

## **Amendment Offered by Mr. Ackerman**

### **To the Amendment in the Nature of a Substitute Offered by Mr. Oxley**

Page 67, after line 6, insert the following new section (and conform the table of contents accordingly):

1 **SEC. 410. REQUIREMENT TO DISCLOSE COMMUNICATIONS**  
2 **TO A CONSUMER REPORTING AGENCY.**

3 (a) INSURED DEPOSITORY INSTITUTIONS.—Section  
4 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828)  
5 is amendment by adding at the end the following new sub-  
6 sections:

7 “(x) REQUIREMENT TO DISCLOSE COMMUNICATIONS  
8 TO A CONSUMER REPORTING AGENCY.—

9 (1) IN GENERAL.—Any insured depository insti-  
10 tution that discloses negative information regarding  
11 a customer to a consumer reporting agency shall  
12 provide a notice of such disclosure to such customer,  
13 in writing.

14 “(2) TIMING OF DISCLOSURE.—The notice re-  
15 quired under paragraph (1) shall be provided to the  
16 customer no later than 30 days after disclosing the



1 negative information to a consumer reporting agen-  
2 cy.

3 “(3) FORMAT.—The notice required under  
4 paragraph (1)—

5 “(A) may be included in or with any notice  
6 of default, any billing statement, or any other  
7 materials provided to the customer; and

8 “(B) shall appear in a conspicuous location  
9 on the document.

10 “(4) CONTENT.—The following statement may  
11 be used to satisfy the requirement under paragraph  
12 (1): ‘We intend to submit negative information re-  
13 garding your credit account to a credit reporting  
14 agency which will become part of your credit history.  
15 You can obtain more information about what is  
16 being reported by calling our customer service num-  
17 ber at [xxx-xxx-xxxx].’.

18 “(5) DEFINITIONS.—For purposes of this sub-  
19 section, the following definitions shall apply:

20 “(A) CONSUMER REPORTING AGENCY.—  
21 The term ‘consumer reporting agency’ has the  
22 same meaning as in section 603(f) of the Fair  
23 Credit Reporting Act.



1           “(B) CREDIT.—The term ‘credit’ has the  
2           same meaning as in Section 103(f) of the Truth  
3           in Lending Act.

4           “(C) CUSTOMER.—The term ‘customer’  
5           means an individual who has obtained credit  
6           from a creditor for personal, family, or house-  
7           hold purposes.

8           “(D) NEGATIVE INFORMATION.—The term  
9           ‘negative information’ means information con-  
10          cerning a customer’s delinquencies, late or ir-  
11          regular payment history, insolvency, or any  
12          form of default.”.

13          (b) INSURED CREDIT UNIONS.—Section 206 of the  
14          Federal Credit Union Act (12 U.S.C. 1786) is amended  
15          by adding at the end the following new subsection:

16          “(w) REQUIREMENT TO DISCLOSE COMMUNICATIONS  
17          TO A CONSUMER REPORTING AGENCY.—

18                 (1) IN GENERAL.—Any insured credit union  
19                 that discloses negative information regarding a cus-  
20                 tomer to a consumer reporting agency shall provide  
21                 a notice of such disclosure to such customer, in writ-  
22                 ing.

23                 “(2) TIMING OF DISCLOSURE.—The notice re-  
24                 quired under paragraph (1) shall be provided to the  
25                 customer no later than 30 days after disclosing the



1 negative information to a consumer reporting agen-  
2 cy.

3 “(3) FORMAT.—The notice required under  
4 paragraph (1)—

5 “(A) may be included in or with any notice  
6 of default, any billing statement, or any other  
7 materials provided to the customer; and

8 “(B) shall appear in a conspicuous location  
9 on the document.

10 “(4) CONTENT.—The following statement may  
11 be used to satisfy the requirement under paragraph  
12 (1): ‘We intend to submit negative information re-  
13 garding your credit account to a credit reporting  
14 agency which will become part of your credit history.  
15 You can obtain more information about what is  
16 being reported by calling our customer service num-  
17 ber at [xxx-xxx-xxxx].’.

18 “(5) DEFINITIONS.—For purposes of this sub-  
19 section, the following definitions shall apply:

20 “(A) CONSUMER REPORTING AGENCY.—  
21 The terms ‘consumer reporting agency’ has the  
22 same meaning as in section 603(f) of the Fair  
23 Credit Reporting Act.



1           “(B) CREDIT.—The term ‘credit’ has the  
2 same meaning as in Section 103(f) of the Truth  
3 in Lending Act.

4           “(C) CUSTOMER.—The term ‘customer’  
5 means an individual who is a member of the  
6 credit union and has obtained credit from a  
7 creditor for personal, family, or household pur-  
8 poses.

9           “(D) NEGATIVE INFORMATION.—The term  
10 ‘negative information’ means information con-  
11 cerning a customer’s delinquencies, late or ir-  
12 regular payment history, insolvency, or any  
13 form of default.”.

14       (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply with respect to negative informa-  
16 tion reported to any consumer reporting agency after the  
17 end of the 180-day period beginning on the date of the  
18 enactment of this Act.

