

Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as a note under section 1681 of this title.

#### EFFECTIVE DATE

Section effective upon the expiration of one hundred and eighty days following Oct. 26, 1970, see section 504(d) of Pub. L. 90-321, as added by Pub. L. 91-508, set out as a note under section 1681 of this title.

### § 1681q. Obtaining information under false pretenses

Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 90-321, title VI, § 619, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104-208, div. A, title II, § 2415(a), Sept. 30, 1996, 110 Stat. 3009-450.)

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-208 substituted “fined under title 18, imprisoned for not more than 2 years, or both” for “fined not more than \$5,000 or imprisoned not more than one year, or both”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

#### EFFECTIVE DATE

Section effective upon the expiration of one hundred and eighty days following Oct. 26, 1970, see section 504(d) of Pub. L. 90-321, as added by Pub. L. 91-508, set out as a note under section 1681 of this title.

### § 1681r. Unauthorized disclosures by officers or employees

Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 90-321, title VI, § 620, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104-208, div. A, title II, § 2415(b), Sept. 30, 1996, 110 Stat. 3009-450.)

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##### AMENDMENTS

1996—Pub. L. 104-208 substituted “fined under title 18, imprisoned for not more than 2 years, or both” for “fined not more than \$5,000 or imprisoned not more than one year, or both”.

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### § 1681s. Administrative enforcement

#### (a) Enforcement by Federal Trade Commission

##### (1) In general

The Federal Trade Commission shall be authorized to enforce compliance with the requirements imposed by this subchapter under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this subchapter is specifically committed to some other Government agency under any of subparagraphs (A) through (G) of subsection (b)(1), and subject to subtitle B of the Consumer Financial Protection Act of 2010 [12 U.S.C. 5511 et seq.], subsection (b).<sup>1</sup> For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this subchapter shall constitute an unfair or deceptive act or practice in commerce, in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement by the Federal Trade Commission under section 5(b) of that Act [15 U.S.C. 45(b)] with respect to any consumer reporting agency or person that is subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this subchapter and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this subchapter. Any person violating any of the provisions of this subchapter shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of such Act are part of this subchapter.

##### (2) Penalties

##### (A) Knowing violations

Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, in the event of a knowing violation, which constitutes a pattern or practice of violations of this subchapter, the Federal Trade Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this subchapter. In such ac-

<sup>1</sup> So in original.

tion, such person shall be liable for a civil penalty of not more than \$2,500 per violation.

**(B) Determining penalty amount**

In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of such prior conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

**(C) Limitation**

Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 1681s-2(a)(1) of this title, unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.

**(b) Enforcement by other agencies**

**(1) In general**

Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this subchapter with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to section 1681m(d) of this title shall be enforced under—

(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

(i) any national bank or State savings association, and any Federal branch or Federal agency of a foreign bank;

(ii) any member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.]; and

(iii) any bank or Federal savings association insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and any insured State branch of a foreign bank;

(B) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

(C) subtitle IV of title 49, by the Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

(D) part A of subtitle VII of title 49, by the Secretary of Transportation, with respect to

any air carrier or foreign air carrier subject to that part;

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act [7 U.S.C. 226, 227]), by the Secretary of Agriculture, with respect to any activities subject to that Act;

(F) the Commodity Exchange Act [7 U.S.C. 1 et seq.], with respect to a person subject to the jurisdiction of the Commodity Futures Trading Commission;

(G) the Federal securities laws, and any other laws that are subject to the jurisdiction of the Securities and Exchange Commission, with respect to a person that is subject to the jurisdiction of the Securities and Exchange Commission; and

(H) subtitle E of the Consumer Financial Protection Act of 2010 [12 U.S.C. 5561 et seq.], by the Bureau, with respect to any person subject to this subchapter.

**(2) Incorporated definitions**

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

**(c) State action for violations**

**(1) Authority of States**

In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this subchapter, the State—

(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(B) subject to paragraph (5), may bring an action on behalf of the residents of the State to recover—

(i) damages for which the person is liable to such residents under sections 1681n and 1681o of this title as a result of the violation;

(ii) in the case of a violation described in any of paragraphs (1) through (3) of section 1681s-2(c) of this title, damages for which the person would, but for section 1681s-2(c) of this title, be liable to such residents as a result of the violation; or

(iii) damages of not more than \$1,000 for each willful or negligent violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

**(2) Rights of Federal regulators**

The State shall serve prior written notice of any action under paragraph (1) upon the Bureau and the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Bureau and the Federal Trade Commission or appropriate Federal regulator with a copy of its

complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Bureau and the Federal Trade Commission or appropriate Federal regulator shall have the right—

- (A) to intervene in the action;
- (B) upon so intervening, to be heard on all matters arising therein;
- (C) to remove the action to the appropriate United States district court; and
- (D) to file petitions for appeal.

**(3) Investigatory powers**

For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

**(4) Limitation on State action while Federal action pending**

If the Bureau, the Federal Trade Commission, or the appropriate Federal regulator has instituted a civil action or an administrative action under section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818] for a violation of this subchapter, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Bureau, the Federal Trade Commission, or the appropriate Federal regulator for any violation of this subchapter that is alleged in that complaint.

**(5) Limitations on State actions for certain violations**

**(A) Violation of injunction required**

A State may not bring an action against a person under paragraph (1)(B) for a violation described in any of paragraphs (1) through (3) of section 1681s-2(c) of this title, unless—

- (i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and
- (ii) the person has violated the injunction.

**(B) Limitation on damages recoverable**

In an action against a person under paragraph (1)(B) for a violation described in any of paragraphs (1) through (3) of section 1681s-2(c) of this title, a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.

**(d) Enforcement under other authority**

For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this subchapter shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifi-

cally referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this subchapter any other authority conferred on it by law.

**(e) Regulatory authority**

**(1) In general**

The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this subchapter, except with respect to sections 1681m(e) and 1681w of this title. The Bureau may prescribe regulations as may be necessary or appropriate to administer and carry out the purposes and objectives of this subchapter, and to prevent evasions thereof or to facilitate compliance therewith. Except as provided in section 1029(a) of the Consumer Financial Protection Act of 2010 [12 U.S.C. 5519(a)], the regulations prescribed by the Bureau under this subchapter shall apply to any person that is subject to this subchapter, notwithstanding the enforcement authorities granted to other agencies under this section.

**(2) Deference**

Notwithstanding any power granted to any Federal agency under this subchapter, the deference that a court affords to a Federal agency with respect to a determination made by such agency relating to the meaning or interpretation of any provision of this subchapter that is subject to the jurisdiction of such agency shall be applied as if that agency were the only agency authorized to apply, enforce, interpret, or administer the provisions of this subchapter.<sup>2</sup> The regulations prescribed by the Bureau under this subchapter shall apply to any person that is subject to this subchapter, notwithstanding the enforcement authorities granted to other agencies under this section.

**(f) Coordination of consumer complaint investigations**

**(1) In general**

Each consumer reporting agency described in section 1681a(p) of this title shall develop and maintain procedures for the referral to each other such agency of any consumer complaint received by the agency alleging identity theft, or requesting a fraud alert under section 1681c-1 of this title or a block under section 1681c-2 of this title.

**(2) Model form and procedure for reporting identity theft**

The Commission,<sup>3</sup> in consultation with the Federal Trade Commission, the Federal banking agencies, and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

**(3) Annual summary reports**

Each consumer reporting agency described in section 1681a(p) of this title shall submit an

<sup>2</sup> So in original. Probably should be followed by a period.

<sup>3</sup> So in original. Probably should be "Bureau,".

annual summary report to the Bureau on consumer complaints received by the agency on identity theft or fraud alerts.

**(g) Bureau regulation of coding of trade names**

If the Bureau determines that a person described in paragraph (9) of section 1681s-2(a) of this title has not met the requirements of such paragraph, the Bureau shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures, as necessary to ensure that such person complies with such paragraph.

(Pub. L. 90-321, title VI, § 621, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 98-443, § 9(n), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 101-73, title VII, § 744(l), Aug. 9, 1989, 103 Stat. 439; Pub. L. 102-242, title II, § 212(c), Dec. 19, 1991, 105 Stat. 2300; Pub. L. 102-550, title XVI, § 1604(a)(6), Oct. 28, 1992, 106 Stat. 4082; Pub. L. 104-88, title III, § 314, Dec. 29, 1995, 109 Stat. 948; Pub. L. 104-208, div. A, title II, §§ 2416-2418, Sept. 30, 1996, 110 Stat. 3009-450 to 3009-452; Pub. L. 105-347, § 6(6), Nov. 2, 1998, 112 Stat. 3211; Pub. L. 106-102, title V, § 506(a), (b), Nov. 12, 1999, 113 Stat. 1441, 1442; Pub. L. 108-159, title I, § 153, title III, § 312(e)(2), title IV, § 412(e), title VIII, § 811(f), Dec. 4, 2003, 117 Stat. 1966, 1993, 2003, 2012; Pub. L. 111-203, title X, § 1088(a)(2)(A)-(C), (10), July 21, 2010, 124 Stat. 2087, 2088.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Federal Trade Commission Act, referred to in subsec. (a)(1), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

The Consumer Financial Protection Act of 2010, referred to in subsecs. (a) and (b)(1), is title X of Pub. L. 111-203, July 21, 2010, 124 Stat. 1955. Subtitles B (§§ 1021-1029A) and E (§§ 1051-1058) of the Act are classified generally to parts B (§ 5511 et seq.) and E (§ 5561 et seq.), respectively, of subchapter V of chapter 53 of Title 12, Banks and Banking. For complete classification of subtitles B and E to the Code, see Tables.

Sections 25 and 25A of the Federal Reserve Act, referred to in subsec. (b)(1)(A)(ii), are classified to subchapters I (§ 601 et seq.) and II (§ 611 et seq.), respectively, of chapter 6 of Title 12, Banks and Banking.

The Federal Credit Union Act, referred to in subsec. (b)(1)(B), is act June 26, 1934, ch. 750, 48 Stat. 1216, which is classified generally to chapter 14 (§ 1751 et seq.) of Title 12. For complete classification of this Act to the Code, see section 1751 of Title 12 and Tables.

The Packers and Stockyards Act, 1921, referred to in subsec. (b)(1)(E), is act Aug. 15, 1921, ch. 64, 42 Stat. 159, which is classified to chapter 9 (§ 181 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 181 of Title 7 and Tables.

The Commodity Exchange Act, referred to in subsec. (b)(1)(F), is act Sept. 21, 1922, ch. 369, 42 Stat. 998, which is classified generally to chapter 1 (§ 1 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1 of Title 7 and Tables.

**CODIFICATION**

In subsec. (b)(1)(D), "part A of subtitle VII of title 49" substituted for "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)" and "that part" substituted for "that Act" on authority of Pub. L. 103-272, § 6(b),

July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49.

**AMENDMENTS**

2010—Subsec. (a). Pub. L. 111-203, § 1088(a)(10)(A), added subsec. (a) and struck out former subsec. (a) which related to enforcement by Federal Trade Commission.

Subsec. (b). Pub. L. 111-203, § 1088(a)(10)(B), added subsec. (b) and struck out former subsec. (b) which related to enforcement under section 8 of the Federal Deposit Insurance Act, the Federal Credit Union Act, subtitle IV of title 49, part A of subtitle VII of title 49, and the Packers and Stockyards Act, 1921.

Subsec. (c)(2). Pub. L. 111-203, § 1088(a)(10)(C), in introductory provisions, inserted "and the Federal Trade Commission" before "or the appropriate" and before "or appropriate" in two places.

Pub. L. 111-203, § 1088(a)(2)(C), in introductory provisions, substituted "provide the Bureau" for "provide the Commission".

Pub. L. 111-203, § 1088(a)(2)(A), in introductory provisions, substituted "upon the Bureau" for "upon the Federal Trade Commission" and "The Bureau" for "The Federal Trade Commission".

Subsec. (c)(4). Pub. L. 111-203, § 1088(a)(10)(D), inserted "the Federal Trade Commission," before "or the appropriate" in two places.

Pub. L. 111-203, § 1088(a)(2)(C), substituted "complaint of the Bureau" for "complaint of the Commission".

Pub. L. 111-203, § 1088(a)(2)(A), substituted "If the Bureau" for "If the Federal Trade Commission".

Subsec. (e). Pub. L. 111-203, § 1088(a)(10)(E), added subsec. (e) and struck out former subsec. (e) which related to prescription of regulations by certain Federal banking agencies, the Board of Governors of the Federal Reserve System, and the Board of the National Credit Union Administration.

Subsec. (f)(2). Pub. L. 111-203, § 1088(a)(10)(F), substituted "the Federal Trade Commission, the Federal banking agencies," for "the Federal banking agencies".

Subsec. (f)(3). Pub. L. 111-203, § 1088(a)(2)(C), substituted "the Bureau" for "the Commission".

Subsec. (g). Pub. L. 111-203, § 1088(a)(2)(C), substituted "the Bureau" for "the Commission" in two places.

Pub. L. 111-203, § 1088(a)(2)(B), substituted "Bureau" for "FTC" in heading.

2003—Subsec. (b)(1)(B). Pub. L. 108-159, § 811(f), substituted "25A" for "25(a)".

Subsec. (c)(1)(B)(ii). Pub. L. 108-159, § 312(e)(2)(A), substituted "described in any of paragraphs (1) through (3) of section 1681s-2(c)" for "of section 1681s-2(a)".

Subsec. (c)(5). Pub. L. 108-159, § 312(e)(2)(B)(ii), substituted "certain violations" for "violation of section 1681s-2(a)(1)" in heading.

Subsec. (c)(5)(A), (B). Pub. L. 108-159, § 312(e)(2)(B)(i), substituted "described in any of paragraphs (1) through (3) of section 1681s-2(c)" for "of section 1681s-2(a)(1)".

Subsec. (f). Pub. L. 108-159, § 153, added subsec. (f).

Subsec. (g). Pub. L. 108-159, § 412(e), added subsec. (g).

1999—Subsec. (a)(4). Pub. L. 106-102, § 506(b), struck out par. (4) which read as follows: "Neither the Commission nor any other agency referred to in subsection (b) of this section may prescribe trade regulation rules or other regulations with respect to this subchapter."

Subsec. (d). Pub. L. 106-102, § 506(a)(1), struck out at the end "Notwithstanding the preceding, no agency referred to in subsection (b) of this section may conduct an examination of a bank, savings association, or credit union regarding compliance with the provisions of this subchapter, except in response to a complaint (or if the agency otherwise has knowledge) that the bank, savings association, or credit union has violated a provision of this subchapter, in which case, the agency may conduct an examination as necessary to investigate the complaint. If an agency determines during an investigation in response to a complaint that a violation of this subchapter has occurred, the agency may, during its next 2 regularly scheduled examinations of the bank, savings association, or credit union, examine for compliance with this subchapter."

Subsec. (e). Pub. L. 106-102, §506(a)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “The Board of Governors of the Federal Reserve System may issue interpretations of any provision of this subchapter as such provision may apply to any persons identified under paragraph (1), (2), and (3) of subsection (b) of this section, or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in paragraphs (1), (2), and (3) of subsection (b) of this section.”

1998—Subsec. (b). Pub. L. 105-347 struck out “or (e)” after “subject to subsection (d)” in introductory provisions.

1996—Subsec. (a). Pub. L. 104-208, §2416(b)(1), which directed the amendment of subsec. (a) by inserting heading “Enforcement by Federal Trade Commission” before “Compliance with the requirements”, was executed by making the insertion after “(a)”, to reflect the probable intent of Congress and the amendment by Pub. L. 104-208, §2416(a). See below.

Pub. L. 104-208, §2416(a), inserted “(1)” after “(a)” and added pars. (2) to (4).

Subsec. (b). Pub. L. 104-208, §2416(b)(2), inserted heading and in introductory provisions substituted “Compliance with the requirements imposed under this subchapter with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to subsection (d) or (e) of section 1681m of this title shall be enforced under—” for “Compliance with the requirements imposed under this subchapter with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—”.

Subsec. (c). Pub. L. 104-208, §2417(2), added subsec. (c). Former subsec. (c) redesignated (d).

Pub. L. 104-208, §2416(c), inserted at end “Notwithstanding the preceding, no agency referred to in subsection (b) of this section may conduct an examination of a bank, savings association, or credit union regarding compliance with the provisions of this subchapter, except in response to a complaint (or if the agency otherwise has knowledge) that the bank, savings association, or credit union has violated a provision of this subchapter, in which case, the agency may conduct an examination as necessary to investigate the complaint. If an agency determines during an investigation in response to a complaint that a violation of this subchapter has occurred, the agency may, during its next 2 regularly scheduled examinations of the bank, savings association, or credit union, examine for compliance with this subchapter.”

Subsec. (d). Pub. L. 104-208, §2417(1), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 104-208, §2418, added subsec. (e).

1995—Subsec. (b)(4). Pub. L. 104-88 substituted “Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board” for “Interstate Commerce Commission with respect to any common carrier subject to those Acts”.

1992—Subsec. (b)(1)(C). Pub. L. 102-550 substituted semicolon for period at end.

1991—Subsec. (b). Pub. L. 102-242, §212(c)(2), inserted at end “The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”

Pub. L. 102-242, §212(c)(1), added par. (1) and struck out former par. (1) which read as follows: “section 8 of the Federal Deposit Insurance Act, in the case of:

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal

Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.”

1989—Subsec. (b)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;”.

1984—Subsec. (b)(5). Pub. L. 98-443 substituted “Secretary of Transportation” for “Civil Aeronautics Board”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-159 subject to joint regulations establishing effective dates as prescribed by Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as a note under section 1681 of this title.

Amendment by section 412(e) of Pub. L. 108-159 effective at end of 15-month period beginning on Dec. 4, 2003, see section 412(g) of Pub. L. 108-159, set out as a note under section 1681b of this title.

##### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-347 deemed to have same effective date as amendments made by section 2403 of Pub. L. 104-208, see section 7 of Pub. L. 105-347, set out as a note under section 1681a of this title.

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

##### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of Title 49, Transportation.

##### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-550 effective as if included in the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242, as of Dec. 19, 1991, see section 1609(a) of Pub. L. 102-550, set out as a note under section 191 of Title 12, Banks and Banking.

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE

Section effective upon the expiration of one hundred and eighty days following Oct. 26, 1970, see section 504(d) of Pub. L. 90-321, as added by Pub. L. 91-508, set out as a note under section 1681 of this title.

##### TRANSFER OF FUNCTIONS

Functions vested in Administrator of National Credit Union Administration transferred and vested in National Credit Union Administration Board pursuant to section 1752a of Title 12, Banks and Banking.

### § 1681s-1. Information on overdue child support obligations

Notwithstanding any other provision of this subchapter, a consumer reporting agency shall include in any consumer report furnished by the agency in accordance with section 1681b of this title, any information on the failure of the consumer to pay overdue support which—

(1) is provided—

(A) to the consumer reporting agency by a State or local child support enforcement agency; or

(B) to the consumer reporting agency and verified by any local, State, or Federal Government agency; and

(2) antedates the report by 7 years or less.

(Pub. L. 90-321, title VI, § 622, as added Pub. L. 102-537, § 2(a), Oct. 27, 1992, 106 Stat. 3531.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 622 of Pub. L. 90-321 was renumbered section 625 and is classified to section 1681t of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Jan. 1, 1993, see section 2(d) of Pub. L. 102-537, set out as an Effective Date of 1992 Amendment note under section 1681a of this title.

### § 1681s-2. Responsibilities of furnishers of information to consumer reporting agencies

#### (a) Duty of furnishers of information to provide accurate information

##### (1) Prohibition

##### (A) Reporting information with actual knowledge of errors

A person shall not furnish any information relating to a consumer to any consumer reporting agency if the person knows or has reasonable cause to believe that the information is inaccurate.

##### (B) Reporting information after notice and confirmation of errors

A person shall not furnish information relating to a consumer to any consumer reporting agency if—

(i) the person has been notified by the consumer, at the address specified by the person for such notices, that specific information is inaccurate; and

(ii) the information is, in fact, inaccurate.

##### (C) No address requirement

A person who clearly and conspicuously specifies to the consumer an address for notices referred to in subparagraph (B) shall not be subject to subparagraph (A); however, nothing in subparagraph (B) shall require a person to specify such an address.

##### (D) Definition

For purposes of subparagraph (A), the term “reasonable cause to believe that the information is inaccurate” means having specific knowledge, other than solely allegations by

the consumer, that would cause a reasonable person to have substantial doubts about the accuracy of the information.

### (E) Rehabilitation of private education loans

#### (i) In general

Notwithstanding any other provision of this section, a consumer may request a financial institution to remove from a consumer report a reported default regarding a private education loan, and such information shall not be considered inaccurate, if—

(I) the financial institution chooses to offer a loan rehabilitation program which includes, without limitation, a requirement of the consumer to make consecutive on-time monthly payments in a number that demonstrates, in the assessment of the financial institution offering the loan rehabilitation program, a renewed ability and willingness to repay the loan; and

(II) the requirements of the loan rehabilitation program described in subclause (I) are successfully met.

#### (ii) Banking agencies

##### (I) In general

If a financial institution is supervised by a Federal banking agency, the financial institution shall seek written approval concerning the terms and conditions of the loan rehabilitation program described in clause (i) from the appropriate Federal banking agency.

##### (II) Feedback

An appropriate Federal banking agency shall provide feedback to a financial institution within 120 days of a request for approval under subclause (I).

#### (iii) Limitation

##### (I) In general

A consumer may obtain the benefits available under this subsection with respect to rehabilitating a loan only 1 time per loan.

##### (II) Rule of construction

Nothing in this subparagraph may be construed to require a financial institution to offer a loan rehabilitation program or to remove any reported default from a consumer report as a consideration of a loan rehabilitation program, except as described in clause (i).

#### (iv) Definitions

For purposes of this subparagraph—

(I) the term “appropriate Federal banking agency” has the meaning given the term in section 1813 of title 12; and

(II) the term “private education loan” has the meaning given the term in section 1650(a) of this title.

### (F) Reporting information during COVID-19 pandemic

#### (i) Definitions

In this subsection: