

S. 1190

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1190, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 1289

At the request of Mr. GRAHAM of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1331

At the request of Mr. SANTORUM, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1384

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1384, a bill to amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1543

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1543, a bill to amend and improve provisions relating to the workforce investment and adult education systems of the Nation.

S. 1566

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1566, a bill to improve fire safety by creating incentives for the installation of automatic fire sprinkler systems.

S. CON. RES. 17

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution establishing a special task

force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 204

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 204, a resolution designating the week of November 9 through November 15, 2003, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 205

At the request of Mr. COLEMAN, the names of the Senator from Montana (Mr. BURNS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 205, a resolution expressing the sense of the Senate that a commemorative postage stamp should be issued on the subject of autism awareness.

S. RES. 210

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October as "National Work and Family Month".

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. LUGAR), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. SMITH), the Senator from Arizona (Mr. KYL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1576. A bill to revise the boundary of Harpers Ferry National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am introducing legislation to expand the park boundaries for the Harpers Ferry National Historic Park. Harpers Ferry, located at the confluence of the Potomac and Shenandoah Rivers, is one of West Virginia's jewels. Its place in American history, coupled with the natural scenic beauty of the park and its surroundings, make for a one-of-a-kind experience for local residents and visitors alike. Now is the time to move forward with that effort.

Harpers Ferry has been the backdrop for remarkable historic events. Here, in one setting, several themes in America's story converge: exploration, industry and transportation, the question of slavery, the Civil War, and the natural splendor of our Nation.

We are taught that the Lewis and Clark Expedition began in Wood River, IL, on the Mississippi River in 1804. But, in fact, Harpers Ferry also contributed to that important historic expedition by providing a cache of supplies that helped sustain these brave explorers as they traveled to the Pacific Ocean and back.

One of Harpers Ferry's most famous incidents occurred in 1859 when the fierce abolitionist leader John Brown and a small band of raiders held Federal troops at bay in the Federal arsenal. John Brown's capture fueled the growing tensions on the issue of slavery.

The property includes the operational Baltimore & Ohio train station, and it borders a part of the Chesapeake and Ohio Canal. Both the railroad and the canal made Harpers Ferry a key transit point during the Civil War.

In September 1862, 37,000 Union and Confederate troops wrestled for the control of Harpers Ferry. Over the course of 4 days, a famous West Virginian, GEN Thomas Jonathan "Stonewall" Jackson, battled Union troops that were under the leadership of COL Dixon Miles in the area of Schoolhouse Ridge and Bolivar Heights. When it was over, the largest surrender of Union soldiers, 12,500 in all, occurred. Jackson's victory allowed GEN Robert E. Lee to carry his fight further to Sharpsburg, MD, where the bloodiest single day battle of the Civil War the Battle of Antietam—was fought.

Harpers Ferry's rich history is matched only by its great natural beauty. Throughout the year, residents and visitors alike can be seen enjoying fishing, hiking, biking, horseback riding, rafting, canoeing, kayaking, and much more in this scenic park. In the summer of 2001, the Peregrine Falcon Restoration Project began at the park. Since that time, 12 peregrine falcon chicks have been released across the Potomac River on Maryland Heights. This and other efforts are underway to restore these incredible raptors to their native nesting sites in the Appalachian region.

Today, the park is home to a vast array of outdoor and recreational opportunities. The historical, recreational, and ecological significance

suggests that the time is right to expand the boundaries of Harpers Ferry National Historic Park. The boundary expansion has the support of a number of groups, including the Friends of Harpers Ferry, the Harpers Ferry Conservancy, and the Civil War Preservation Trust.

Harpers Ferry became a part of the National Park System in 1944. My legislation would expand its boundary by 1,240 acres, from its current 2,505 acres to 3,745 acres. In order to educate local residents about the expansion process, I directed the National Park Service, in the year 2000, to conduct a public outreach program. As part of that program, the Park Service asked for public response to potential expansion. Since the publication of the study, some lands have been purchased under the current acquisition ceiling. Further, the larger expansion proposal, which would be authorized by the passage of my legislation, has the strong support of 94 percent of the responders.

So, Mr. President, we must do all that we can to protect such very special places. Therefore, I am proud to introduce this legislation that I hope will protect an important place for West Virginia and the Nation as a whole.

Mr. President, I yield the floor.

By Mr. DEWINE:

S. 1579. A bill to provide for the continuation of the Pediatric Research Initiative; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1579

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

SECTION 1. PEDIATRIC RESEARCH INITIATIVE.

The Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act (42 U.S.C. 284h), shall—

(1) continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, continue to report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

By Mr. HATCH (for himself, Mr. KENNEDY, and Mr. DEWINE):

S. 1580. A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Religious Workers' Act of 2003. It provides permanent authority for 5,000 visas per year for non-minister religious workers. These religious workers fulfill a need in the religious communities around this nation. I would like to thank Senators KENNEDY and CHAMBLISS for cosponsoring this bill.

The provision relating to the "non-minister" religious workers was enacted through the Immigration Act of 1990. Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other persons necessary to provide religious services to the communities. Through the 1990 Act, Congress recognized that religious institutions deserved to be on equal footing as the business and educational institutions in terms of having their human resources needs addressed.

I would like to quote from a letter written by the last Mother Theresa to Senator Abraham shortly before her passing, asking for continuation of this visa category when it was about to sunset in 1997. Mother Theresa said:

It means so much to our poor people, to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long-term basis. Please help us and our poor by extending this law.

The simple plea of this great humanitarian speak volumes regarding why this law is needed.

In addition, I recently received a letter from Bishop Thomas Wenski, Chairman of the U.S. Conference of Catholic Bishops' Committee on Migration. Bishop Wenski tells me that the religious workers covered by this act would provide humanitarian services to the most needy, such as shelter and nutrition. They would care for and minister to the sick, aged, and dying in hospitals. They counsel adolescents and others suffering hardship, and support families in crisis. Bishop Wenski further advises that there is a "rapid decrease in the number of Americans turning to religious vocations. . . . In these times of uncertainty, it is more important than ever that faith based organizations be able to serve the com-

munities through the essential services provided by religious workers."

The extension would allow religious organizations to continue their important programs and would provide a measure of stability that religious organizations need to set long term objectives. It is very important that faith-based organizations be able to serve the community through the essential services provided by religious workers.

I ask for the support of my colleagues for the Religious Workers' Act of 2003.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1580

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 "Religious Workers Act of 2003".

SEC. 2. PERMANENT EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "2003" each place that term appears and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

By Ms. CANTWELL (for herself and Mr. ENZI):

S. 1581. A bill to mitigate the harm to individuals through the Nation who have been victimized by identity theft, to prevent identity theft, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to re-introduce legislation critical to helping victims of identity theft. This legislation, the Identity Theft Victims Assistance Act, passed the Senate by unanimous consent in the 107th Congress, and I look forward to its passage again this Congress. Last year, the legislation had strong bipartisan support, as evidenced by the fact that Senator MIKE ENZI is cosponsoring it again. The bill has broad support from law enforcement, consumers' groups, and privacy advocates. Last year, the National Center for the Victims of Crime, the Fraternal Order of Police, Consumers Union, Identity Theft Resource Center, U.S. Public Interest Group, Police Executive Forum, Privacy Rights Clearinghouse, and Amazon.com supported the bill. Twenty-two State Attorneys General signed a letter supporting the legislation.

Identity theft is the fastest-growing crime in the country. The Federal Trade Commission found that complaints of identity theft increased 87 percent between 2001 and 2002, and over 161,000 complaints were received by the agency last year. A July 2003 study by Gartner Inc. found that there was a 79-percent increase in identity theft in

the past year alone. Identity theft now accounts for 43 percent of consumer fraud complaints and leads the list of consumer frauds. It is an insidious crime because it often occurs without the victim's knowledge, yet leaves scars on their credit records and reputations that can last for years, and cost thousands of dollars to repair.

The Secret Service has estimated that consumers lose \$745 million to the problem each year, and this number is clearly growing as the number of identity thefts increases. When a victim realizes that his or her identity was stolen it's just the beginning of their troubles. The FTC estimates that it costs the average victim \$1,000 in long-distance phone calls, notary charges, mailing costs and lost wages to get his or her financial life back in order after an identity thief strikes. The Identity Theft Resource Center estimates that average identity theft victims spend 175 hours to clear their records.

But the costs are not confined to consumers—identity theft hits businesses and the economy, too. Identity theft-related losses suffered by MasterCard and Visa jumped from \$79.9 million in 1996 to \$144.3 million in 2000. One study estimates that by 2006 identity theft will cost the financial institution sector alone \$8 billion per year.

To take just one of many examples from my state, Jenni D'Avis of Mill Creek, Washington, had her Social Security number stolen when a thief took her mail and found the number listed on a letter from her community college. The criminal used the number to obtain a state identification card, and in turn used that to get credit. In just 23 days, the thief ran up \$100,000 in bad debt—all in Jenni's name. Once she became aware of the problem, she had to become a "Nancy Drew," and track down information. Businesses were reluctant to give her the information she needed to determine the extent of the problem and clear her name and credit record. She is still repairing the damage.

Sadly, Jenni's story is not unique. Victims of identity theft have difficulty restoring their credit and regaining control of their identity, in part, because they have no simple means to show creditors and credit reporting agencies that they are who they say they are. In order to prove fraud, a victim often needs copies of creditors records, such as applications and information, and records from the companies the identity thief did business with. Ironically, victims have difficulty obtaining these business records because the victim's personally identifying information does not match the information on file with the business.

This bill fixes that problem. The Identify Theft Victims Assistance Act creates a standardized national process for a person to establish he or she is a victim of identity theft for purposes of tracing fraudulent credit transactions and obtaining the evidence to repair

them. It requires the Federal Trade Commission to make available a simple certificate that, when notarized, provides certainty to businesses and financial institutions that the person is who they claim to be, is a victim of identity theft, and has filed claims with both local law enforcement and the FTC. With this document in hand, the victim can then obtain from businesses the records they need.

The need for a national system is readily apparent, as identity theft is increasingly a crime that crosses State lines. One of the greatest challenges identity theft presents to law enforcement is that a stolen identity is used to create false identities in many different localities in different states. Although identity theft is a federal crime, most often, state and local law enforcement agencies are responsible for investigating and prosecuting the crimes. Yet law enforcement has yet to fully recognize the serious nature of the problem or to develop a coordinated investigative strategy. For example, in the case of Michael Calip of Centralia, Washington, identity thieves not only ran up \$60,000 in debts, they also committed crimes using his name—trashing his credit record and creating a criminal record. Michael tracked the thieves to Wyoming, but had difficulty convincing local authorities there to pursue his case.

My bill for the first time also permits a victim to designate the investigating agency, either local or State law enforcement or Federal investigators, to act as their agents in obtaining evidence of identity theft. This both eases the burden on the victim and aids police in investigating suspected identity theft rings. In addition it requires the existing Identity Theft Coordinating Committee to consult with State and local law enforcement agencies.

Acquiring the evidence of the fraudulent use of identity currently can be an enormous and time-consuming problem for victims. The Identity Theft Victims Assistance Act makes this job easier by establishing that any business presented with the FTC certificate identifying the person as a victim of identity theft, together with a police report and a government issued photo ID must deliver copies of all the financial records that document the fraud to the victim within 20 days. This is a critically important change from current law because it guarantees that victims will be able to obtain the evidence they need while also providing businesses more certainty that they are not violating someone's privacy or providing sensitive information to the wrong parties. It also provides new liability protections for businesses that make a good faith effort to assist victims of identity theft.

Of course, the greatest harm to consumers victimized by theft of their identity is often a bad credit rating or a poor credit score that results from fraudulent use of the consumer's identity. According to the FTC, it often

takes about a year for people to discover someone is using personal information for fraudulent purposes, allowing significant damage to otherwise stellar credit records. Even after a consumer reports to a credit reporting agency that they have been victimized by identity theft, the consumer often can not get the reporting agencies to block reporting of activities that resulted from the identity theft.

My bill again requires that presentation of the FTC certificate, police report and photo identification establish that the person is in fact a victim of identity theft and requires credit-reporting agencies to block information that appears on a victim's credit report as a result of the identity theft. It also changes current law that requires individuals to bring suit against a credit reporting agency within two years from the time the agency commits a violation of laws on fair reporting of credit. This makes little sense, since it may be years before a misrepresentation comes to the attention of a victim of identity theft. The bill requires that the statute of limitations begin ticking from the time when a consumer discovers or has reason to know that a misrepresentation by a credit reporting agency has occurred.

The bill leaves in place State laws that are more stringent and provides that either Federal prosecutors or State Attorney Generals may enforce this law.

Jenni and Michael's stories illustrate the unique problems victims of identity theft face. Although penalties exist for identity thieves, no remedies are available for their victims. The scope of the problem is made worse because it's too easy for a criminal to steal someone's identity and cause serious harm before the theft is even discovered. And when these criminals cross state lines, it can be even harder for victims to trace the problem and repair the damage. For these reasons, it's imperative that we pass federal legislation for the victims of identity theft.

The government, creditors and credit reporting agencies have a shared responsibility to assist identity theft victims mitigate the harm that results from frauds perpetrated in the victim's name. We need to build up the law enforcement network, already started by the Federal Trade Commission and other federal agencies under the Identity Theft and Assumption Deterrence Act of 1998. We need to further improve law enforcement coordination, particularly between the various local and state jurisdictions combating identity theft and the associated crimes.

We also need to provide better and timelier information to businesses so they can head off fraud before it happens. That is why my bill also expands the jurisdiction of the interagency coordinating committee established under the Internet False Identification Act of 2000. Currently, the coordination committee has the mandate to study

and report to Congress on federal investigation and enforcement of identity theft crimes. The Identity Theft Victims Assistance Act broadens the mandate for the coordinating committee to consider state and local enforcement of identity theft law and specifically requires the committee to examine and recommend what assistance the federal government can provide state and local law enforcement agencies to better coordinate in the battle against identity theft.

There is no doubt about the scope of the problem: identity theft is already a major problem, and it's getting worse. We must provide victims with the tools they need to regain control of their lives. The Identity Theft Victims Assistance of 2003 will help victims of identity theft recover their identity and restore their good credit. I look forward to working with my colleagues to promptly enact this bill into law.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1581

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 "Identity Theft Victims Assistance Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of identity theft is the fastest growing crime in the United States. According to a recent estimate, 7,000,000 Americans were victims of identity theft in the past year, a 79 percent increase over previous estimates.

(2) Stolen identities are often used to perpetuate crimes in many cities and States, making it more difficult for consumers to restore their respective identities.

(3) Identity theft cost consumers more than \$745,000,000 in 1998 and has increased dramatically in the last few years. It has been estimated that identity theft victims within the business community lose an average of \$17,000.

(4) Identity theft is ruinous to the good name and credit of consumers whose identities are misappropriated, and consumers may be denied otherwise deserved credit and may have to spend enormous time, effort, and money to restore their respective identities.

(5) As of the date of enactment of this Act, a national mechanism does not exist to assist identity theft victims to obtain evidence of identity theft, restore their credit, and regain control of their respective identities.

(6) Consumers who are victims of identity theft need a nationally standardized means of—

(A) establishing their true identities and claims of identity theft to all business entities, credit reporting agencies, and Federal and State law enforcement agencies;

(B) obtaining information documenting fraudulent transactions from business entities;

(C) reporting identity theft to consumer credit reporting agencies.

(7) Business entities, credit reporting agencies, and government agencies have a shared responsibility to assist victims of identity theft to mitigate the harm caused by any fraud perpetrated in the name of the victims.

SEC. 3. TREATMENT OF IDENTITY THEFT MITIGATION.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028 the following:

"§ 1028A. Treatment of identity theft mitigation

"(a) DEFINITIONS.—As used in this section—

"(1) the term 'business entity' means any corporation, trust, partnership, sole proprietorship, or unincorporated association, including any financial service provider, financial information repository, creditor (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), telecommunications, utilities, or other service provider;

"(2) the term 'consumer' means an individual;

"(3) the term 'financial information' means information identifiable as relating to an individual consumer that concerns the amount and conditions of the assets, liabilities, or credit of the consumer, including—

"(A) account numbers and balances;

"(B) nonpublic personal information, as that term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(C) codes, passwords, social security numbers, tax identification numbers, State identifier numbers issued by a State department of licensing, and other information used for the purpose of account access or transaction initiation;

"(4) the term 'financial information repository' means a person engaged in the business of providing services to consumers who have a credit, deposit, trust, stock, or other financial services account or relationship with that person;

"(5) the term 'identity theft' means a violation of section 1028 or any other similar provision of applicable Federal or State law;

"(6) the term 'means of identification' has the same meaning given the term in section 1028;

"(7) the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer with the intent to commit, or with the intent to aid or abet, an identity theft; and

"(8) the terms not defined in this section or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

"(b) INFORMATION AVAILABLE TO VICTIMS.—

"(1) IN GENERAL.—A business entity that has provided credit, provided, for consideration, products, goods, or services, accepted payment, otherwise entered into a commercial transaction for consideration with a person that has made unauthorized use of the means of identification of the victim, or possesses information relating to such transaction, shall, not later than 20 days after the receipt of a written request by the victim, meeting the requirements of subsection (c), provide, without charge, a copy of all application and business transaction information related to the transaction being alleged as an identity theft to—

"(A) the victim;

"(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim in such a request; or

"(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

"(2) RULE OF CONSTRUCTION.—

"(A) IN GENERAL.—No provision of Federal or State law (except a law involving the non-disclosure of information related to a pend-

ing Federal criminal investigation) prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this section.

"(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this section permits a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

"(C) VERIFICATION OF IDENTITY AND CLAIM.—Unless a business entity, at its discretion, is otherwise able to verify the identity of a victim making a request under subsection (b)(1), the victim shall provide to the business entity—

"(1) as proof of positive identification, at the election of the business entity—

"(A) the presentation of a government-issued identification card;

"(B) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

"(C) personally identifying information that the business entity typically requests from new applicants or for new transactions at the time of the victim's request for information; and

"(2) as proof of a claim of identity theft, at the election of the business entity—

"(A) a copy of a police report evidencing the claim of the victim of identity theft;

"(B) a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

"(C) any properly completed affidavit of fact that is acceptable to the business entity for that purpose.

"(d) VERIFICATION STANDARD.—Prior to releasing records pursuant to subsection (b), a business entity shall take reasonable steps to verify the identity of the alleged victim requesting such records.

"(e) LIMITATION ON LIABILITY.—No business entity may be held liable for a disclosure, made in good faith and reasonable judgment pursuant to, and in compliance with, this section, where such disclosure is made—

"(1) for the purpose of detection, investigation, or prosecution of identity theft; or

"(2) to assist a victim in recovery of fines, restitution, rehabilitation of the credit of the victim, or such other relief as may be appropriate.

"(f) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under subsection (b) if, in the exercise of good faith and reasonable judgment, the business entity determines that—

"(1) this section does not require disclosure of the information;

"(2) the request for the information is based on a misrepresentation of fact by the victim relevant to the request for information; or

"(3) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

"(g) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

"(h) ENFORCEMENT.—

"(1) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

"(A) IN GENERAL.—Whenever it appears that a business entity to which this section applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this section, the Attorney General of the United States may bring

a civil action in an appropriate district court of the United States to—

- “(i) enjoin such act or practice;
- “(ii) enforce compliance with this section; and
- “(iii) obtain such other equitable relief as the court determines to be appropriate.

“(B) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under subparagraph (A), the court shall grant a permanent injunction or a temporary restraining order without bond.

“(2) ADMINISTRATIVE ENFORCEMENT.—

“(A) FEDERAL TRADE COMMISSION.—

“(i) IN GENERAL.—Except to the extent that administrative enforcement is specifically committed to another agency under subparagraph (B), a violation of this section shall be deemed an unfair or deceptive act or practice in violation of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), for purposes of the exercise by the Federal Trade Commission of its functions and powers under that Act.

“(ii) AVAILABLE FUNCTIONS AND POWERS.—All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this section.

“(B) OTHER FEDERAL AGENCIES.—Compliance with any requirements under this section may be enforced—

“(i) under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818)—

“(I) by the Office of the Comptroller of the Currency, with respect to national banks, and Federal branches and Federal agencies of foreign banks (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

“(II) by the Board of Governors of the Federal Reserve System, with respect to member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.);

“(III) by the Board of Directors of the Federal Deposit Insurance Corporation, with respect to banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers); and

“(IV) by the Director of the Office of Thrift Supervision, with respect to savings associations, the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

“(ii) by the Board of the National Credit Union Administration, under the Federal Credit Union Act (12 U.S.C. 1761 et seq.), with respect to any federally insured credit union, and any subsidiaries of such credit union;

“(iii) by the Securities and Exchange Commission, under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), with respect to any broker or dealer;

“(iv) by the Securities and Exchange Commission, under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), with respect to investment companies;

“(v) by the Securities and Exchange Commission, under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), with respect

to investment advisers registered with the Commission under such Act;

“(vi) by the Secretary of Transportation, under subtitle IV of title 49, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

“(vii) by the Secretary of Transportation, under part A of subtitle VII of title 49, with respect to any air carrier or any foreign air carrier subject to that part; and

“(viii) by the Secretary of Agriculture, under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), except as provided in section 406 of that Act (7 U.S.C. 226, 2271), with respect to any activities subject to that Act.

“(C) AGENCY POWERS.—

“(i) IN GENERAL.—A violation of any requirement imposed under this section shall be deemed to be a violation of a requirement imposed under any Act referred to under subparagraph (B), for the purpose of the exercise by any agency referred to under subparagraph (B) of its powers under any such Act.

“(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a Federal agency from exercising the powers conferred upon such agency by Federal law to—

“(I) conduct investigations;

“(II) administer oaths or affirmations; or

“(III) compel the attendance of witnesses or the production of documentary or other evidence.

“(3) PARENS PATRIAE AUTHORITY.—

“(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section by any business entity, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

“(i) enjoin that practice;

“(ii) enforce compliance with this section;

“(iii) obtain damages—

“(I) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of the State; and

“(II) punitive damages, if the violation is willful or intentional; and

“(iv) obtain such other equitable relief as the court may consider to be appropriate.

“(B) NOTICE.—Before filing an action under subparagraph (A), the attorney general of the State involved shall, if practicable, provide to the Attorney General of the United States, and where applicable, to the appropriate Federal agency with the authority to enforce this section under paragraph (2)—

“(i) a written notice of the action; and

“(ii) a copy of the complaint for the action.

“(4) INTERVENTION.—

“(A) IN GENERAL.—On receiving notice of an action under paragraph (3), the Attorney General of the United States, and any Federal agency with authority to enforce this section under paragraph (2), shall have the right to intervene in that action.

“(B) EFFECT OF INTERVENTION.—Any person or agency under subparagraph (A) that intervenes in an action under paragraph (2) shall have the right to be heard on all relevant matters arising therein.

“(C) SERVICE OF PROCESS.—Upon the request of the Attorney General of the United States or any Federal agency with the authority to enforce this section under paragraph (2), the attorney general of a State that has filed an action under this section shall, pursuant to rule 4(d)(4) of the Federal Rules of Civil Procedure, serve the Attorney General of the United States or the head of such Federal agency, with a copy of the complaint.

“(5) CONSTRUCTION.—For purposes of bringing any civil action under this subsection, nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

“(A) conduct investigations;

“(B) administer oaths or affirmations; or

“(C) compel the attendance of witnesses or the production of documentary and other evidence.

“(6) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—In any case in which an action is instituted by or on behalf of the Attorney General of the United States, or appropriate Federal regulator authorized under paragraph (2), for a violation of this section, no State may, during the pendency of that action, institute an action under this section against any defendant named in the complaint in that action for such violation.

“(7) VENUE; SERVICE OF PROCESS.—

“(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States—

“(i) where the defendant resides;

“(ii) where the defendant is doing business; or

“(iii) that meets applicable requirements relating to venue under section 1391 of title 28.

“(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

“(i) resides;

“(ii) is doing business; or

“(iii) may be found.

“(8) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this section, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

“(A) the business entity has made a reasonably diligent search of its available business records; and

“(B) the records requested under this section do not exist or are not available.

“(9) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to provide a private right of action or claim for relief.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

“1028A. Treatment of identity theft mitigation.”.

SEC. 4. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT.

(a) CONSUMER REPORTING AGENCY BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following:

“(e) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

“(1) BLOCK.—Except as provided in paragraph (3) and not later than 30 days after the date of receipt of proof of the identity of a consumer and an official copy of a police report evidencing the claim of the consumer of identity theft, a consumer reporting agency shall block the reporting of any information identified by the consumer in the file of the consumer resulting from the identity theft, so that the information cannot be reported.

“(2) NOTIFICATION.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under paragraph (1)—

“(A) that the information may be a result of identity theft;

“(B) that a police report has been filed;

“(C) that a block has been requested under this subsection; and

“(D) of the effective date of the block.

“(3) AUTHORITY TO DECLINE OR RESCIND.—

“(A) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of consumer information under this subsection if—

“(i) in the exercise of good faith and reasonable judgment, the consumer reporting agency finds that—

“(I) the information was blocked due to a misrepresentation of fact by the consumer relevant to the request to block; or

“(II) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions; or

“(ii) the consumer agrees that the blocked information or portions of the blocked information were blocked in error.

“(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under subsection (a)(5)(B).

“(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or moneys as a result of the block.

“(4) EXCEPTIONS.—

“(A) NEGATIVE INFORMATION DATA.—A consumer reporting agency shall not be required to comply with this subsection when such agency 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, including—

“(i) dishonored checks;

“(ii) accounts closed for cause;

“(iii) substantial overdrafts;

“(iv) abuse of automated teller machines;

or

“(v) other information which indicates a risk of fraud occurring.

“(B) RESELLERS.—

“(i) NO RESELLER FILE.—The provisions of this subsection do not apply to a consumer reporting agency if the consumer reporting agency—

“(I) does not maintain a file on the consumer from which consumer reports are produced;

“(II) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

“(III) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.

“(ii) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this subsection, with regard to any request of a consumer under this subsection, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use if—

“(I) the consumer, in accordance with the provisions of paragraph (1), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft;

“(II) the consumer reporting agency is acting as a reseller of the identified information by assembling or merging information about

that consumer which is contained in the database of not less than 1 other consumer reporting agency; and

“(III) the consumer reporting agency does not store or maintain a database of information obtained for resale from which new consumer reports are produced.

“(iii) NOTICE.—In carrying out its obligation under clause (ii), the consumer reporting agency shall provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.”.

(b) FALSE CLAIMS.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

“(j) Any person who knowingly falsely claims to be a victim of identity theft for the purpose of obtaining the blocking of information by a consumer reporting agency under section 611(e)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681i(e)(1)) shall be fined under this title, imprisoned not more than 3 years, or both.”.

(c) STATUTE OF LIMITATIONS.—Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

“SEC. 618. JURISDICTION OF COURTS; LIMITATION ON ACTIONS.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), an action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years from the date of the defendant’s violation of any requirement under this title.

“(b) WILLFUL MISREPRESENTATION.—In any case in which the defendant has materially and willfully misrepresented any information required to be disclosed to an individual under this title, and the information misrepresented is material to the establishment of the liability of the defendant to that individual under this title, an action to enforce a liability created under this title may be brought at any time within 2 years after the date of discovery by the individual of the misrepresentation.

“(c) IDENTITY THEFT.—An action to enforce a liability created under this title may be brought not later than 4 years from the date of the defendant’s violation if—

“(1) the plaintiff is the victim of an identity theft; or

“(2) the plaintiff—

“(A) has reasonable grounds to believe that the plaintiff is the victim of an identity theft; and

“(B) has not materially and willfully misrepresented such a claim.”.

SEC. 5. COORDINATING COMMITTEE STUDY OF COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL AUTHORITIES IN ENFORCING IDENTITY THEFT LAWS.

(a) MEMBERSHIP; TERM.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) in subsection (b), by striking “and the Commissioner of Immigration and Naturalization” and inserting “the Commissioner of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service,”; and

(2) in subsection (c), by striking “2 years after the effective date of this Act.” and inserting “on December 28, 2005.”.

(b) CONSULTATION.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 4 of the Identity Theft Victims Assistance Act of 2003), including telecommunications and utility companies, and organizations representing consumers.”.

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the coordinating committee, shall report on the activities of the coordinating committee to—

“(A) the Committee on the Judiciary of the Senate;

“(B) the Committee on the Judiciary of the House of Representatives;

“(C) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(D) the Committee on Financial Services of the House of Representatives.”;

(2) in subparagraph (E), by striking “and” at the end; and

(3) by striking subparagraph (F) and inserting the following:

“(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

“(G) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft; and

“(H) recommendations in the discretion of the President, if any, for legislative or administrative changes that would—

“(i) facilitate more effective investigation and prosecution of cases involving—

“(I) identity theft; and

“(II) the creation and distribution of false identification documents;

“(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

“(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1547. Mr. REID (for himself, Mr. BINGAMAN, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KENNEDY, Mr. KERRY, and Mr. CORZINE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1548. Mr. CAMPBELL (for himself, Mr. CHAMBLISS, Mr. INOUE, Mr. BUNNING, Mr. LIEBERMAN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1549. Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. DORGAN, Ms. LANDRIEU, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1550. Mr. CONRAD submitted an amendment intended to be proposed to