

and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW1/4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

### SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 258—EX-PRESSING THE SENSE OF THE SENATE ON THE ARREST OF MIKHAIL B. KHODORKOVSKY BY THE RUSSIAN FEDERATION

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 258

Whereas the Russian Federation is now a member of the family of democratic countries;

Whereas the United States supports the development of democracy, free markets, and civil society in the Russian Federation and in other states of the former Soviet Union;

Whereas the rule of law, the impartial application of the law, and equal justice for all in courts of law are pillars of all democratic societies;

Whereas investment, both foreign and domestic, in the economy of Russia is necessary for the growth of the economy and raising the standard of living of the citizens of the Russian Federation;

Whereas property rights are a bulwark of civil society against encroachment by the state, and a fundamental building block of democracy; and

Whereas reports of the arrest of Mikhail B. Khodorkovsky and the freezing of shares of the oil conglomerate YUKOS have raised questions about the possible selective application of the law in the Russian Federation and may have compromised investor confidence in business conditions there: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the law enforcement and judicial authorities of the Russian Federation should ensure that Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done, but also so that the efforts the Russian Federation has been making to reform its system of justice may be seen to be moving forward; and

(2) such authorities of the Russian Federation should make every effort to dispel growing international concerns that—

(A) the cases against Mikhail B. Khodorkovsky and other business leaders are politically motivated; and

(B) the potential remains for misuse of the justice system in the Russian Federation.

## AMENDMENTS SUBMITTED & PROPOSED

SA 2053. Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2054. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2055. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2056. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2057. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2058. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2059. Ms. CANTWELL (for herself, Mr. ENZI, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2060. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1753, supra.

SA 2061. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill S. 1753, supra.

SA 2062. Mr. DURBIN proposed an amendment to the bill S. 1753, supra.

SA 2063. Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2064. Mr. CORZINE proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2065. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2066. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2067. Mr. SHELBY (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2068. Mr. CRAPO (for himself and Mr. SMITH) submitted an amendment intended to

be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2069. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; which was ordered to lie on the table.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2053.** Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Consumer Credit Reporting System Improvement Act of 2003”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

##### **TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION**

###### **Subtitle A—Identity Theft Prevention**

Sec. 111. Definitions.

Sec. 112. Fraud alerts and active duty alerts.

Sec. 113. Truncation of credit card and debit card account numbers.

Sec. 114. Establishment of procedures for the identification of possible instances of identity theft.

Sec. 115. Amendments to existing identity theft prohibition.

Sec. 116. Authority to truncate social security numbers.

###### **Subtitle B—Protection and Restoration of Identity Theft Victim Credit History**

Sec. 151. Summary of rights of identity theft victims.

Sec. 152. Blocking of information resulting from identity theft.

Sec. 153. Coordination of identity theft complaint investigations.

Sec. 154. Prevention of repollution of consumer reports.

Sec. 155. Notice by debt collectors with respect to fraudulent information.

Sec. 156. Statute of limitations.

##### **TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION**

Sec. 211. Free credit reports.

Sec. 212. Credit scores.

Sec. 213. Enhanced disclosure of the means available to opt out of prescreened lists.

Sec. 214. Affiliate sharing.

Sec. 215. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.

##### **TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION**

Sec. 311. Risk-based pricing notice.

Sec. 312. Procedures to enhance the accuracy and completeness of information furnished to consumer reporting agencies.

Sec. 313. Federal Trade Commission and consumer reporting agency action concerning complaints.

Sec. 314. Ongoing audits of the accuracy of consumer reports.

Sec. 315. Improved disclosure of the results of reinvestigation.

Sec. 316. Reconciling addresses.

Sec. 317. FTC study of issues relating to the Fair Credit Reporting Act.

##### **TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM**

Sec. 411. Protection of medical information in the financial system.

Sec. 412. Confidentiality of medical contact information in consumer reports.

##### **TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT**

Sec. 511. Short title.

Sec. 512. Definitions.

Sec. 513. Establishment of Financial Literacy and Education Commission.

Sec. 514. Duties of the Commission.

Sec. 515. Powers of the Commission.

Sec. 516. Commission personnel matters.

Sec. 517. Study by the Comptroller General.

Sec. 518. Authorization of appropriations.

##### **TITLE VI—RELATION TO STATE LAW**

Sec. 611. Relation to State law.

##### **TITLE VII—MISCELLANEOUS**

Sec. 711. Clerical amendments.

##### **TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION**

###### **Subtitle A—Identity Theft Prevention**

###### **SEC. 111. DEFINITIONS.**

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

“(q) **DEFINITIONS RELATING TO FRAUD ALERTS.**—

“(1) **ACTIVE DUTY MILITARY CONSUMER.**—The term ‘active duty military consumer’ means a consumer in military service who—

“(A) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

“(B) is assigned to service away from the usual duty station of the consumer.

“(2) **FRAUD ALERT; ACTIVE DUTY ALERT.**—The terms ‘fraud alert’ and ‘active duty alert’ mean a statement in the file of a consumer that—

“(A) notifies all prospective users of a consumer report relating to the consumer that the consumer may be a victim of fraud, including identity theft, or is an active duty military consumer, as applicable;

“(B) provides to all prospective users of a consumer report relating to the consumer, a

telephone number or other reasonable contact method designated by the consumer for the user to obtain authorization from the consumer before establishing new credit (including providing any increase in a credit limit with respect to an existing credit account) in the name of the consumer; and

“(C) is presented in a manner that facilitates a clear and conspicuous view of the statement described in subparagraph (A) or (B) by any person requesting such consumer report.

“(r) **CREDIT CARD.**—The term ‘credit card’ has the same meaning as in section 103 of the Truth in Lending Act.

“(s) **DEBIT CARD.**—The term ‘debit card’ means any card issued by a financial institution to a consumer for use in initiating an electronic fund transfer from the account of the consumer at such financial institution, for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

“(t) **ACCOUNT AND ELECTRONIC FUND TRANSFER.**—The terms ‘account’ and ‘electronic fund transfer’ have the same meanings as in section 903 of the Electronic Fund Transfer Act.

“(u) **CREDIT AND CREDITOR.**—The terms ‘credit’ and ‘creditor’ have the same meanings as in section 702 of the Equal Credit Opportunity Act.

“(v) **FEDERAL BANKING AGENCIES.**—The term ‘Federal banking agencies’ has the same meaning as in section 3 of the Federal Deposit Insurance Act.

“(w) **FINANCIAL INSTITUTION.**—The term ‘financial institution’ means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person that, directly or indirectly, holds an account belonging to a consumer.

“(x) **RESELLER.**—The term ‘reseller’ means a consumer reporting agency that—

“(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

“(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

“(y) **DEFINITIONS RELATING TO CREDIT SCORES.**—

“(1) **CREDIT SCORE AND KEY FACTORS.**—When used in connection with an application for an extension of credit for a consumer purpose that is to be secured by a dwelling—

“(A) the term ‘credit score’—

“(i) means a numerical value or categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit behaviors, including default; and

“(ii) does not include—

“(I) any mortgage score or rating of an automated underwriting system that considers 1 or more factors in addition to credit information, including the loan-to-value ratio, the amount of down payment, or the financial assets of a consumer; or

“(II) other elements of the underwriting process or underwriting decision; and

“(B) the term ‘key factors’ means all relevant elements or reasons affecting the credit score for a consumer, listed in the order of their importance, based on their respective effects on the credit score.

“(2) **DWELLING.**—The term ‘dwelling’ has the same meaning as in section 103 of the Truth in Lending Act.

“(z) **IDENTITY THEFT REPORT.**—The term ‘identity theft report’ means a report—

“(1) that alleges an identity theft;