

116TH CONGRESS  
1ST SESSION

# S. 2631

To amend the Fair Credit Reporting Act to accurately report identity theft transactions in the credit histories of criminal defendants.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2019

Mr. SCOTT of Florida (for himself, Mrs. CAPITO, Mrs. FISCHER, Mr. RUBIO, Mr. COTTON, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Fair Credit Reporting Act to accurately report identity theft transactions in the credit histories of criminal defendants.

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 “Identity Theft Victims  
5 Protection Act of 2019”.

1 **SEC. 2. ACCURATE REPORTING OF CREDIT HISTORY IN-**  
2 **FORMATION RELATED TO IDENTITY THEFT.**

3 (a) IN GENERAL.—The Fair Credit Reporting Act  
4 (15 U.S.C. 1681 et seq.) is amended by inserting after  
5 section 605B (15 U.S.C. 1681c–2) the following:

6 **“SEC. 605C. ACCURATE REPORTING OF CREDIT HISTORY**  
7 **INFORMATION RELATED TO IDENTITY**  
8 **THEFT.**

9 “(a) PURPOSE.—The purpose of this section is—

10 “(1) to prevent information that is the result of  
11 identity theft from appearing in the credit history of  
12 a victim consumer; and

13 “(2) to accurately report the information in the  
14 credit history of the confirmed perpetrator of iden-  
15 tity theft following a finding of guilt for a violation  
16 of section 1028(a)(7) or 1028A(a) of title 18,  
17 United States Code.

18 “(b) TRANSFER OF IDENTITY THEFT CREDIT INFOR-  
19 MATION.—Upon direct request of a victim consumer, or  
20 an individual acting on behalf of or as a personal rep-  
21 resentative of a victim consumer, a consumer reporting  
22 agency described in section 603(p) that maintains a file  
23 on the consumer and has received appropriate proof of an  
24 act or acts of identity theft, as described in subsection (c),  
25 shall—

1           “(1) remove any information in the file of a vic-  
2           tim consumer confirmed to be the result of identity  
3           theft; and

4           “(2) add the removed information to the file of  
5           the defendant found guilty of the identity theft.

6           “(c) INFORMATION NECESSARY TO EFFECT TRANS-  
7           FER.—The direct request of a victim consumer, or an indi-  
8           vidual acting on behalf of or as a personal representative  
9           of a victim consumer under subsection (b), shall include  
10          the following information:

11           “(1) A certified copy of the indictment, infor-  
12           mation, or charging instrument filed in a court of  
13           competent jurisdiction alleging 1 or more acts of  
14           identity theft, in violation of section 1028 or  
15           1028A(a) of title 18, United States Code, by a  
16           named defendant against a named victim consumer.

17           “(2) Appropriate proof of the identity of the de-  
18           fendant.

19           “(3) Appropriate proof of the identity of the  
20           victim consumer.

21           “(4) A certified copy of the judgment entered  
22           by a court of competent jurisdiction declaring the  
23           defendant guilty of 1 or more acts of identity theft  
24           or aggravated identity theft, as alleged in the indict-

1       ment, information, or charging instrument, against  
2       the victim consumer.

3           “(5) Identification by the victim consumer of  
4       the information related to the confirmed act or acts  
5       of identity theft or aggravated identity theft by the  
6       defendant.

7           “(6) A statement by the victim consumer that  
8       the information is not information relating to any  
9       transaction by the consumer.

10       “(d) AUTHORITY TO REQUEST ADDITIONAL INFOR-  
11       MATION.—A consumer reporting agency may request addi-  
12       tional information from the individual or entity submitting  
13       information under subsection (b) if such additional infor-  
14       mation is necessary to confirm—

15           “(1) the identity of the victim consumer or the  
16       defendant;

17           “(2) the authenticity of any court document; or

18           “(3) the information in the file of the victim  
19       consumer requested to be removed.

20       “(e) NOTIFICATION TO FURNISHERS OF INFORMA-  
21       TION.—A consumer reporting agency shall promptly notify  
22       the furnisher of information identified by the victim con-  
23       sumer under subsection (b)—

1           “(1) that the information is the result of a judi-  
2           cially confirmed act of identity theft by the named  
3           defendant;

4           “(2) that the information identified as the re-  
5           sult of identity theft has been removed from the file  
6           of the victim consumer, and the information has  
7           been added to the file of the defendant; and

8           “(3) the effective date of the addition of the in-  
9           formation to the file of the defendant.

10          “(f) NOTIFICATION TO CONSUMER REPORTING  
11 AGENCIES.—A consumer reporting agency described in  
12 section 603(p) that maintains a file on the consumer and  
13 has received the materials and information described in  
14 subsection (c) shall refer such information to each of the  
15 other consumer reporting agencies described in subsection  
16 603(p), in accordance with procedures developed under  
17 section 621(f).

18          “(g) DEFINITION.—In this section, the term ‘victim  
19 consumer’ has the meaning given the term ‘victim’ in sec-  
20 tion 609(e).”.

21          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22 The table of contents for the Fair Credit Reporting Act  
23 is amended by inserting after the item relating to section  
24 605B the following:

“605C. Accurate reporting of credit history information related to identity theft.”

