

# United States Senate

WASHINGTON, DC 20510

August 1, 2019

Mark Begor  
Chief Executive Officer, Equifax, Inc.  
1550 Peachtree Street NE  
Atlanta, GA 30309

Brian Cassin  
Chief Executive Officer, Experian  
475 Anton Blvd.  
Costa Mesa, CA 92626

Christopher Cartwright  
Chief Executive Officer, TransUnion  
555 West Adams Street  
Chicago, IL 60661

Dear Mr. Begor, Mr. Cassin, and Mr. Cartwright:

We write to you regarding the implementation of the credit monitoring provisions applicable to active duty military consumers in section 302(d) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (Public Law No. 115-174), which was enacted in May 2018.

As you know, the Economic Growth, Regulatory Relief, and Consumer Protection Act contains a provision we authored that requires credit reporting agencies to offer their electronic credit monitoring services to all active duty military service members, including reservists and guardsmen, free of charge. We are pleased that the Federal Trade Commission (FTC) promulgated regulations pursuant to the requirements of this subsection on June 24, 2019. As Credit Reporting Agencies (CRAs), you will play a critical role in ensuring these brave men and women have the tools necessary to protect their financial well-being by carrying out this free service.

However, in the FTC's final rule, a limited definition of 'active duty military consumer' is utilized and only applies to an individual who is (A) on active duty (as defined in section 101(d)(1) of title 10) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10; and (B) is assigned to service away from the usual duty station of the consumer. As the authors of this provision, we wish to make clear that it was neither our intent, nor the intent of Congress, to limit the free credit monitoring to only active duty service members assigned to service away from their usual duty station.

During the FTC's Notice of Proposed Rulemaking, the Department of Defense (DoD) filed a comment stating that the limited definition of 'active duty military consumer' "could result in Service members receiving unequal protection based on their individual component, duty status, or location." The comment also stated that "the statutory requirement for the member to be 'assigned to service away from the usual duty station' is severely limiting." Given this, we urge the CRAs to define 'active duty military consumer' for the purposes of this subsection as "a consumer who is on full-time duty in military service of the United States, which includes full-time training duty; annual training duty; full-time National Guard duty; and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned," consistent with DoD's guidance and recommendation.

In addition to DoD, a number of organizations filed comments expressing concern with the limited definition. A collection of veteran and military organizations echoed DoD's concerns, saying, "[W]e believe the FTC should defer to DoD's definition of active duty status and active status for the National Guard and Reserve."


Active duty service members have sacrificed to serve our country, and we know they are disproportionately targeted for identity theft. According to the FTC, members of the military face nearly double the risk of identity theft than other consumers face, in part because military families relocate frequently, and because many service members are living on their own and earning a paycheck for the first time.<sup>1</sup>

Providing this service more broadly than is technically required would make a profound difference. For example, an active duty airman assigned to Dover Air Force Base in Delaware who received free credit monitoring while deployed in Afghanistan would be better protected from identity theft if his or her credit monitoring continues after returning to their station. This service member would not be eligible for the intended credit monitoring for most of his or her active duty career, as members typically spend most of their careers assigned to their "usual duty station."

We intend to clarify the statute so that this law applies to all active duty service members. In the meantime, your organizations could provide a great service to our men and women in uniform by going above and beyond the letter of law to provide free credit monitoring to all of our active duty service members. Thank you for your attention to this important matter.

Sincerely,

  
Thomas R. Carper  
United States Senator

  
Christopher A. Coons  
United States Senator

<sup>1</sup> "Military Consumer Protection", <https://www.ftc.gov/news-events/media-resources/military-consumer-protection>