

a general matter, I believe that Congress creates too many federal criminal offenses, when it should leave this task to state law. A violation of this bill, such as a failure to make disclosures about a vehicle's history, generally is not the type of violation for which people should be sent to jail. If the conduct is so egregious that criminal sanctions are warranted, then existing state laws against fraud, theft, and the like are available based on which to prosecute violators.

The change I have just described to S. 852 are not extensive. They are, nevertheless, important and, in my opinion, improve a bill that is needed at this time.●

NORTH AMERICAN WETLANDS CONSERVATION ACT, S. 1677

● Mr. DEWINE. Mr. President, I rise today to offer my strong support for this bill offered by our distinguished colleague from Rhode Island. I want to thank Senator CHAFEE for all the work he has done, and especially his effort to addressing some of the concerns I had about the bill.

The North American Wetlands Conservation Act, or NAWCA, is a blueprint for successful environmental protection—through voluntary cooperation among government agencies, private conservation organizations, and landowners. It is a matching fund which involves state, federal, and private partners in protecting and restoring wetlands across the country.

Mr. President, this is very important for the environment. Wetlands serve a multitude of purposes. Obviously, they provide critical habitat and breeding grounds for migratory birds, fish and aquatic plants. But their benefit goes far beyond wildlife habitat. Wetlands are nature's sponges—absorbing heavy rains and minimizing the damaging effects of floods and erosion. Wetlands are also natural filters, trapping and isolating potentially damaging pollution and improving the quality of our lakes and rivers.

Since 1990, there have been 9 NAWCA projects in Ohio which have protected almost 9,000 acres of critical wetlands. NAWCA has contributed \$3.3 million towards these projects—and those funds were matched by \$6.9 million from groups such as Ducks Unlimited and Ohio's Division of Wildlife.

Last summer, I was able to visit one of these projects, Metzger Marsh in northwest Ohio. I was impressed, not only with the beauty and diversity of the wildlife at this marsh, but also with the cooperation among government, private agencies, and landowners that protected this area.

While there are several partners working together on this effort, I would like to mention one organization in particular. Ducks Unlimited is a national nonprofit conservation organization with over 18,000 members in Ohio alone. It has contributed over \$80 million in matching funds to support

NAWCA projects across the country. This is over three times the amount contributed by any other conservation organization. In light of the longstanding commitment of Ducks Unlimited to this project, I believe they should continue to serve on the NAWCA Council—and I would like to thank Senators CHAFEE, KEMPTHORNE, INHOFE and HUTCHISON for insuring that the organization's membership on this council will continue.

Mr. President, this is a very important piece of environmental legislation, and I urge its adoption.●

CONSUMER REPORTING EMPLOYMENT CLARIFICATION ACT OF 1998

(The text of (S. 2561), the Consumer Reporting Employment Clarification Act of 1998, as passed by the Senate on October 6, 1998, is as follows:)

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Reporting Employment Clarification Act of 1998".

SEC. 2. USE OF CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.

(a) DISCLOSURE TO CONSUMER.—Section 604(b)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(2)) is amended to read as follows:

"(2) DISCLOSURE TO CONSUMER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless—

"(i) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(ii) the consumer has authorized in writing (which authorization may be made on the document referred to in clause (i)) the procurement of the report by that person.

"(B) APPLICATION BY MAIL, TELEPHONE, COMPUTER, OR OTHER SIMILAR MEANS.—If a consumer described in subparagraph (C) applies for employment by mail, telephone, computer, or other similar means, at any time before a consumer report is procured or caused to be procured in connection with that application—

"(i) the person who procures the consumer report on the consumer for employment purposes shall provide to the consumer, by oral, written, or electronic means, notice that a consumer report may be obtained for employment purposes, and a summary of the consumer's rights under section 615(a)(3); and

"(ii) the consumer shall have consented, orally, in writing, or electronically to the procurement of the report by that person.

"(C) SCOPE.—Subparagraph (B) shall apply to a person procuring a consumer report on a consumer in connection with the consumer's application for employment only if—

"(i) the consumer is applying for a position over which the Secretary of Transportation has the power to establish qualifications and maximum hours of service pursuant to the provisions of section 31502 of title 49, or a position subject to safety regulation by a State transportation agency; and

"(ii) as of the time at which the person procures the report or causes the report to be procured the only interaction between the consumer and the person in connection with that employment application has been by mail, telephone, computer, or other similar means."

(b) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Section 604(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(3)) is amended to read as follows:

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates—

"(i) a copy of the report; and

"(ii) a description in writing of the rights of the consumer under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(B) APPLICATION BY MAIL, TELEPHONE, COMPUTER, OR OTHER SIMILAR MEANS.—

"(i) If a consumer described in subparagraph (C) applies for employment by mail, telephone, computer, or other similar means, and if a person who has procured a consumer report on the consumer for employment purposes takes adverse action on the employment application based in whole or in part on the report, then the person must provide to the consumer to whom the report relates, in lieu of the notices required under subparagraph (A) of this section and under section 615(a), within 3 business days of taking such action, an oral, written or electronic notification—

"(I) that adverse action has been taken based in whole or in part on a consumer report received from a consumer reporting agency;

"(II) of the name, address and telephone number of the consumer reporting agency that furnished the consumer report (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis);

"(III) that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide to the consumer the specific reasons why the adverse action was taken; and

"(IV) that the consumer may, upon providing proper identification, request a free copy of a report and may dispute with the consumer reporting agency the accuracy or completeness of any information in a report.

"(ii) If, under clause (B)(i)(IV), the consumer requests a copy of a consumer report from the person who procured the report, then, within 3 business days of receiving the consumer's request, together with proper identification, the person must send or provide to the consumer a copy of a report and a copy of the consumer's rights as prescribed by the Federal Trade Commission under section 609(c)(3).

"(C) SCOPE.—Subparagraph (B) shall apply to a person procuring a consumer report on a consumer in connection with the consumer's application for employment only if—

"(i) the consumer is applying for a position over which the Secretary of Transportation has the power to establish qualifications and maximum hours of service pursuant to the provisions of section 31502 of title 49, or a position subject to safety regulation by a State transportation agency; and

"(ii) as of the time at which the person procures the report or causes the report to be procured the only interaction between the consumer and the person in connection with that employment application has been by