

115TH CONGRESS
1ST SESSION

H. R. 4028

To amend the Federal Financial Institutions Examination Council Act of 1978 to establish cybersecurity supervision and examination of large consumer reporting agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2017

Mr. MCHENRY introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To amend the Federal Financial Institutions Examination Council Act of 1978 to establish cybersecurity supervision and examination of large consumer reporting agencies, 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 “Promoting Responsible
5 Oversight of Transactions and Examinations of Credit
6 Technology Act of 2017” or the “PROTECT Act of
7 2017”.

1 **TITLE I—CONSUMER REPORT-**
2 **ING AGENCY CYBERSECURITY**

3 **SEC. 101. CYBERSECURITY SUPERVISION AND EXAMINA-**
4 **TION OF LARGE CONSUMER REPORTING**
5 **AGENCIES.**

6 The Federal Financial Institutions Examination
7 Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended
8 by adding at the end the following:

9 **“SEC. 1012. CYBERSECURITY SUPERVISION AND EXAMINA-**
10 **TION OF LARGE CONSUMER REPORTING**
11 **AGENCIES.**

12 “(a) IN GENERAL.—Large consumer reporting agen-
13 cies shall be subject to cybersecurity supervision and ex-
14 amination by the designated agency.

15 “(b) RULEMAKING.—The Council shall—

16 “(1) establish uniform cybersecurity supervision
17 and examination procedures for purposes of sub-
18 section (a); and

19 “(2) designate a Federal banking agency, as de-
20 fined in section 509 of the Gramm-Leach-Bliley Act
21 (15 U.S.C. 6809), to serve as the designated agency
22 under subsection (a).

23 “(c) LARGE CONSUMER REPORTING AGENCY DE-
24 FINED.—The term ‘large consumer reporting agency’ has
25 the meaning given the term ‘consumer reporting agency’

1 that compiles and maintains files on consumers on a na-
 2 tionwide basis’ under section 603(p) of the Fair Credit
 3 Reporting Act.”.

4 **TITLE II—NATIONAL SECURITY** 5 **FREEZE**

6 **SEC. 201. NATIONAL SECURITY FREEZE AND ADDITIONAL** 7 **PROTECTIONS FOR FILES AND CREDIT** 8 **RECORDS OF PROTECTED CONSUMERS.**

9 Section 605 of the Fair Credit Reporting Act (15
 10 U.S.C. 1681c) is amended by adding at the end the fol-
 11 lowing:

12 “(i) NATIONAL SECURITY FREEZE AND ADDITIONAL
 13 PROTECTIONS FOR FILES AND CREDIT RECORDS OF PRO-
 14 TECTED CONSUMERS.—

15 “(1) DEFINITIONS.—For purposes of this sub-
 16 section:

17 “(A) The term ‘proper identification’ has
 18 the meaning of such term as used under section
 19 610.

20 “(B) The term ‘consumer reporting agen-
 21 cy’ means a consumer reporting agency that
 22 compiles and maintains files on consumers on a
 23 nationwide basis.

24 “(C) The term ‘security freeze’ means a
 25 restriction placed on making consumer reports

1 of a consumer, at the request of the consumer,
2 that prohibits a consumer reporting agency
3 from making a consumer report with respect to
4 the consumer to any person for the purpose of
5 opening a new account involving the extension
6 of credit.

7 “(2) REQUEST FOR SECURITY FREEZE, PROC-
8 ESSING TIME, CONFIRMATION OF FREEZE AND PER-
9 SONAL IDENTIFICATION NUMBER OR PASSWORD.—

10 “(A) REQUEST.—A consumer may request
11 that a consumer reporting agency place a secu-
12 rity freeze by sending a request via mail, tele-
13 phone, facsimile, internet, or other electronic
14 media to the consumer reporting agency in a
15 manner designated by the consumer reporting
16 agency to receive such requests.

17 “(B) PLACEMENT OF SECURITY
18 FREEZE.—A consumer reporting agency shall
19 place a security freeze no later than 5 business
20 days after receiving from the consumer—

21 “(i) a request described under sub-
22 paragraph (A);

23 “(ii) proper identification; and

24 “(iii) payment of the required fee, if
25 applicable.

1 “(C) CONFIRMATION AND ADDITIONAL IN-
2 FORMATION.—Not later than 10 business days
3 after placing a security freeze, the consumer re-
4 porting agency shall—

5 “(i) send confirmation of the place-
6 ment to the consumer;

7 “(ii) inform the consumer of the proc-
8 ess by which the consumer may tempo-
9 rarily lift the security freeze and allow the
10 consumer reporting agency to make a con-
11 sumer report with respect to the consumer
12 for a specific entity or a specific period of
13 time;

14 “(iii) provide the consumer with a
15 unique personal identification number or
16 password to be used with the process de-
17 scribed under subparagraph (B); and

18 “(iv) inform the consumer of the proc-
19 ess by which the consumer may remove the
20 security freeze.

21 “(D) NOTICE TO THIRD PARTIES.—A con-
22 sumer reporting agency may advise a third
23 party that a security freeze has been placed
24 with respect to a consumer.

1 “(3) REQUESTS TO TEMPORARILY LIFT
2 FREEZE, TIMING, REQUEST PROCEDURES.—

3 “(A) IN GENERAL.—If a consumer with a
4 security freeze in place wishes to temporarily
5 allow a consumer reporting agency to make a
6 consumer report with respect to the consumer
7 for a specific entity or a specific period of time,
8 the consumer may notify the consumer report-
9 ing agency using a method of contact des-
10 ignated by the consumer reporting agency, re-
11 questing that the freeze be temporarily lifted,
12 and providing, to complete the request, all of
13 the following:

14 “(i) Proper identification.

15 “(ii) The unique personal identifica-
16 tion number or password provided by the
17 consumer reporting agency pursuant to
18 paragraph (2)(C).

19 “(iii) The applicable information re-
20 garding the entity or time period with re-
21 spect to which the consumer wishes the se-
22 curity freeze to be lifted.

23 “(iv) The required fee, if applicable.

24 “(B) TEMPORARY LIFTING OF SECURITY
25 FREEZE.—A consumer reporting agency that

1 receives a request described under subpara-
2 graph (A) shall comply with the request not
3 later than 3 business days after receiving the
4 request.

5 “(C) PROCEDURES.—A consumer report-
6 ing agency may develop procedures involving
7 the use of telephone, facsimile, the internet, or
8 other electronic media to receive and process a
9 request from a consumer described under sub-
10 paragraph (A) in an expedited manner.

11 “(4) MANDATORY REMOVAL OR TEMPORARY
12 LIFTING OF FREEZE, NOTICE TO CONSUMER, AND
13 THIRD PARTY REQUESTS.—

14 “(A) IN GENERAL.—A consumer reporting
15 agency shall remove or temporarily lift a freeze
16 placed on the consumer report of a consumer
17 only in the following cases:

18 “(i) Upon consumer request.

19 “(ii) The security freeze was placed
20 due to a material misrepresentation of fact
21 by the consumer.

22 “(B) NOTICE IF REMOVAL NOT BY RE-
23 QUEST.—If a consumer reporting agency in-
24 tends to remove a security freeze with respect
25 to a consumer, and is not doing so at the re-

quest of the consumer, the consumer reporting agency shall notify the consumer in writing prior to removing the security freeze.

“(C) THIRD PARTY REQUESTS.—If a third party requests access to a consumer report of a consumer with respect to which a security freeze is in effect, where such request is in connection with an application for credit or any other use, and the consumer does not allow such consumer report to be accessed, the third party may treat the application as incomplete.

“(5) REMOVAL OF FREEZE BY CONSUMER REQUEST.—A security freeze shall remain in place until the consumer requests, using a method of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within 3 business days of receiving such a request for removal from the consumer, who provides along with it—

“(A) proper identification;

“(B) the unique personal identification number or password provided by the consumer reporting agency pursuant to paragraph (2)(C);
and

1 “(C) the required fee, if applicable.

2 “(6) EXCEPTIONS.—A security freeze shall not
3 apply to the making of a consumer report for use by
4 the following:

5 “(A) A person or entity, or a subsidiary,
6 affiliate, or agent of that person or entity, or an
7 assignee of a financial obligation owed by the
8 consumer to that person or entity, or a prospec-
9 tive assignee of a financial obligation owed by
10 the consumer to that person or entity in con-
11 junction with the proposed purchase of the fi-
12 nancial obligation, with which the consumer has
13 or had prior to assignment an account or con-
14 tract including a demand deposit account, or to
15 whom the consumer issued a negotiable instru-
16 ment, for the purposes of reviewing the account
17 or collecting the financial obligation owed for
18 the account, contract, or negotiable instrument.
19 For purposes of this subparagraph, ‘reviewing
20 the account’ includes activities related to ac-
21 count maintenance, monitoring, credit line in-
22 creases, and account upgrades and enhance-
23 ments.

24 “(B) A subsidiary, affiliate, agent, as-
25 signee, or prospective assignee of a person to

1 whom access has been granted for purposes of
2 facilitating the extension of credit or other per-
3 missible use.

4 “(C) Any Federal, State or local agency,
5 law enforcement agency, trial court, or private
6 collection agency acting pursuant to a court
7 order, warrant, or subpoena.

8 “(D) A child support agency acting pursu-
9 ant to part D of title IV of the Social Security
10 Act.

11 “(E) A State or its agents or assigns act-
12 ing to investigate fraud or acting to investigate
13 or collect delinquent taxes or unpaid court or-
14 ders or to fulfill any of its other statutory re-
15 sponsibilities, provided such responsibilities are
16 consistent with a permissible purpose under sec-
17 tion 604.

18 “(F) A person using credit information for
19 the purposes described under section 604(c).

20 “(G) Any person or entity administering a
21 credit file monitoring subscription or similar
22 service to which the consumer has subscribed.

23 “(H) Any person or entity for the purpose
24 of providing a consumer with a copy of the con-

1 sumer’s consumer report or credit score, upon
2 the request of the consumer.

3 “(I) Any person using the information in
4 connection with the underwriting of insurance.

5 “(J) Any person using the information for
6 employment, tenant, or background screening
7 purposes.

8 “(7) FEES.—

9 “(A) IN GENERAL.—A consumer reporting
10 agency may charge a fee of no more than \$5 to
11 a consumer for each security freeze, removal of
12 a security freeze, or temporary lifting of a secu-
13 rity freeze.

14 “(B) EXCEPTION.—A consumer reporting
15 agency shall not charge any fee described under
16 subparagraph (A) to—

17 “(i) a victim of identity theft who has
18 submitted, at the time the security freeze
19 is requested, a copy of a valid investigative
20 or incident report or complaint with a law
21 enforcement agency about the unlawful use
22 of the victim’s identifying information by
23 another person;

24 “(ii) except as provided in subsection
25 (j), a consumer who is a minor or 65 years

1 of age or older for the initial placement
2 and removal of a security freeze; or

3 “(iii) a consumer who has submitted a
4 copy of the consumer’s orders calling the
5 service member to military service and any
6 orders further extending the service mem-
7 ber’s period of service if currently active.

8 “(8) MODIFICATION OF OFFICIAL INFORMA-
9 TION.—

10 “(A) IN GENERAL.—If a security freeze is
11 in place, a consumer reporting agency shall not
12 change any of the following official information
13 in the file of a consumer without sending con-
14 firmation of the change to the consumer within
15 30 days of the change being posted to the file
16 of the consumer:

17 “(i) Name.

18 “(ii) Date of birth.

19 “(iii) Social Security number.

20 “(iv) Address.

21 “(B) EXCEPTION FOR TECHNICAL MODI-
22 FICATIONS.—Subparagraph (A) shall not apply
23 to technical modifications of official information
24 of a consumer, including name and street ab-

1 breviations, complete spellings, or transposition
2 of numbers or letters.

3 “(C) ADDRESS CHANGES.—In the case of
4 an address change, the confirmation described
5 under subparagraph (A) shall be sent to both
6 the new address and to the former address.

7 “(9) NOTICE OF RIGHTS.—At any time a con-
8 sumer is required to receive a summary of rights re-
9 quired under section 609, the following notice shall
10 be included:

11 “‘Consumers Have the Right To Obtain a Security
12 Freeze—You have a right to place a “security freeze” on
13 your credit report, which will prohibit a consumer report-
14 ing agency from releasing information in your credit re-
15 port without your express authorization. The security
16 freeze is designed to prevent credit, loans, and services
17 from being approved in your name without your consent.
18 However, you should be aware that using a security freeze
19 to take control over who gets access to the personal and
20 financial information in your credit report may delay,
21 interfere with, or prohibit the timely approval of any sub-
22 sequent request or application you make regarding a new
23 loan, credit, mortgage, government services or payments,
24 rental housing, employment, investment, license, cellular
25 phone, utilities, digital signature, internet credit card

1 transaction, or other services, including an extension of
2 credit at point of sale. When you place a security freeze
3 on your credit report, you will be provided a personal iden-
4 tification number or password to use if you choose to re-
5 move the security freeze on your credit report or authorize
6 the release of your credit report to a particular entity or
7 for a period of time after the freeze is in place. To provide
8 that authorization you must contact the consumer report-
9 ing agency by one of the methods that it requires, and
10 provide all of the following:

11 “(1) The personal identification number or
12 password.

13 “(2) Proper identification to verify your iden-
14 tity.

15 “(3) The applicable information regarding the
16 entity or time period with respect to which the con-
17 sumer wishes the security freeze to be lifted.

18 “(4) The payment of the appropriate fee, if
19 applicable.

20 A consumer reporting agency must authorize the release
21 of your credit report no later than 3 business days after
22 receiving all of the above items by any method that the
23 consumer reporting agency allows.

24 ““A security freeze does not apply to a person or enti-
25 ty, or its affiliates, or collection agencies acting on behalf

1 of the person or entity, with which you have an existing
2 account that requests information in your credit report for
3 the purposes of reviewing or collecting the account. Re-
4 viewing the account includes activities related to account
5 maintenance, monitoring, credit line increases, and ac-
6 count upgrades and enhancements.

7 “‘You have a right to bring a civil action against any-
8 one, including a consumer reporting agency, who willfully
9 or negligently fails to comply with the Federal law on secu-
10 rity freezes (section 605C of the Fair Credit Reporting
11 Act).

12 “‘A consumer reporting agency has the right to
13 charge you up to Five Dollars (\$5.00) to place a security
14 freeze, up to Five Dollars (\$5.00) to temporarily lift a se-
15 curity freeze, and up to Five Dollars (\$5.00) to remove
16 a security freeze. However, you shall not be charged any
17 fee if you are a victim of identity theft who has submitted,
18 at the time the security freeze is requested, a copy of a
19 valid investigative or incident report or complaint with a
20 law enforcement agency about the unlawful use of your
21 identifying information by another person, or if you are
22 a minor or sixty-five (65) years of age or older for the
23 initial placement and removal of a security freeze.’.

24 “(j) NATIONAL PROTECTIONS FOR FILES AND CRED-
25 IT RECORDS OF PROTECTED CONSUMERS.—

1 “(1) DEFINITIONS.—As used in this subsection:

2 “(A) The term ‘consumer reporting agen-
3 cy’ means a consumer reporting agency that
4 compiles and maintains files on consumers on a
5 nationwide basis.

6 “(B) The term ‘protected consumer’ means
7 an individual who is—

8 “(i) under the age of 16 years at the
9 time a request for the placement of a secu-
10 rity freeze is made; or

11 “(ii) an incapacitated person or a pro-
12 tected person for whom a guardian or con-
13 servator has been appointed.

14 “(C) The term ‘record’ means a compila-
15 tion of information that—

16 “(i) identifies a protected consumer;

17 “(ii) is created by a consumer report-
18 ing agency solely for the purpose of com-
19 plying with this subsection; and

20 “(iii) may not be created or used to
21 consider the protected consumer’s credit
22 worthiness, credit standing, credit capacity,
23 character, general reputation, personal
24 characteristics, or mode of living.

1 “(D) The term ‘representative’ means a
2 person who provides to a consumer reporting
3 agency sufficient proof of authority to act on
4 behalf of a protected consumer.

5 “(E) The term ‘security freeze’ means—

6 “(i) if a consumer reporting agency
7 does not have a file pertaining to a pro-
8 tected consumer, a restriction that—

9 “(I) is placed on the protected
10 consumer’s record in accordance with
11 this subsection; and

12 “(II) prohibits the consumer re-
13 porting agency from releasing the pro-
14 tected consumer’s record except as
15 provided in this subsection; or

16 “(ii) if a consumer reporting agency
17 has a file pertaining to the protected con-
18 sumer, a restriction that—

19 “(I) is placed on the protected
20 consumer’s consumer report in ac-
21 cordance with this subsection; and

22 “(II) prohibits the consumer re-
23 porting agency from releasing the pro-
24 tected consumer’s consumer report ex-
25 cept as provided in this subsection.

1 “(F) The term ‘sufficient proof of author-
2 ity’ means documentation that shows a rep-
3 resentative has authority to act on behalf of a
4 protected consumer and includes—

5 “(i) an order issued by a court of law;

6 “(ii) a lawfully executed and valid
7 power of attorney; or

8 “(iii) a written, notarized statement
9 signed by a representative that expressly
10 describes the authority of the representa-
11 tive to act on behalf of a protected con-
12 sumer.

13 “(G) The term ‘sufficient proof of identi-
14 fication’ means information or documentation
15 that identifies a protected consumer or a rep-
16 resentative of a protected consumer and in-
17 cludes—

18 “(i) a Social Security number or a
19 copy of a Social Security card issued by
20 the Social Security Administration;

21 “(ii) a certified or official copy of a
22 birth certificate issued by the entity au-
23 thorized to issue the birth certificate; or

24 “(iii) a copy of a driver’s license, an
25 identification card issued by the Motor Ve-

1 hicle Administration, or any other govern-
2 ment-issued identification.

3 “(2) EXCEPTIONS.—This subsection shall not
4 apply to the making of a consumer report for use by
5 the following:

6 “(A) A person or entity, or a subsidiary,
7 affiliate, or agent of that person or entity, or an
8 assignee of a financial obligation owed by the
9 consumer to that person or entity, or a prospec-
10 tive assignee of a financial obligation owed by
11 the consumer to that person or entity in con-
12 junction with the proposed purchase of the fi-
13 nancial obligation, with which the consumer has
14 or had prior to assignment an account or con-
15 tract including a demand deposit account, or to
16 whom the consumer issued a negotiable instru-
17 ment, for the purposes of reviewing the account
18 or collecting the financial obligation owed for
19 the account, contract, or negotiable instrument.
20 For purposes of this subparagraph, ‘reviewing
21 the account’ includes activities related to ac-
22 count maintenance, monitoring, credit line in-
23 creases, and account upgrades and enhance-
24 ments.

1 “(B) A subsidiary, affiliate, agent, as-
2 signee, or prospective assignee of a person to
3 whom access has been granted for purposes of
4 facilitating the extension of credit or other per-
5 missible use.

6 “(C) Any Federal, State or local agency,
7 law enforcement agency, trial court, or private
8 collection agency acting pursuant to a court
9 order, warrant, or subpoena.

10 “(D) A child support agency acting pursu-
11 ant to part D of title IV of the Social Security
12 Act.

13 “(E) The State or its agents or assigns
14 acting to investigate fraud or acting to inves-
15 tigate or collect delinquent taxes or unpaid
16 court orders or to fulfill any of its other statu-
17 tory responsibilities, provided such responsibil-
18 ities are consistent with a permissible purpose
19 under section 604.

20 “(F) A person using credit information for
21 the purposes described under section 604(c).

22 “(G) Any person or entity administering a
23 credit file monitoring subscription or similar
24 service to which the consumer has subscribed.

1 “(H) Any person or entity for the purpose
2 of providing a consumer with a copy of the con-
3 sumer’s consumer report or credit score, upon
4 the request of the consumer.

5 “(I) Any person using the information in
6 connection with the underwriting of insurance.

7 “(J) Any person using the information for
8 employment, tenant or background screening
9 purposes.

10 “(3) PLACING A FREEZE FOR A PROTECTED
11 CONSUMER.—

12 “(A) IN GENERAL.—A consumer reporting
13 agency shall place a security freeze for a pro-
14 tected consumer if—

15 “(i) the consumer reporting agency
16 receives a request from the protected con-
17 sumer’s representative for the placement of
18 the security freeze under this subsection;
19 and

20 “(ii) the protected consumer’s rep-
21 resentative—

22 “(I) submits the request to the
23 consumer reporting agency at the ad-
24 dress or other point of contact and in

1 the manner specified by the consumer
2 reporting agency;

3 “(II) provides to the consumer
4 reporting agency sufficient proof of
5 identification of the protected con-
6 sumer and the representative;

7 “(III) provides to the consumer
8 reporting agency sufficient proof of
9 authority to act on behalf of the pro-
10 tected consumer; and

11 “(IV) pays to the consumer re-
12 porting agency a fee as provided
13 under this subsection.

14 “(B) CREATION OF FILE.—If a consumer
15 reporting agency does not have a file pertaining
16 to a protected consumer when the consumer re-
17 porting agency receives a request under sub-
18 paragraph (A), the consumer reporting agency
19 shall create a credit record for the protected
20 consumer.

21 “(C) PLACEMENT OF SECURITY FREEZE.—
22 Within 3 days after receiving a request de-
23 scribed under subparagraph (A), a consumer re-
24 porting agency shall place a security freeze for
25 the protected consumer.

1 “(4) PROHIBITION ON RELEASE OF RECORD OR
2 FILE OF PROTECTED CONSUMER.—Unless a security
3 freeze for a protected consumer is removed in ac-
4 cordance with this subsection, a consumer reporting
5 agency may not release the protected consumer’s
6 consumer report, any information derived from the
7 protected consumer’s consumer report, or any record
8 created for the protected consumer.

9 “(5) TIMELINE FOR A FREEZE FOR A PRO-
10 TECTED CONSUMER.—A security freeze for a pro-
11 tected consumer placed under this subsection shall
12 remain in effect until—

13 “(A) the protected consumer or the pro-
14 tected consumer’s representative requests the
15 consumer reporting agency to remove the secu-
16 rity freeze in accordance with paragraph (6); or

17 “(B) the security freeze is removed in ac-
18 cordance with paragraph (9).

19 “(6) REMOVAL OF A PROTECTED CONSUMER
20 SECURITY FREEZE.—If a protected consumer or a
21 protected consumer’s representative wishes to re-
22 move a security freeze for the protected consumer,
23 the protected consumer or the protected consumer’s
24 representative shall—

1 “(A) submit a request for the removal of
2 the security freeze to the consumer reporting
3 agency at the address or other point of contact
4 and in the manner specified by the consumer
5 reporting agency;

6 “(B) provide to the consumer reporting
7 agency—

8 “(i) in the case of a request by the
9 protected consumer—

10 “(I) proof that the sufficient
11 proof of authority for the protected
12 consumer’s representative to act on
13 behalf of the protected consumer is no
14 longer valid; and

15 “(II) sufficient proof of identi-
16 fication of the protected consumer; or

17 “(ii) in the case of a request by the
18 representative of a protected consumer—

19 “(I) sufficient proof of identifica-
20 tion of the protected consumer and
21 the representative; and

22 “(II) sufficient proof of authority
23 to act on behalf of the protected con-
24 sumer; and

1 “(iii) pay to the consumer reporting
2 agency a fee, if applicable, as provided in
3 paragraph (8).

4 “(7) TIMING OF REMOVAL OF A PROTECTED
5 CONSUMER FREEZE.—Within 3 days after receiving
6 a request described under paragraph (6), the con-
7 sumer reporting agency shall remove the security
8 freeze for the protected consumer.

9 “(8) FEES FOR A PROTECTED CONSUMER
10 FREEZE.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), a consumer reporting agency
13 may not charge a fee for any service performed
14 under this subsection.

15 “(B) REASONABLE FEE PERMITTED.—A
16 consumer reporting agency may charge a rea-
17 sonable fee, not exceeding \$5, for each place-
18 ment or removal of a security freeze for a pro-
19 tected consumer.

20 “(C) EXCEPTIONS.—Notwithstanding sub-
21 paragraph (B), a consumer reporting agency
22 may not charge any fee under this subsection
23 if—

24 “(i) the protected consumer’s rep-
25 resentative has obtained a police report or

1 affidavit of alleged identity fraud against
2 the protected consumer and provides a
3 copy of the report to the consumer report-
4 ing agency; or

5 “(ii) a request for the placement or
6 removal of a security freeze is for a pro-
7 tected consumer who is under the age of
8 sixteen years of age at the time of the re-
9 quest and the consumer reporting agency
10 has a consumer report pertaining to the
11 protected consumer.

12 “(9) DELETION OF FILE OR RECORD CREATED
13 BASED ON A MATERIAL MISREPRESENTATION.—A
14 consumer reporting agency may remove a security
15 freeze for a protected consumer or delete a record of
16 a protected consumer if the security freeze was
17 placed or the record was created based on a material
18 misrepresentation of fact by the protected consumer
19 or the protected consumer’s representative.”.

1 **TITLE III—CREDIT RATING**
2 **AGENCY USE OF SOCIAL SE-**
3 **CURITY NUMBERS**

4 **SEC. 301. PROHIBITION ON THE USE OF SOCIAL SECURITY**
5 **NUMBERS.**

6 (a) IN GENERAL.—Section 605 of the Fair Credit
7 Reporting Act (15 U.S.C. 1681c), as amended by title II,
8 is amended by adding at the end the following:

9 “(k) PROHIBITION ON THE USE OF SOCIAL SECU-
10 RITY NUMBERS.—A consumer reporting agency that com-
11 piles and maintains files on consumers on a nationwide
12 basis—

13 “(1) may not make any consumer report con-
14 taining a Social Security number; and

15 “(2) may not use the Social Security number of
16 a consumer as a method to identify the consumer,
17 or for any other purpose.”.

18 (b) CONFORMING AMENDMENT.—Section 609(a)(1)
19 of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1))
20 is amended by striking “except that—” and all that fol-
21 lows through “(B) nothing” and inserting “except that
22 nothing”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on January 1, 2020.

