

114TH CONGRESS
1ST SESSION

S. 1249

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2015

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Families
5 Credit Reporting Act”.

6 **SEC. 2. NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY**
7 **CONSUMER.**

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

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

3 “(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILI-
4 TARY CONSUMER.—

5 “(1) IN GENERAL.—With respect to an item of
6 adverse information about a consumer, if the action
7 or inaction that gave rise to the item occurred while
8 the consumer was an active duty military consumer,
9 the consumer may provide appropriate proof, includ-
10 ing official orders, to a consumer reporting agency
11 that the consumer was an active duty military con-
12 sumer at the time such action or inaction occurred,
13 and any consumer report provided by the consumer
14 reporting agency that includes the item shall clearly
15 and conspicuously disclose that the consumer was an
16 active duty military consumer when the action or in-
17 action that gave rise to the item occurred.

18 “(2) MODEL FORM.—The Bureau shall prepare
19 a model form, which shall be made publicly avail-
20 able, including in an electronic format, that allows a
21 consumer to—

22 “(A) notify, and provide appropriate proof
23 to, a consumer reporting agency in a simple
24 and easy manner, including electronically, that

1 the consumer is an active duty military con-
2 sumer; and

3 “(B) provide contact information of the
4 consumer for the purpose of communicating
5 with the consumer while the consumer is an ac-
6 tive duty military consumer.”;

7 (2) in section 605A—

8 (A) in subsection (c)—

9 (i) by redesignating paragraphs (1),
10 (2), and (3) as subparagraphs (A), (B),
11 and (C), respectively, and adjusting the
12 margins accordingly;

13 (ii) in the matter preceding subpara-
14 graph (A), as so redesignated, by striking
15 “Upon” and inserting the following:

16 “(1) IN GENERAL.—Upon”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(2) NEGATIVE INFORMATION NOTIFICATION.—

20 If a consumer reporting agency receives an item of
21 adverse information about a consumer who has pro-
22 vided appropriate proof that the consumer is an ac-
23 tive duty military consumer, the consumer reporting
24 agency shall promptly notify the consumer—

1 “(A) that the consumer reporting agency
2 has received the item of adverse information,
3 along with a description of the item; and

4 “(B) the method by which the consumer
5 may dispute the validity of the item.

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

17 “(4) SENSE OF CONGRESS.—It is the sense of
18 Congress that any person making use of a consumer
19 report that contains an item of adverse information
20 should, if the action or inaction that gave rise to the
21 item occurred while the consumer was an active duty
22 military consumer, take such fact into account when
23 evaluating the creditworthiness of the consumer.”;
24 and

1 (B) in subsection (e), by striking para-
2 graph (3) and inserting the following:

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

6 (3) in section 611(a)(1), by adding at the end
7 the following:

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

19 “(i) include such fact in the file of the
20 consumer; and

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

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