

years to accomplish this goal, Congress finally enacted a law in 1983 designating the third Monday of January as Dr. Martin Luther King Day.

Since her husband's death 38 years ago, Mrs. King continued her work as a civil rights activist, an advocate for women's rights, and a leader in the struggle against apartheid in South Africa. She fought for the ideals that made this country great, and became the epitome of American strength and perseverance during a difficult struggle for civil rights.

In the spirit of Coretta Scott King, let us rededicate ourselves to give all Americans the opportunity and justice they need to meet the challenges of today. Through perseverance and a deep belief in God and humanity, we can go a long way to achieving a more perfect America.

#### LAW ENFORCEMENT AND PHONE PRIVACY PROTECTION ACT OF 2006

**HON. LAMAR S. SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mr. SMITH of Texas. Mr. Speaker, today I rise to introduce the "Law Enforcement and Phone Privacy Protection Act of 2006."

This bipartisan legislation provides new, explicit, and strengthened protections for the privacy of confidential telephone records, including calling logs. It establishes specific criminal penalties for the fraudulent acquisition or disclosure of these records without consumer consent.

Few things are more personal and potentially more revealing than our phone records. The records of whom we choose to call and how long we speak with them can reveal much about our business and personal lives. A careful study of these records may reveal details of our medical or financial life. It may even disclose our physical location.

To avoid unwanted invasions of their personal privacy, millions of Americans already voluntarily list their phone numbers in the "National Do-Not-Call" registry. Many Americans also keep their telephone number unlisted.

Currently, Federal law recognizes the right of Americans to maintain this kind of privacy by providing some limited protections for the confidential information contained in calling logs. Phone companies and others who have a legitimate interest in having this information may not release it without either consumer consent or a determination that certain narrowly prescribed conditions exist.

Unfortunately, recent investigations by law enforcement authorities, including the Chicago Police Department and the FBI, and numerous media reports have shattered the notion that this data is safe.

These reports demonstrate that current Federal statutes are woefully inadequate to protect these records. They reveal that numerous companies and individuals offer to sell confidential phone records information to virtually anyone with no questions asked.

The price for selling this sensitive private information is shocking. It averages about \$100. Essentially, these companies sell the confidential personal information of American citizens as a commodity. Many of these companies have operated on the Internet under a variety

of names. There may be several thousand additional companies or individuals across the U.S. who traffic in these records but who do not conduct business openly on the Internet.

Alarmed at the easy access to these records, the Chicago Police Department and the FBI have reportedly warned their personnel to take steps to safeguard their phone numbers. The potential danger to undercover operatives concerns law enforcement officials.

In recent weeks, several States have taken civil enforcement action against these kinds of companies filing suits that allege violations of various State unfair and deceptive trade practices statutes. In these suits, the evidence shows that these companies typically use a variety of fraudulent devices to obtain these records from employees of phone companies. The most common method is referred to as "pretexting." A pretexter calls the phone company and poses as someone who is authorized to receive the information lawfully—perhaps the actual phone customer or another employee of the target phone company. I certainly agree this conduct is an unfair and deceptive practice. I applaud the state and federal officials who are investigating and civilly pursuing these companies.

However, I believe civil enforcement alone is not enough. New federal criminal penalties are needed to deter and punish these dishonest individuals and businesses—and to put them out of business permanently. The "Law Enforcement and Phone Privacy Protection Act of 2006" imposes serious criminal penalties—up to 20 years in prison—for anyone who knowingly and intentionally obtains or attempts to obtain the confidential phone records of a telephone company using a fraudulent scheme or device.

The bill further imposes up to 5 years imprisonment on anyone who:

First, either sells, transfers, or attempts to sell or transfer such records without authorization; or

Second, purchases such records knowing they were obtained without authorization.

Most importantly, the bill provides enhanced criminal penalties for anyone who: (1) engages in large-scale operations to violate the law; or (2) discloses or uses such fraudulently obtained information in furtherance of various crimes of violence or intimidation. This latter provision ensures that the bill targets the worst offenders.

The release of sensitive information like a phone record to an unauthorized individual can compromise a person's safety. Consider the tragic case of Amy Boyer, a young woman who was murdered in 1999.

In Ms. Boyer's case, the murderer hired Docusearch.com to conduct a search and identify Amy's Social Security Number and place of employment. Docusearch hired a subcontractor, who posed as an employee of Ms. Boyer's insurance company, called Amy, and confirmed her place of employment. Shortly thereafter, the killer drove to her workplace and gunned her down as she was leaving. For its service, Docusearch charged her murderer \$109.

The unauthorized trade in this information not only assaults individual privacy but, in the wrong hands, can lead to violence and in the most extreme instances, even death. We must act to deter these acts by providing that anyone who seeks to wrongfully acquire or disclose these records faces serious criminal consequences.

I urge my colleagues to join me and the other cosponsors in supporting this bill. It is urgently needed to preserve consumer's privacy rights and to protect the personal safety of law enforcement personnel and victims of domestic violence. Enactment of this bill will send a clear and emphatic signal that these breaches of privacy will no longer be tolerated. I look forward to the House passing this legislation without delay.

#### PROMOTING PEACE AND STABILITY THROUGH THE REPEAL OF THE ANTISECESSION LAW

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mr. SESSIONS. Mr. Speaker, last spring, China passed the anti-secession law to give Chinese leaders the right to use force against Taiwan if they suspect separatist activities in Taiwan. In addition to the enactment of the anti-secession law, China's rapid military build-up has given the Taiwanese people a sense of fear. China's deployment of more than 700 missiles along the southeast coast indicates that China still stubbornly clings to a military solution of the Taiwan issue. In response to China's provocative actions, we need to emphasize that military intimidation over Taiwan is not a solution to the cross strait relations.

China must respect the aspirations of Taiwan's 23 million people who want the freedom to determine their own future. China has no justification to change the status quo either through the anti-secession law or military intimidation. Last spring, the House of Representatives went on record in expressing our grave concern over China's anti-secession law by passing H. Con. Res. 98 authored by Chairman HYDE in a vote of 424-4. I was proud to vote for this legislation, and I commend my fellow colleagues for the overwhelming decisive nature of the vote in demonstrating the House's sincere interest in preserving peace in the Taiwan Straits through the ending of the anti-secession law.

In other important issues, China must not block Taiwan's attempts to gain international recognition or return to international organizations such as the United Nations and the World Health Organization. Taiwan is a free and democratic nation and deserves to be treated properly and with respect by the international community. Taiwan's exclusion from the United Nations has deprived the identity of 23 million people.

President Chen is a man of peace and he has reaffirmed his commitment to maintain the status quo on many occasions. In the last six years, he has kept his pledges and offered many goodwill gestures to China. His goal of reducing tension between Taiwan and China remains unchanged. Let us hope that China will reciprocate Chen's olive branch by renouncing the use of force against Taiwan and resuming dialogue on an equal footing and without pre-conditions.

**ELIMINATE WAREHOUSING OF  
CONSUMER INTERNET DATA ACT  
OF 2006**

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mr. MARKEY. Mr. Speaker, I rise to introduce the Eliminate Warehousing of Consumer Internet Data Act of 2006. This act is designed to ensure that personal information about consumers and their use of the Internet that is no longer necessary for any legitimate business purpose is destroyed. The warehousing of personal information about consumers' Internet use, data which often indicate nonpublic details of their lives, should not be stored needlessly awaiting compromise by data thieves or fraudsters or disclosure through judicial fishing expeditions.

Mr. Speaker, as America's telecommunications networks continue to grow and broadband digital technologies become ever more prevalent, individuals and industries will increasingly use such networks to communicate and conduct commercial transactions. The ease of gathering and compiling personal information during such communications, both overtly and surreptitiously, is highly efficient due to advances in digital telecommunications technology and the widespread use of the Internet.

As such information is gathered and gleaned from consumers, it is important to acknowledge that consumers have an ownership interest in their personal information. Information gathered about consumers over the Internet can provide detail about some of the most intimate aspects of an individual's life, including their surfing interests, communications with other citizens, purchases, information inquiries, and political or religious interests, affiliations, or speech. Certain information from Internet searches or website visits conducted from a particular computer can be obtained and stored by websites or search engines, and can be traced back to individual computer users. Some Internet search engines, for example, today can collect information about a consumer's search request, the Internet protocol address, the consumer's browser type and browser language, the date and time of the request, as well as information regarding cookies that may uniquely identify the consumer's browser.

Mr. Speaker, I believe that in order to safeguard consumer privacy interests, companies that gather personal information that can identify individual consumers should cease to store such information after it is no longer necessary to render service to such consumers or to conduct any legitimate business practice. This is an obligation that cable operators today discharge. A cable operator, which can gather personal information about a subscriber's use of the cable system and obtain information about a consumer's video programming choices and use of their cable modem are currently required under section 631 of the Communications Act, 47 U.S.C. 551, to destroy any personal information gathered from a subscriber after it is no longer necessary for the purpose for which it was gathered and if there are no other pending legal requests for such information.

This legislation is designed to extend to consumers similar protection. It does so for

websites and Internet search engines who arguably possess information about computer users which is more detailed and more personalized, than information cable operators typically gather. It does however permit such entities to utilize such data to render service to consumers in a way which does not inhibit their ability to innovate and only requires that once the entity no longer has a legitimate reason to warehouse such information to destroy it within a reasonable period of time.

I look forward to working with my colleagues on both sides of the aisle on this and other consumer privacy issues this year and in the future.

**TRIBUTE TO NATIONAL BLACK  
HIV/AIDS AWARENESS DAY**

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mrs. MCCARTHY. Mr. Speaker, I rise today to mark the observance of National Black HIV/AIDS Awareness Day. AIDS doesn't discriminate. It affects every race, age and gender but HIV/AIDS is the leading cause of death among African Americans ages 25–44. It has become a state of emergency.

In the United States, over 400,000 people were living with AIDS at the end of 2003 and African Americans accounted for half of these AIDS cases. The Center for Disease Control suggests that African Americans tend to be diagnosed later in life and at a more advanced stage. This explains why more blacks die sooner from AIDS related complications than any other group in the U.S.

African American women are hit the hardest. Rates of HIV/AIDS diagnosis in African American women are almost 20 times higher than white women and 5 times higher than those of Hispanic women. African American men are diagnosed at a rate of almost 7 times higher than those of white men.

Unfortunately it doesn't appear that the future is much brighter. Today, people under the age of 25 account for half of all new HIV infections each year. Within that group, African Americans account for 56 percent of new infections. No matter what age group one focuses on, blacks are most impacted.

The President mentioned the AIDS epidemic in his State of the Union and the Federal Government must stay active in not just funding research initiatives but also in education and improving the lives of those in poverty. Nearly 1 in 4 African Americans lives in poverty. There is an association between higher AIDS cases and lower income. The socioeconomic problems associated with poverty, including limited access to high-quality health care and HIV prevention education, directly or indirectly increase HIV risk. If we can decrease poverty we can decrease the amount of African Americans with HIV/AIDS.

The Nation must take ownership and reinvigorate the response to the crisis within the African American communities and beyond. There must be a partnership between local community organizations with Federal and state agencies. Together we can combat and defeat this disease.

CONGRATULATING MARTIN D. POPKY ON THE OCCASION OF BEING HONORED BY THE SELIGMAN J. STRAUSS LODGE OF B'NAI B'RITH HOUSING FOUNDATION, INC.

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Martin D. Popky, of Kingston, Pennsylvania, who is being honored for his many years of service to the Seligman J. Strauss Lodge of B'nai B'rith Housing Foundation.

Mr. Popky has served as president of the Foundation for 35 years since the establishment of the B'nai B'rith Apartment complex in Wilkes-Barre, Pennsylvania. He is also a member of the national board that operates 36 B'nai B'rith senior citizen housing projects in six countries.

The owner of a successful independent insurance agency, Mr. Popky recently celebrated 50 years with CNA Insurance Company during which time he was a high performance agent.

A member of the Masonic Lodge, Mr. Popky is also a member of the Irem Temple where he formed the Stewards Unit, serving as chief steward for more than 20 years.

A life member of Temple Israel and a member of Ohav Zedek Synagogue, Mr. Popky also served as secretary and a member of the board of directors of the Jewish Community Center. He was also a three term chairman of the United Hebrew Institute School Board and chairman of its board of trustees.

In 1993, Mr. Popky received the highest honor of the United Hebrew Institute when he received its Shofar Award.

An active volunteer in many civic activities, Mr. Popky founded the American Blind Bowlers Association; served as treasurer of GRIT; was the owner and operator of Washington Square Apartments and was treasurer of the Interfaith Council of Wyoming Valley.

Mr. Speaker, please join me in congratulating Mr. Popky on this special occasion. His commitment to community improvement has had a positive effect on the quality of life in the greater Wyoming Valley and, by his example and hard work, he has demonstrated what it means to be a true leader.

**SALUTE TO BARBARA BOWES**

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 2006*

Mr. GENE GREEN of Texas. Mr. Speaker, as we begin this Second Session of the 109th Congress, I'd like to salute a constituent of mine, Barbara Bowes of Houston, Texas, who served as Jack Fields' district coordinator for the entire 16 years that Jack represented Texas' 8th Congressional District.

Barbara served her community not only as Jack's district coordinator but worked in our Houston district office. More important, she is a personal friend and someone I have come to admire over the last several decades.