

S 1742

Identity Theft Victims Assistance Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Nov 29, 2001

Current Status: Referred to the Subcommittee on Financial Institutions and Consumer Credit, for a period to be subse

Latest Action: Referred to the Subcommittee on Financial Institutions and Consumer Credit, for a period to be subsequently determined by the Chairman. (Nov 15, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1742>

Sponsor

Name: Sen. Cantwell, Maria [D-WA]

Party: Democratic • State: WA • Chamber: Senate

Cosponsors (4 total)

| Cosponsor | Party / State | Role | Date Joined |
|---------------------------------|---------------|------|--------------|
| Sen. Enzi, Michael B. [R-WY] | R · WY | | Apr 25, 2002 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | Apr 25, 2002 |
| Sen. Leahy, Patrick J. [D-VT] | D · VT | | May 21, 2002 |
| Sen. Grassley, Chuck [R-IA] | R · IA | | May 22, 2002 |

Committee Activity

| Committee | Chamber | Activity | Date |
|------------------------------|---------|----------------------------|--------------|
| Financial Services Committee | House | Referred to | Nov 15, 2002 |
| Judiciary Committee | Senate | Hearings By (subcommittee) | Mar 20, 2002 |
| Judiciary Committee | House | Referred To | Nov 15, 2002 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|---|
| 107 HR 5424 | Related bill | Oct 7, 2002: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. |

Identity Theft Victims Assistance Act of 2002 - (Sec. 3) Amends the Federal criminal code to require a business entity that possesses information relating to an alleged identity theft, or that has entered into a transaction, provided credit, accepted payment, or otherwise done business with a person that has made unauthorized use of the victim's means of identification, within 20 days after the receipt of a victim's written request, to provide without charge a copy of all application and transaction information related to the alleged identity theft to: (1) the victim; (2) any Federal, State, or local governing law enforcement agency or officer specified by the victim; or (3) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

Requires the victim to provide specified proof of identity (such as the presentation of a government-issued identification card) and of a claim of identity theft (such as a copy of a police report or standardized affidavit made available by the Federal Trade Commission (FTC)). Limits the liability of a business entity for good faith disclosures meeting specified requirements.

Sets forth provisions regarding authority of such entity to decline to provide information and affirmative defenses.

Authorizes State attorneys general to bring civil actions on behalf of State residents where an interest of a resident has been, or is threatened to be, adversely affected by a violation of this section by a business entity. Requires the State attorney general to provide written notice of the action to the Attorney General of the United States, who shall have the right to intervene in that action.

(Sec. 4) Amends the Fair Credit Reporting Act (FCRA) to require a consumer reporting agency, within 30 days of receiving proof of the identity of a consumer and an official copy of a police report evidencing the claim of identity theft, to block the reporting of any information identified by the consumer in the consumer's file resulting from the identity theft so that the information cannot be reported. Sets forth circumstances under which the agency may decline to block or rescind any block of consumer information. Requires the affected consumer shall be notified promptly if the block is declined or rescinded.

Provides that a consumer reporting agency shall not be required to comply when it is issuing information for authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment, based solely on negative information. Sets forth requirements regarding resellers and penalties for false claims of identity theft.

Makes the statute of limitations four years from the date of the violation if the plaintiff: (1) is the victim of an identity theft; or (2) has reasonable grounds to believe that the plaintiff is the victim of an identity theft and has not materially and willfully misrepresented such a claim.

(Sec. 5) Amends the Internet False Identification Prevention Act of 2000 to include the Chairman of the FTC, the Postmaster General, and the Commissioner of the U.S. Customs Service on the Coordinating Committee on False Identification. Extends the termination date for the Committee.

Requires the Attorney General and the Secretary of the Treasury, at the end of each year of the Committee's existence, to report on its activities to the Senate Committee on Banking, Housing, and Urban Affairs, and to the House Committee on Financial Services (in addition to the House and Senate Judiciary Committees, as under current law). Requires that report to include: (1) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft; (2) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft; and (3) recommendations in the President's discretion for

certain legislative or administrative changes.

Actions Timeline

- **Nov 15, 2002:** Message on Senate action sent to the House.
- **Nov 15, 2002:** Received in the House.
- **Nov 15, 2002:** Referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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- **Nov 15, 2002:** Referred to the Subcommittee on Financial Institutions and Consumer Credit, for a period to be subsequently determined by the Chairman.
- **Nov 14, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S11052-11056; text of measure as reported in Senate: CR S11052-11053)
- **Nov 14, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S11053-11055)
- **Nov 14, 2002:** Passed Senate with an amendment by Unanimous Consent. (text: CR S11053-11055)
- **May 21, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **May 21, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **May 21, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 382.
- **May 16, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 20, 2002:** Committee on the Judiciary Subcommittee on Technology, Terrorism, and Government Information. Hearings held.
- **Nov 29, 2001:** Introduced in Senate
- **Nov 29, 2001:** Sponsor introductory remarks on measure. (CR S12162-12163)
- **Nov 29, 2001:** Read twice and referred to the Committee on the Judiciary.