

H. Con. Res. 256: Mr. BALLANCE, Mr. SCOTT of Georgia, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Ms. WATSON, Mr. FORD, Mr. WATT, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. MAJETTE, Mr. CLAY, Mr. WYNN, Mr. BISHOP of Georgia, Ms. NORTON, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. CONYERS.

H. Res. 103: Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, and Mr. ROTHMAN.

H. Res. 167: Mr. GREEN of Texas.

H. Res. 254: Ms. WOOLSEY, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.

H. Res. 300: Mr. EHLERS, Mr. STENHOLM, Mr. PENCE, Mr. MCKEON, Mr. WAMP, Mr. HYDE, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SOUDER.

H. Res. 315: Mr. PICKERING.

H. Res. 325: Mrs. LOWEY.

H. Res. 348: Mr. MEEHAN, Mr. BAKER, Mr. GILCREST, and Ms. BALDWIN.

H. Res. 352: Mr. SHIMKUS, Mr. MCNULTY, Ms. NORTON, Mr. COOPER, Mr. LANTOS, Mr. GREEN of Texas, Mr. FROST, and Mr. FRANK of Massachusetts.

H. Res. 355: Mr. WEXLER, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. LANTOS, Mr. ENGEL, Ms. LEE, and Mr. BURTON of Indiana.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2622

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 1: Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

“(2) shall not apply after December 31, 2012.”.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 2: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

“(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.”.

H.R. 2622

OFFERED BY: MR. INSLEE

AMENDMENT NO. 3: Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking “Committee on Banking, Finance and Urban Affairs” and inserting “Committee on Financial Services”.

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking “a supervisory official designated by”; and

(2) by adding at the end the following new subsections:

“(f) REPORTS TO THE CONGRESS.—On a semi-annual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

“(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.”.

H.R. 2622

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

“(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any other credit card or debt.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting “subject to subsection (d),” before “to review”.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 5: Page 10, line 12, insert “, other than subsections (g), (h), (i), (j), (k), and (l)” before the closing quotation marks after “identity theft prevention”.

Page 10, after line 13, insert the following new paragraph:

(4) Section 624(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting “specific” before “subject matter”.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, strike lines 9 and 10 and insert “Section 612 of the”.

Page 44, beginning on line 14, strike “described in section 603(p)” and insert “that compiles and maintains files on consumers on a nationwide or regional basis”.

Page 44, strike line 18 and all that follows through line 22.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 44, beginning on line 14, strike “described in section 603(p)” and insert “that compiles and maintains files on consumers on a nationwide or regional basis”.

H.R. 2622

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Page 7, line 15, insert “(a) IN GENERAL.—” before “Section”.

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

“(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

“(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

“(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code).”.

H.R. 2622

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 9: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

“(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

“(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

“(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

“(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

“(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.”.

H.R. 2622

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 10: Page 44, after line 3, insert the following new section (and conform the table of contents accordingly):

SEC. 406. PROHIBITION ON INCLUDING LATE PAYMENTS IN CREDIT REPORTS THAT WERE LATE DUE SOLELY TO DECLARED DISASTERS.

(a) IN GENERAL.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by inserting after paragraph (6) (as added by section 702(b) of this Act) the following new paragraph:

“(7) Any reference to a late payment that was due solely to a disruption caused by a declared disaster for which the agency receives notice under subsection (m).”.

(b) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (l) (as added by section 203 of this Act) the following new subsection:

“(m) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—

“(1) NOTICE FROM CONSUMER.—Any consumer who—

“(A) resides in an area which has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

“(B) fails to make a payment on an obligation in a timely manner during the effective period of the declaration of a disaster; and

“(C) pays the obligation within 30 days after the end of such effective period,

may notify the creditor, with respect to such obligation, that the late payment was due to the existence of the declared disaster.

“(2) NOTICE TO CONSUMER REPORTING AGENCY.—Any creditor which receives a notice from a consumer under paragraph (1) shall notify any consumer reporting agency to which the creditor furnished information on the late payment described in such paragraph that the late payment was due to a disruption caused by a declared disaster.”.

H.R. 2622

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

“(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

“(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

“(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

“(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

“(iv) the results of the consumer reporting agency’s reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute.

Page 35, beginning on line 25, strike “thereafter report correct information to” and insert “notify”.

H.R. 2622

OFFERED BY: MR. NEY

AMENDMENT NO. 12: Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking “or” at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

“(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

“(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

“(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

“(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

“(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

“(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).”.

H.R. 2622

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 13: Page 67, after line 25, insert the following new section (and redesignate the subsequent section and any cross reference to such section and conform the table of contents accordingly):

SEC. 509. COMMISSION TO EDUCATE OUR NATION'S TEACHERS AND STUDENTS ON FINANCIAL LITERACY SKILLS.

(a) FINDINGS.—The Congress finds as follows:

(1) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, choices which will impact individuals’ credit ratings.

(2) An individual’s credit rating will affect his or her ability to buy a home, finance education, establish a small business and prepare for retirement.

(3) Building and maintaining sound credit requires knowledge of personal finance and economics.

(4) Basic economics education is a key to understanding personal finance.

(5) A number of Federal departments and agencies have implemented programs to improve personal finance and economics education, including the Departments of Education, Labor, Treasury, and Housing and Urban Development, as well as the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Trade Commission and the Securities Exchange Commission.

(6) Coordinating existing Federal efforts, maximizing the impact of existing private sector efforts, and identifying and promoting best practices are necessary to improve economic and personal finance education and to improve individuals’ credit and economic well-being.

(b) AUTHORITY TO ESTABLISH COMMISSION.—Not later than January 31, 2005, the President shall convene a Commission to Educate our Nation’s Teachers and Students on Financial Literacy Skills (hereafter in this section referred to as the “Commission”) to

examine and identify government policies that promote economic and financial literacy.

(c) SCOPE OF THE COMMISSION.—The scope of the Commission shall consist of issues relating to economic and financial education.

(d) PURPOSES.—The purposes of the Commission shall be—

(1) to make recommendations on integrating economic and personal finance education into primary, secondary, and postsecondary curricula;

(2) to identify and make recommendations regarding best practices in economic and personal finance education;

(3) to make recommendations on coordinating existing Federal and private sector economic and financial literacy education programs; and

(4) to make recommendations on ways to improve education at all levels regarding credit management, credit reports, credit scores and dispute resolution.

(e) COMMISSION MEMBERS.—To carry out the purposes of the Commission, the Commission shall include—

(1) 3 members appointed by the President, one of whom shall be designated by the President as the Chairperson of the Commission;

(2) 2 members appointed by the Speaker of the House of Representatives;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the majority leader of the Senate; and

(5) 2 members appointed by the minority leader of the Senate.

(f) APPOINTMENT REQUIREMENTS.—The Commission members shall—

(1) be appointed not later than January 31, 2005; and

(2) include at least one representative of each of the following groups:

(A) Primary and secondary educators.

(B) Postsecondary educators.

(C) The financial services industry.

(D) State and local governments.

(E) organizations involved in promoting economics education.

(g) COMMISSION ADMINISTRATION.—

(1) ADMINISTRATION.—In administering this section, the Chairperson of the Commission shall—

(A) request the cooperation and assistance of such Federal departments and agencies as may be appropriate in the carrying out of this section;

(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to provide testimony and otherwise participate in the Commission’s hearings;

(C) make available for public comment a proposed agenda for the Commission that reflects to the greatest extent possible the purposes for the Commission set out in this section;

(D) prepare and make available background materials for the use of participants in the Commission that the Chairperson considers necessary; and

(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay-rates.

(2) DUTIES OF THE CHAIRPERSON.—The Chairperson of the Commission shall, in carrying out the responsibilities and functions of the Chairperson under this section, ensure that—

(A) the Commission shall hold hearings in accordance with this section;

(B) the Commission shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in economic education; and

(C) the agenda prepared under paragraph (1)(C) for the Commission is published in the Federal Register.

(3) NONAPPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings to receive testimony related to the recommendations to be included in the Commission's report identified in subsection (i)(3).

(2) FIELD HEARINGS.—The Commission shall conduct at least 4 hearings to be held in different States.

(i) REPORT.—

(1) IN GENERAL.—The Commission shall prepare a report describing the activities and recommendations of the Commission and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than July 1, 2005.

(2) APPROVAL OF REPORT.—Approval of the Commission's report shall require a majority of the Commission.

(3) REPORT CONTENTS.—In addition to summarizing the activities of the Commission, the report shall include proposals for improving economics and finance education, including recommendations for—

(A) integrating high quality, standards-based economic and financial education in the curricula of primary, secondary and postsecondary education;

(B) identifying best practices in the teaching of economics and personal finance including teacher training and development of curricular materials;

(C) coordinating and enhancing existing federal and private sector efforts to improve economic education and financial literacy;

(D) assessing and identifying best practices for the training of teachers and educators in economics and finance; and

(E) improving public and private efforts to educate consumers regarding credit management, credit reports, credit scores, dispute resolution and related issues.

(j) DEFINITION.—For purposes of this section, the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning on or after October 1, 2004, such sums as are necessary to carry out this section.

(l) FINANCIAL OBLIGATION FOR FISCAL YEAR 2005.—The financial obligation for the Commission for fiscal year 2005 shall not exceed \$500,000.

(m) CONTRACTS.—The Chairperson of the Commission may enter into contracts to carry out the Chairperson's responsibilities under this section. The Chairperson shall enter into a contract on a sole-source basis to ensure the timely completion of the Commission's activities.

H.R. 2622

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 14: Page 28, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 208. PROHIBITED ACTIONS WITH RESPECT TO SOCIAL SECURITY NUMBERS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DISPLAY.—The term "display" means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

(2) PERSON.—The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

(3) PURCHASE.—The term "purchase" means providing directly or indirectly, anything of value in exchange for a social security number.

(4) SALE.—The term "sale" means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(5) STATE.—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

(b) PROHIBITED ACTIONS WITH RESPECT TO AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.—Subject to subsections (e) and (f), no person may engage in any of the following:

(1) Display in any manner an individual's social security number.

(2) Print or otherwise display an individual's social security number on any card, or other means of access, required for the individual to access products or services provided by the person to the individual.

(3) Require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use the individual's social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet Web site.

(5) Print or otherwise display an individual's social security number on any communications by the person to the individual, unless Federal or State law, or any Federal agency or any contractor with the Federal Government (under color of Federal law), requires the individual's social security number to be included on such documents.

(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

(e) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Subsection (b)(5) shall not apply with respect to an individual's social security number included on documents sent by mail—

(1) in connection with an application or enrollment process initiated by the individual; or

(2) to establish, amend, or terminate an account held by the individual with the person; or

(3) to verify the accuracy of the individual's social security number.

(f) EXCEPTION FOR PRIOR ON-GOING USE.—Subsection (b) shall not apply to the use by

a person of an individual's social security number in a manner that is inconsistent with such subsection if—

(1) the use by such person of the individual's social security number in such manner began before the date of the enactment of this Act;

(2) the use by such person of the social security number in such manner is continuous; and

(3) the person notifies the individual, in writing, before the end of the 30-day period beginning on the date of the enactment of this Act and annually thereafter, that the individual has the right to require such person to stop using the individual's social security number in a manner inconsistent with subsection (b).

(g) INDIVIDUAL'S REQUEST TO STOP INCONSISTENT USE.—

(1) IN GENERAL.—If a person receives a written request from an individual to stop using the individual's social security number in a manner that is inconsistent with subsection (b), the person shall fully comply with such request before the end of the 30-day period beginning on the date of the receipt of the request.

(2) DENIAL OF PRODUCTS OR SERVICES PROHIBITED.—A person may not deny any product or service to an individual, or otherwise discriminate against such individual in the provision of any such product or service, solely on the basis that the individual submitted a request described in paragraph (1).

(h) COORDINATION WITH OTHER LAW.—

(1) IN GENERAL.—No provision of this section shall be construed as prohibiting or limiting the display or use of an individual's social security number by any person—

(A) to the extent required or authorized under any Federal or State law, or by any Federal agency or any contractor with the Federal Government (under color of Federal law);

(B) for internal verification or administrative purposes of the person;

(C) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(D) for a national security purpose;

(E) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(F) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including—

(i) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

(ii) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers; or

(iii) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

(G) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

(H) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this paragraph shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

(2) BUSINESS SAFEGUARDS.—

(A) IN GENERAL.—In furtherance of the provisions of paragraph (1)(F), the Federal Trade Commission shall establish appropriate standards for businesses relating to administrative, technical, and physical safeguards—

(i) to insure the security and confidentiality of social security numbers;

(ii) to protect against any anticipated threats or hazards to the security or integrity of social security numbers; and

(iii) to protect against unauthorized access to or use of social security numbers which could result in substantial harm or inconvenience to any customer.

(B) SAFE HARBOR.—Any person who is subject to the safeguard standards under section 501(b) of the Gramm-Leach-Bliley Act and is in compliance with such standards shall be deemed to be in compliance with the standards under subparagraph (A).

(3) STUDY AND REPORT.—

(A) IN GENERAL.—The Commissioner of the Social Security Administration shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law and State and local uses of social security numbers.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of the Social Security shall submit a report to Congress on the study conducted under this paragraph.

(C) CONTENTS OF REPORT.—The report shall include—

(i) a detailed description of the uses of an individual's social security number that are allowed as of the date of enactment of this Act;

(ii) an evaluation of whether such uses should be continued or discontinued by appropriate legislative action; and

(iii) such other recommendations for legislative or administrative action as the Commissioner determines to be appropriate.

(i) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not less than \$5,000 for each such violation; and

(B) to a civil penalty of not less than \$50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any knowing violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a-7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a-7a) to the Secretary shall be deemed to be a reference to the Attorney General.

(j) EFFECTIVE DATE.—This section shall apply after the end of the 180-day period beginning on the date of the enactment of this Act.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

“(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.”.

H.R. 2622

OFFERED BY: MRS. KELLY

AMENDMENT NO. 16: Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

“(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

“(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers' demands for such reports.

“(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.”.

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OFFERED BY: MR. OXLEY

AMENDMENT NO. 17: Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of

Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert “inserting ‘(and to specific identity theft prevention subjects covered)’ after”.

Page 20, line 7, insert “a summary of rights, or other disclosure, that is the same as or substantially similar to” after “with”.

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike “, or duplicative of.”.

Page 28, line 4, strike “credit” and insert “consumer”.

Page 28, strike line 7 and insert “the biometric industry, and the”.

Page 28, line 8, strike the comma after “public”.

Page 32, line 11, insert “, using an address or a notification mechanism specified by the consumer reporting agency for such notices” before the period.

Page 35, beginning on line 25, strike “thereafter report correct information to” and insert “notify”.

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert “of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.”.

Page 36, after line 3, insert the following new subparagraph:

“(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

“(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

“(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

“(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

“(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

“(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

“(I) the reasons for the determination under clause (i); and

“(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.”.

Page 56, line 16, insert before the closing quotation marks the following new sentence:

“This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.”.

Page 60, line 16, insert “or the financial institution is prohibited, by law, from contacting the consumer” before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

“(C) the information to be furnished pertains solely to transactions, accounts, or

balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of

such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike “purpose” and insert “purposes”.

Page 75, line 21, insert “(and which shall include permitting actions necessary for administrative verification purposes)” after “needs”.