuracy of any item of information con-  
15 tained in a consumer's file pursuant to section  
16 611(a)(1);

17 “(B) a consumer files with a consumer re-  
18 porting agency an appeal of a reinvestigation  
19 pursuant to section 611(i); or

20 “(C) the consumer reporting agency is no-  
21 tified by a person that furnished any items of  
22 information that are currently in dispute by the  
23 consumer that—

24 “(i) a consumer disputes the com-  
25 pleteness or accuracy of any information

1 furnished by a person to any consumer re-  
2 porting agency pursuant to paragraph (3)  
3 or (8) of section 623(a); or

4 “(ii) a consumer submits a notice of  
5 appeal under section 623(a)(10).

6 “(2) OPT OUT.—A consumer may submit a re-  
7 quest to a consumer reporting agency or a person  
8 who furnished the information in dispute, as applica-  
9 ble, to have the notation described in paragraph (1)  
10 omitted from the consumer report. Upon receipt of  
11 such a request—

12 “(A) by a consumer reporting agency, such  
13 agency shall remove the notation within 1 busi-  
14 ness day; and

15 “(B) by a person who furnished the infor-  
16 mation in dispute, such person shall submit  
17 such request to each consumer reporting agency  
18 to which the person furnished such information  
19 within 1 business day and such agency shall re-  
20 move the notation within 1 business day of re-  
21 ceipt of such request.”.

1 **SEC. 108. ACCURACY AND COMPLETENESS REPORT DUTIES**  
2 **FOR CONSUMER REPORTING AGENCIES AND**  
3 **FURNISHERS.**

4 Section 607(b) of the Fair Credit Reporting Act (15  
5 U.S.C. 1681e) is amended to read as follows:

6 “(b) ACCURACY AND COMPLETENESS OF REPORT.—

7 “(1) IN GENERAL.—In preparing a consumer  
8 report, a consumer reporting agency shall maintain  
9 reasonable procedures to ensure maximum possible  
10 accuracy and completeness of the information con-  
11 cerning the individual to whom the consumer report  
12 relates.

13 “(2) BUREAU RULE TO ASSURE MAXIMUM POS-  
14 SIBLE ACCURACY AND COMPLETENESS WITH CREDIT  
15 REPORTING PRACTICES.—

16 “(A) RULE.—Not later than 18 months  
17 after the date of enactment of this subsection,  
18 the Bureau shall issue a final rule establishing  
19 the procedures described in paragraph (1).

20 “(B) REQUIREMENTS.—In formulating the  
21 rule required under subparagraph (A), the Bu-  
22 reau shall—

23 “(i) develop standards for matching  
24 the personally identifiable information in-  
25 cluded in the consumer’s file with the per-  
26 sonally identifiable information furnished

1 by the person who provided the informa-  
2 tion to the consumer reporting agency  
3 (hereafter in this subsection referred to as  
4 the ‘furnisher’), including the full name of  
5 a consumer, the date of birth of a con-  
6 sumer, the full social security number of a  
7 consumer, and any other information that  
8 the Bureau determines would aid in assur-  
9 ing maximum possible accuracy and com-  
10 pleteness of such consumer reports;

11 “(ii) establish processes for a con-  
12 sumer reporting agency to monitor the in-  
13 tegrity of the data provided by furnishers  
14 and the compliance of furnishers with the  
15 requirements of this title;

16 “(iii) establish processes for a con-  
17 sumer reporting agency to regularly rec-  
18 oncile data relating to accounts in collec-  
19 tion, including those that have not been  
20 paid in full, by specifying the cir-  
21 cumstances under which the consumer re-  
22 porting agency shall remove or suppress  
23 negative or adverse information from a  
24 consumer’s file that has not been updated  
25 by a furnisher who is also a debt collector

1 (as defined in section 803 of the Fair Debt  
2 Collection Practices Act) within the time  
3 period established by the Bureau;

4 “(iv) establish procedures to require  
5 each consumer reporting agency to review  
6 and monitor the quality of information re-  
7 ceived from any source, including informa-  
8 tion from public records, by regularly and  
9 on an ongoing basis comparing the infor-  
10 mation received to the information avail-  
11 able from the original source and ensuring  
12 that the information received is the most  
13 current information;

14 “(v) develop standards and procedures  
15 for consumer reporting agencies to identify  
16 furnishers that repeatedly fail to provide  
17 accurate and complete information, to take  
18 corrective action against such furnishers,  
19 and to reject information submitted by  
20 such furnishers;

21 “(vi) develop standards and proce-  
22 dures for consumer reporting agencies to  
23 adopt regarding collection of public record  
24 data, including standards and procedures  
25 to consider the ultimate data source, how

1 the public record information is filed and  
2 its availability and accessibility, and wheth-  
3 er information relating to the satisfaction  
4 of judgments or other updates to the pub-  
5 lic record are available on a reasonably  
6 timely basis from a particular source; and

7 “(vii) establish any other factors, pro-  
8 cedures, or processes determined by the  
9 Bureau to be necessary to assist consumer  
10 reporting agencies in achieving maximum  
11 possible accuracy and completeness of the  
12 information in consumer reports.

13 “(3) CORRECTIVE ACTION FOR FURNISHERS  
14 THAT REPEATEDLY FURNISH INACCURATE OR IN-  
15 COMPLETE INFORMATION.—Upon identifying a fur-  
16 nisher that repeatedly fails to furnish accurate, com-  
17 plete, or verifiable information to consumer report-  
18 ing agencies, the Bureau shall—

19 “(A) ensure the prompt removal of any ad-  
20 verse information relating to a consumer’s ac-  
21 counts submitted by such furnisher; and

22 “(B) take corrective action, which may in-  
23 clude—

24 “(i) mandatory revised training and  
25 training materials for the staff of the fur-



1 nisher regarding the furnishing of accurate  
2 and complete information;

3 “(ii) sharing industry best practices  
4 and procedures regarding accuracy and  
5 completeness; or

6 “(iii) temporarily prohibiting a fur-  
7 nisher from providing information to a  
8 consumer reporting agency.”.

9 **SEC. 109. INCLUSION OF PUBLIC RECORD DATA SOURCES**  
10 **IN CONSUMER REPORTS.**

11 Section 605(d) of the Fair Credit Reporting Act (15  
12 U.S.C. 1681c(d)) is amended by adding at the end the  
13 following:

14 “(3) PUBLIC RECORD DATA SOURCE.—Any con-  
15 sumer reporting agency that furnishes a consumer  
16 report that contains public record data shall also in-  
17 clude in such report the source from which that data  
18 was obtained, including the particular court, if any,  
19 and the date that the data was initially reported or  
20 publicized.”.

21 **SEC. 110. INJUNCTIVE RELIEF FOR VICTIMS.**

22 (a) IN GENERAL.—The Fair Credit Reporting Act  
23 (15 U.S.C. 1681 et seq.) is amended—

24 (1) in section 616—

1 (A) in subsection (a), by amending the  
2 subsection heading to read as follows: “DAM-  
3 AGES”;

4 (B) by redesignating subsections (c) and  
5 (d) as subsections (d) and (e), respectively; and

6 (C) by inserting after subsection (b) the  
7 following new subsection:

8 “(c) INJUNCTIVE RELIEF.—In addition to any other  
9 remedy set forth in this section, a court may award injunc-  
10 tive relief to require compliance with the requirements im-  
11 posed under this title with respect to any consumer. In  
12 the event of any successful action for injunctive relief  
13 under this subsection, the court may award to the pre-  
14 vailing party costs and reasonable attorney fees (as deter-  
15 mined by the court) incurred during the action by such  
16 party.”; and

17 (2) in section 617—

18 (A) in subsection (a), by amending the  
19 subsection heading to read as follows: “DAM-  
20 AGES”;

21 (B) by redesignating subsection (b) as sub-  
22 section (c); and

23 (C) by inserting after subsection (a) the  
24 following new subsection:

1           “(b) INJUNCTIVE RELIEF.—In addition to any other  
2 remedy set forth in this section, a court may award injunc-  
3 tive relief to require compliance with the requirements im-  
4 posed under this title with respect to any consumer. In  
5 the event of any successful action for injunctive relief  
6 under this subsection, the court may award to the pre-  
7 vailing party costs and reasonable attorney fees (as deter-  
8 mined by the court) incurred during the action by such  
9 party.”.

10           (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
11 SION.—Section 621(a)(2)(A) of the Fair Credit Reporting  
12 Act (15 U.S.C. 1681s(a)(2)(A)) is amended—

13           (1) by amending the subparagraph heading to  
14 read as follows: “NEGLIGENT, WILLFUL, OR KNOW-  
15 ING VIOLATIONS”; and

16           (2) by inserting “negligent, willful, or” before  
17 “knowing”.

1 **TITLE II—PROHIBITION ON MIS-**  
2 **LEADING AND UNFAIR CON-**  
3 **SUMER REPORTING PRAC-**  
4 **TICES**

5 **SEC. 201. PROHIBITION ON AUTOMATIC RENEWALS FOR**  
6 **PROMOTIONAL CONSUMER REPORTING AND**  
7 **CREDIT SCORING PRODUCTS AND SERVICES.**

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

10 (1) by adding at the end the following new sec-  
11 tion:

12 **“§ 630. Promotional periods**

13 “(a) **TERMINATION NOTICE.**—With respect to any  
14 product or service related to a consumer report or a credit  
15 score that is provided to a consumer under promotional  
16 terms, the seller or provider of such product or service  
17 shall provide clear and conspicuous notice to the consumer  
18 within a reasonable period of time before the promotional  
19 period ends.

20 “(b) **OPT-IN.**—With respect to any such product or  
21 service, the seller or provider may not continue to sell or  
22 provide such product or service to the consumer after the  
23 end of the promotional period unless the consumer specifi-  
24 cally agrees at the end of the promotional period to con-  
25 tinue receiving the product or service.”; and

1           (2) in the table of contents for such Act, by in-  
2           serting after the item relating to section 629 the fol-  
3           lowing new item:

“630. Promotional periods.”.

4 **SEC. 202. PROHIBITION ON MISLEADING AND DECEPTIVE**  
5 **MARKETING RELATED TO THE PROVISION OF**  
6 **CONSUMER REPORTING AND CREDIT SCOR-**  
7 **ING PRODUCTS AND SERVICES.**

8           Section 609 of the Fair Credit Reporting Act (15  
9 U.S.C. 1681g) is amended—

10           (1) in subsection (a)—

11           (A) in paragraph (1)—

12           (i) by striking “request, except” and  
13           all that follows through “consumer to  
14           whom” and inserting “request, unless the  
15           consumer to whom”;

16           (ii) by striking “disclosure; and” and  
17           inserting “disclosure.”; and

18           (iii) by striking subparagraph (B);  
19           and

20           (B) in paragraph (6), by inserting “or edu-  
21           cational credit score (if applicable) under sub-  
22           section (f) or section 612” before the period at  
23           the end; and

24           (2) by adding at the end the following new sub-  
25           section:

1           “(h) DISCLOSURES ON PRODUCTS AND SERVICES.—  
2 The Bureau, in consultation with the Federal Trade Com-  
3 mission, shall issue regulations within 18 months of the  
4 date of the enactment of this subsection requiring each  
5 consumer reporting agency and reseller to clearly and con-  
6 spicuously disclose all material terms and conditions, in-  
7 cluding any fee and pricing information associated with  
8 any products or services offered, advertised, marketed, or  
9 sold to consumers by the agency or reseller. Such disclo-  
10 sures shall be made in all forms of communication to con-  
11 sumers and displayed prominently on the agency or re-  
12 seller’s website and all other locations where products or  
13 services are offered, advertised, marketed, or sold to con-  
14 sumers.”.

15 **SEC. 203. PROHIBITION ON EXCESSIVE DIRECT-TO-CON-**  
16 **SUMER SALES.**

17           The Fair Credit Reporting Act (15 U.S.C. 1681 et  
18 seq.), as amended by section 201, is further amended—

19                   (1) by adding at the end the following new sec-  
20           tion:

21 **“§ 631. Fair and reasonable fees for products and**  
22 **services**

23           “The Bureau may, with respect to any product or  
24 service offered by a consumer reporting agency to a con-  
25 sumer, set a fair and reasonable maximum fee that may

1 be charged for such product or service, except where such  
2 maximum fee is otherwise provided under this title.”; and

3 (2) in the table of contents for such Act, as  
4 amended by section 201, by adding at the end the  
5 following new item:

“631. Fair and reasonable fees for products and services.”.

6 **SEC. 204. FAIR ACCESS TO CONSUMER REPORTING AND**  
7 **CREDIT SCORING DISCLOSURES FOR NON-**  
8 **NATIVE ENGLISH SPEAKERS AND THE VIS-**  
9 **UALLY AND HEARING IMPAIRED.**

10 The Fair Credit Reporting Act (15 U.S.C. 1681 et  
11 seq.), as amended by section 203, is further amended—

12 (1) by adding at the end the following new sec-  
13 tion:

14 **“§ 632. Fair access to information for nonnative**  
15 **English speakers and the visually and**  
16 **hearing impaired**

17 “(a) IN GENERAL.—Not later than 180 days after  
18 the date of the enactment of this section, the Bureau shall  
19 issue a rule to require consumer reporting agencies and  
20 persons who furnish information to consumer reporting  
21 agencies under this title, to the maximum extent reason-  
22 ably practicable—

23 “(1) to provide any information, disclosures, or  
24 other communication with consumers—

1           “(A) in each of the 10 most commonly spo-  
2           ken languages, other than English, in the  
3           United States, as determined by the Bureau of  
4           the Census on an ongoing basis; and

5           “(B) in formats accessible to individuals  
6           with hearing or vision impairments; and

7           “(2) to ensure that—

8           “(A) customer service representatives, in-  
9           cluding employees assigned to handle disputes  
10          or appeals under sections 611 and 623, who are  
11          available to assist consumers are highly familiar  
12          with the requirements of this title;

13          “(B) such representatives are available  
14          during regular business hours and outside of  
15          regular business hours, including evenings and  
16          weekends; and

17          “(C) at least one among such representa-  
18          tives is fluent in each of the 10 most commonly  
19          spoken languages, other than English, in the  
20          United States, as determined by the Bureau of  
21          the Census on an ongoing basis.

22          “(b) BUREAU CONSULTATION.—The Bureau shall  
23          consult with advocates for civil rights, consumer groups,  
24          community groups, and organizations that serve tradition-



1 ally underserved communities and populations in issuing  
2 the rule described in subsection (a).”; and

3           (2) in the table of contents for such Act, as  
4           amended by section 203, by adding at the end the  
5           following new item:

“632. Fair access to information for nonnative English speakers and the visually  
and hearing impaired.”.

6 **SEC. 205. COMPARISON SHOPPING FOR LOANS WITHOUT**  
7 **HARM TO CREDIT STANDING.**

8           Section 605 of the Fair Credit Reporting Act (15  
9 U.S.C. 1681c) is amended by adding at the end the fol-  
10 lowing new subsection:

11           “(i) ENCOURAGING CONSUMERS TO COMPARISON  
12 SHOP FOR LOANS BY TREATING GROUPED ENQUIRIES OF  
13 THE SAME TYPE WITHIN A REASONABLE PERIOD AS A  
14 SINGLE ENQUIRY.—

15           “(1) IN GENERAL.—With respect to multiple  
16 enquiries of the same type made to a consumer re-  
17 porting agency for a consumer report or credit score  
18 with respect to a consumer, any credit scoring model  
19 shall treat such enquiries as a single enquiry if the  
20 enquiries are made within a 120-day period.

21           “(2) DEFINITION OF ENQUIRIES OF THE SAME  
22 TYPE.—With respect to multiple enquiries made to  
23 a consumer reporting agency for a consumer report  
24 or credit score with respect to a consumer, such

1 enquiries are ‘of the same type’ if the consumer re-  
2 porting agency has reason to believe that the  
3 enquiries are all made for the purpose of deter-  
4 mining the consumer’s creditworthiness for an exten-  
5 sion of credit described in one of the following:

6 “(A) Any loan primarily for personal, fam-  
7 ily, or household use that is secured by a mort-  
8 gage, deed of trust, or other equivalent consen-  
9 sual security interest on a dwelling (as defined  
10 in section 103(w) of the Truth in Lending Act),  
11 including a loan in which the proceeds will be  
12 used for—

13 “(i) a manufactured home (as defined  
14 in section 603 of the Housing and Commu-  
15 nity Development Act of 1974 (42 U.S.C.  
16 5402));

17 “(ii) any installment sales contract,  
18 land contract, or contract for deed on a  
19 residential property; or

20 “(iii) a reverse mortgage transaction  
21 (as defined in section 103 of the Truth in  
22 Lending Act).

23 “(B) A motor vehicle loan or lease (as de-  
24 scribed in section 609(j)).

25 “(C) A private education loan.

1                   “(D) Any other consumer financial product  
2                   or service, as determined by the Bureau.”.

3 **SEC. 206. NATIONWIDE CONSUMER REPORTING AGENCIES**  
4                   **REGISTRY.**

5           The Fair Credit Reporting Act (15 U.S.C. 1681 et  
6 seq.), as amended by section 204, is further amended—

7                   (1) by adding at the end the following new sec-  
8           tion:

9 **“§ 633. Nationwide consumer reporting agencies reg-  
10                   istry**

11           “(a) IN GENERAL.—Not later than 1 year after the  
12 date of enactment of this section, the Bureau shall estab-  
13 lish and maintain a publicly accessible registry of con-  
14 sumer reporting agencies described in subsection (p) or  
15 (x) of section 603 (and any other agencies the Bureau de-  
16 termines provide similar services to such consumer report-  
17 ing agencies) that includes current contact information of  
18 each such agency, including the Internet website address  
19 of the Internet website described under section 611(h),  
20 and information on how consumers can obtain their con-  
21 sumer report, credit scores, or educational credit scores  
22 (as applicable) by toll-free telephone, postal mail, or elec-  
23 tronic means.

24           “(b) REGISTRY REQUIREMENTS.—The registry de-  
25 scribed in subsection (a) shall—

1           “(1) identify the largest agencies and the mar-  
2           kets and demographics covered by such agencies;  
3           and

4           “(2) disclose, with respect to each agency,  
5           whether the agency is subject to the supervisory au-  
6           thority of the Bureau under this title.

7           “(c) INFORMATION UPDATES.—Each agency de-  
8           scribed under subsection (a) shall submit to the Bureau  
9           contact information for the registry, including any updates  
10          to such information. The Bureau shall—

11           “(1) independently verify information submitted  
12          by each agency; and

13           “(2) update the registry not less frequently  
14          than annually.”; and

15           (2) in the table of contents for such Act, as  
16          amended by section 204, by adding at the end the  
17          following new item:

“633. Nationwide consumer reporting agencies registry.”.

○