

**MALONEY/
DRIEHAUS**

002

AMENDMENT TO DISCUSSION DRAFT OF

SEPTEMBER 25, 2009

OFFERED BY MRS. MALONEY OF NEW YORK AND

MR. DRIEHAUS OF OHIO

Page 11, strike line 22 and all that follows through
page 12, line 14, and insert the following:

1 (N)(i) Any other activity that the Director
2 defines, by regulation, as a financial activity
3 after finding that—

4 (I) the activity has, or there is a
5 substantial likelihood that the activity
6 will have, a material adverse impact
7 on the creditworthiness or financial
8 well being of consumers;

9 (II) the activity is incidental or
10 complementary to any other financial
11 activity regulated by the Agency; or

12 (III) the activity is entered into
13 or conducted as a subterfuge or with
14 a purpose to evade any requirement
15 under this title, the enumerated con-
16 sumer laws, and the authorities trans-
17 ferred under subtitles F and H.

1 (ii) For purposes of clause (i)(II), the fol-
2 lowing activities provided to a covered person
3 shall not be “incidental or complementary”:

4 (I) Providing information products or
5 services to a covered person for identity
6 authentication.

7 (II) Providing information products or
8 services for fraud or identify theft detec-
9 tion, prevention, or investigation.

10 (III) Providing document retrieval or
11 delivery services.

12 (IV) Providing public records informa-
13 tion retrieval.

14 (V) Providing information products or
15 services for anti-money laundering activi-
16 ties.

