



S. 2168 – Identity Theft Enforcement and Restitution Act of 2007

FLOOR SITUATION

S. 2168 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Senator Patrick Leahy (D-VT) on October 16, 2007. The Senate passed the bill, as amended, by unanimous consent on November 15, 2007. It was referred to the House Committee on the Judiciary on December 4, 2007, but was never considered.

S. 2168 is expected to be considered on the floor of the House on May 19, 2008.

SUMMARY

S. 2168 expands the scope of crimes relating to identity theft and increases the tools for the prosecution of federal identity theft related crimes.

Criminal Restitution for Identity Theft: The bill authorizes criminal restitution for the victims of identity theft equal to the value of the time spent correcting the intended or actual harm.

Criminalizing Identity Theft against Organizations: The bill expands identity theft coverage to include crimes against organizations. It also creates new violations for identity theft relating to mail and tax fraud.

Cyber-Extortion: The bill expands the definition of cyber-extortion to include threats to obtain information from a protected computer without authorization as well as damage to a protected computer that was caused to facilitate extortion.

Conspiracy to Commit Cyber-Crimes: The bill expands the scope of identity theft to include conspiracy to commit the crime.

Forfeiture for Identity Theft Violations: The bill increases the penalties against identity theft to include forfeiture of the property used to carry out the crime as well as any property derived from the theft.

BACKGROUND

Identity theft is a criminal activity in which individuals' personal data is stolen and utilized for fraud or deception, usually involving unauthorized charges on credit cards or withdrawals from bank accounts. According to the Federal Trade Commission's 2006 Identity Theft Survey Report, approximately 8.3 million Americans were victims of identity theft in 2005. On May 10, 2006, the President established the Task Force on Identity Theft by Executive Order 13402 in order to coordinate the federal government's efforts to combat identity theft.

COST

The Congressional Budget "estimates that implementing S. 2168 would have no significant effect on the federal budget. Enacting the bill could increase revenues and direct spending, but CBO estimates that any such impact would be insignificant." ([CBO Estimate for S. 2168](#))

STAFF CONTACT

For questions or further information contact Shea Loper at (202) 226-2302.