

111TH CONGRESS  
1ST SESSION

# H. R. 123

To amend the Fair Credit Reporting Act to establish additional reporting requirements to enhance the detection of identity theft, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. GALLEGLY 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 establish additional reporting requirements to enhance the detection of identity theft, 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 “Credit Agencies Iden-  
5       tity Theft Responsibilities Act of 2009”.

6       **SEC. 2. IDENTITY THEFT REPORTING.**

7       (a) IN GENERAL.—Section 608 of the Fair Credit  
8       Reporting Act (15 U.S.C. 1681f) is amended—

1           (1) by striking “Notwithstanding the provisions  
2           of section 604” and inserting “(a) IN GENERAL.—  
3           Notwithstanding the provisions of section 604”; and

4           (2) by adding at the end the following new sub-  
5           section:

6           “(b) SUSPICION OF IDENTITY THEFT.—

7           “(1) IN GENERAL.—If, on the basis of informa-  
8           tion on consumers maintained or controlled by a  
9           consumer reporting agency, the consumer reporting  
10          agency has reason to suspect that identity theft may  
11          be occurring or may have occurred with respect to  
12          any consumer, the consumer reporting agency shall  
13          report the suspicion of identity theft, a brief descrip-  
14          tion of the basis for the suspicion, together with any  
15          information described in subsection (a) relating to  
16          any consumer name involved to the United States  
17          Secret Service for review and appropriate action, in-  
18          cluding the provision of information to the Attorney  
19          General for criminal prosecution. If the Secret Serv-  
20          ice has reason to believe that any suspected case of  
21          identity theft reported under this paragraph involves  
22          any suspicion of terrorism or immigration violations,  
23          the Secret Service shall forward the information re-  
24          ceived under this paragraph to the Federal Bureau

1 of Investigation or the Department of Homeland Se-  
2 curity, respectively.

3 “(2) BASIS FOR SUSPICION OF IDENTITY  
4 THEFT.—For purposes of this subsection, a con-  
5 sumer reporting agency shall have reason to suspect  
6 that identity theft may be occurring or may have oc-  
7 curred under any of the following circumstances:

8 “(A) The names of 3 or more consumers  
9 each have the same Social Security account  
10 number associated with the names.

11 “(B) Three or more home addresses are  
12 associated with the name of any consumer in  
13 any 1-year period.

14 “(C) More than 1 date of birth is associ-  
15 ated with the name of any consumer or any So-  
16 cial Security account number.

17 “(D) Any other circumstance the Commis-  
18 sion may prescribe by regulation.

19 “(3) DUTY TO REVIEW.—Each consumer re-  
20 porting agency shall establish procedures, in accord-  
21 ance with regulations the Commission shall pre-  
22 scribe, for reviewing, at regular time intervals, all in-  
23 formation on consumers maintained or controlled by  
24 the agency to determine whether there is any basis

1       for suspicion of identity theft with respect to any  
2       consumer.”.

3       (b) PENALTY.—The Fair Credit Reporting Act (15  
4 U.S.C. 1681 et seq.) is amended by adding at the end  
5 the following new section:

6       **“§ 630. Criminal penalty**

7       “Any individual who is an officer, director, employee,  
8 or agent of a consumer reporting agency and who inten-  
9 tionally causes the consumer reporting agency to fail to  
10 comply with any requirement of section 608(b) shall be  
11 imprisoned for not more than 2 years, fined under title  
12 18, United States Code, or both.”.

13       (c) CLERICAL AMENDMENT.—The table of sections  
14 for the Fair Credit Reporting Act is amended by inserting  
15 after the item relating to section 629 the following new  
16 item:

“630. Criminal penalty.”.

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