

This bill is really very simple. Some marketing companies may be unhappy that the Government is trying to legislate how they do business, but we have to weigh the safety and well-being of our children against the small inconvenience of requiring parental consent in these cases. Given the rapidly changing nature of the marketing business and the ways in which child molesters and other criminals operate, this bill is an important step in protecting our kids from those who would do them harm.

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

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

S. 1908

*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 "Children's Privacy Protection and Parental Empowerment Act of 1996".

#### SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING TO PERSONAL INFORMATION ABOUT CHILDREN.

(a) IN GENERAL.—Chapter 89 of title 18, United States Code, is amended by adding at the end of the following:

##### **§ 1822. Sale of personal information about children**

"(a) Whoever, in or affecting interstate or foreign commerce—

"(1) being a list broker, knowingly—

"(A) sells, purchases, or receives remuneration for providing personal information about a child knowing that such information pertains to a child without the consent of a parent of that child; or

"(B) conditions any sale or service to a child or to that child's parent on the granting of such a consent;

"(2) being a list broker, knowingly fails to comply with the request of a parent—

"(A) to disclose the source of personal information about that parent's child;

"(B) to disclose all information that has been sold or otherwise disclosed by that list broker about that child; or

"(C) to disclose the identity of all persons who whom the list broker has sold or otherwise disclosed personal information about that child;

"(3) being a person who, using any personal information about a child in the course of commerce that was obtained for commercial purposes, has directly contacted that child or a parent of that child to offer a commercial product or service to that child, knowingly fails to comply with the request of a parent—

"(A) to disclose to the parent the source of personal information about that parent's child;

"(B) to disclose all information that has been sold or otherwise disclosed by that person about that child; or

"(C) to disclose the identity of all persons to whom such a person has sold or otherwise disclosed personal information about that child;

"(4) knowingly uses prison inmate labor, or any worker who is registered pursuant to title XVII of the Violent Crime Control and Law Enforcement Act of 1994, for data processing of personal information about children; or

"(5) knowingly distributes or receives any personal information about a child, knowing

or having reason to believe that the information will be used to abuse the child or physically to harm the child;

shall be fined under this title or imprisoned not more than one year, or both.

"(b) A child or the parent of that child with respect to whom a violation of this section occurs may in a civil action obtain appropriate relief, including statutory money damages of not less than \$1,000. The court shall award a prevailing plaintiff in a civil action under this subsection a reasonable attorney's fee as a part of the costs.

"(c) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years;

"(2) the term 'parent' includes a legal guardian;

"(3) the term 'personal information' means information (including name, address telephone number, social security number, and physical description) about an individual identified as a child, that would suffice to physically locate and contact that individual; and

"(4) the term 'list broker' means a person who, in the course of business, provides mailing lists, computerized or telephone reference services, or the like containing personnel information of children."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 18, United States Code, is amended by adding at the end the following new item:

"1822. Sale of personal information about children."

[From the Wall Street Journal, May 6, 1996]

PRIVACY ISSUE RAISED IN DIRECT-MAIL CASE

(By James P. Miller)

Beverly Dennis thought she'd receive free product samples through the mail when she filled out a detailed Metromail Corp. questionnaire about her buying habits. Instead, she got a disturbing letter from an imprisoned rapist.

Although Ms. Dennis didn't know it at the time, prison inmates were processing data from the questionnaires for the direct-marketing unit of R.R. Donnelley & Sons Inc. The "highly offensive, sexually graphic and threatening" letter came from a Texas inmate who learned about her life while keypunching data from the questionnaires, according to a lawsuit Ms. Dennis filed last month in state court in Travis County, Texas.

The suit accuses Metromail of fraud for not telling Ms. Dennis that prisoners would process the surveys and alleges that the disclosure of personal information to violent criminals constitutes and "intentional or reckless disregard" of her safety. The suit seeks class-action status on behalf of all consumers whose privacy interests were allegedly injured in the same way.

The inmate's 12-page letter "referred to the magazines of interest to Ms. Dennis, her interest in physical fitness, the fact that she is divorced, her income level, her birthday, and the personal care products she uses," according to her lawsuit. In one chilling passage quoted in the lawsuit, the convict spun out a sexual fantasy involving a brand of soap Ms. Dennis had mentioned in the survey.

The 1994 episode underscores the dangers of giving prison inmates access to highly personal information about consumers. "It's an important case," says Marc Rotenberg, of the Electronic Privacy Information Center in Washington, a privacy advocacy group. "It goes right to the question of privacy safeguards in the marketing industry."

Mr. Rotenberg, who teaches privacy law at Georgetown University, says the "novel

questions" raised by the suit include "how you establish harm in the misuse of personal information, as well as what the appropriate limitations are" when handling personal data.

Michael Lenett, an attorney with the Cuneo Law Group in Washington, D.C., who is representing Ms. Dennis, says the defendants "would have had to know that disclosure of personal private information to convicted felons would run a very serious risk of possible harm."

A Donnelly spokesman says senior management didn't know that prisoners were entering the data because the work was handled through a contractor. Senior management learned of the arrangement when Ms. Dennis received the letter and "we ordered it stopped," he says. Using prisoners to handle consumer data, he says, "wasn't Metromail's policy then, it isn't now, and it never will be." He said he couldn't comment on the suit's specific allegations.

The suit names as defendants Metromail and its parent, along with the Texas Department of Criminal Justice. Also named is closely held Computerized Image & Data Systems Inc., the tiny Roslyn Heights, N.Y., concern that contracted to process Metromail's survey data and then subcontracted the work to the Texas prison system.

A spokesman for the Texas correctional system said prisoners still process data, but declined comment on the suit. A Computerized Image official said he couldn't immediately respond, but he said the company no longer uses prisoners to process data.

Inmates in the prison systems of more than a dozen states routinely process data, answer 800-number calls for information, even work as telemarketers. Electronic Privacy's Mr. Rotenberg says the suit will probably shed some light on the questions of how much sensitive consumer information is being handled by prisoners, and how adequate the safeguards are.

Metromail gathers information about consumers through a variety of sources, such as new-car registrations, birth notices and title transfers. It sells the lists to commercial customers, such as telemarketers.

Ms. Dennis provided the information about herself in response to Metromail circulars that suggested national grocery-product concerns were prepared to send free product samples and coupons to consumers who got on Metromail's "Shopper Mail list" by filling out the questionnaire.

If it said [on the circular] it would be sent to a prison, I certainly wouldn't have filled it out," the Ohio grandmother said in an interview, adding that when she received the letter, she was "terribly frightened."

#### ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Utah [Mr.

HATCH], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania.

S. 1687

At the request of Mr. KERRY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1687, a bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1730

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1730, a bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1871

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1871, a bill to expand the Pettaquamscutt Cove National Wildlife Refuge, and for other purposes.

S. 1890

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1890, a bill to increase Federal protection against arson and other destruction of places of religious worship.

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1890, *supra*.

AMENDMENT NO. 4090

At the request of Mr. HELMS, his name was added as a cosponsor of

amendment No. 4090 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4165

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4165 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4166

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4166 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4266

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of amendment No. 4266 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4266 proposed to S. 1745, *supra*.

#### SENATE RESOLUTION 271—ORIGINAL RESOLUTION REPORTED EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution:

S. RES. 271

Whereas under the Sino-British Joint Declaration on the Question of Hong Kong of 1984, the People's Republic of China will assume sovereignty over Hong Kong on July 1, 1997.

Whereas both the People's Republic of China and Great Britain committed themselves to the Joint Declaration's explicit provisions for Hong Kong's future;

Whereas the Joint Declaration is a binding international agreement registered at the United Nations that guarantees Hong Kong a "high degree of autonomy" except in defense and foreign affairs, an elected legislature, an executive accountable to the elected legislature, and an independent judiciary with final power of adjudication over Hong Kong law;

Whereas the United States-Hong Kong Policy Act of 1992 expresses the support of the United States Congress for full implementation of the Joint Declaration and declared that—

(1) the United States has a "strong interest in the continued vitality, prosperity, and stability of Hong Kong";

(2) "the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong";

(3) "a fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves"; and

(4) "human rights also serve as a basis for Hong Kong's continued economic prosperity";

Whereas on September 17, 1995, the Legislative Council was elected for a 4-year term expiring in 1999;

Whereas the election of Hong Kong's legislature is the cornerstone of the principle that the people of Hong Kong shall enjoy "one country, two systems" after the Government of the People's Republic of China assumes sovereignty over Hong Kong; and

Whereas the Government of the People's Republic of China and its appointed Preparatory Committee have announced their intention to abolish the elected Legislative Council and appoint a provisional legislature: Now, therefore, be it

*Resolved*, That (a) the Senate finds that—

(1) respect for Hong Kong's autonomy and preservation of its institutions will contribute to the stability and economic prosperity of the region; and

(2) the United States has an interest in compliance with treaty obligations.

(b) It is the sense of the Senate that—

(1) the People's Republic of China and the United Kingdom should uphold their international obligations specified in the Joint Declaration, including the commitment to an elected legislature in Hong Kong after June 30, 1997;

(2) the establishment of an appointed legislature would be a violation of the Joint Declaration, and the People's Republic of China should allow the Legislative Council elected in September 1995 to serve its full elected term; and

(3) the President and the Secretary of State should communicate to the People's Republic of China and to the Hong Kong government and Legislative Council the full support of the United States for Hong Kong's autonomy and the interest of the United States in full compliance by both the People's Republic of China and Great Britain with the Joint Declaration as a matter of international law.

SEC. 2. As used in this resolution, the term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

SEC. 3. The Secretary of State shall transmit a copy of this resolution to the President and the Secretary of the Senate.