

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2128

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2128, a bill to provide greater transparency with respect to lobbying activities, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. BIDEN), the Senator from Wyoming (Mr. THOMAS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2155

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2155, a bill to provide meaningful civil remedies for victims of the sexual exploitation of children.

S. CON. RES. 68

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 68, a resolution designating May 20, 2006, as "Negro Leaguers Recognition Day."

S. CON. RES. 73

At the request of Mr. SPECTER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Con. Res. 73, a concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month.

S. RES. 320

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 2177. A bill to make the sale or fraudulent transfer of telephone records a criminal offense; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today, I am introducing The Phone Records Protection Act of 2006. This important legislation would prohibit the sale or fraudulent transfer or use of telephone records and provide tough criminal penalties for violating phone users' privacy.

The Chicago Sun Times and other news sources have recently reported that online brokers are illegally obtaining cell phone records and selling them without customers' knowledge. Telephone companies receive many legitimate requests from consumers and law enforcement officials for access to personal records and the requests are handled expeditiously. However, online brokers have taken advantage of the system and begun selling cell phone records to anyone who requests them.

Although current law addresses fraud and identity theft using the Internet, the law does not specifically prohibit the sale of personal information obtained illegally or without the consent of cell phone customers. Consumer and privacy groups have expressed concerns about the access and availability of personal information. Regardless of how a bad actor obtains the telephone records of innocent and unsuspecting customers, the sale of such information should be prohibited.

The Phone Records Protection Act of 2006 would deter online brokers by prohibiting the sale or fraudulent transfer or use of telephone records. The sale of this information is a violation of individual privacy and also creates the possibility of identity theft. Moreover, the sale of telephone records of law enforcement personnel and public officials could endanger public safety, as criminals and terrorists would be eager to have such information.

I encourage my colleagues to support this important legislative effort and cosponsor this legislation.

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

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

S. 2177

*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 "Phone Records Protection Act of 2006".

### SEC. 2. PROHIBITION ON SALE OR TRANSFER OF TELEPHONE RECORDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 123 the following new chapter:

#### "CHAPTER 124—TELEPHONE RECORDS

"Sec

"2801. Prohibition on sale or transfer of telephone records

## "§ 2801. Prohibition on sale or transfer of telephone records

"(a) CRIMINAL VIOLATION.—Whoever knowingly and intentionally sells or fraudulently transfers or uses, or attempts to sell or fraudulently transfer or use, the records of a customer of a telephone service provider shall be fined in accordance with this title, imprisoned for not more than 10 years, or both.

"(b) NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.—Subsection (a) shall not prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, to obtain the records of a customer of a telephone service provider in connection with the performance of the official duties of the agency.

"(c) EXCEPTION FOR LAW ENFORCEMENT REQUESTS.—A telephone service provider, or any employee thereof, shall not be in violation of subsection (a) if such provider, upon request, transfers or otherwise provides to a law enforcement agency, or any officer, employee, or agent of such agency the records of a customer of such provider.

"(d) DEFINITIONS.—In this section:

"(1) RECORDS OF A CUSTOMER.—The term 'records of a customer' means any data or information associated with an individual contained in a database, networked or integrated databases, or other data system of a telephone service provider.

"(2) TELEPHONE SERVICE.—The term 'telephone service'—

"(A) has the same meaning given the term 'telecommunications service' in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

"(B) includes any form of wireless telephone service, including—

"(i) cellular telephone service;

"(ii) broadband Personal Communication Service ('PCS') telephone service;

"(iii) Covered Specialized Mobile Radio ('SMR') service; and

"(iv) any successor service to such service (including so-called next generation or third generation service).

"(3) TELEPHONE SERVICE PROVIDER.—The term 'telephone service provider' has the same meaning given the term 'telecommunications carrier' in section 3 of the Communications Act of 1934 (47 U.S.C. 153)."

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following new item:

"124. Prohibition on sale of telephone records ..... 2801".

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 348—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 348

*Resolved*, that notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 109th Congress, or until their successors are chosen:

Committee on Banking, Housing and Urban Affairs: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, and Mr. Menendez.

Committee on Energy and Natural Resources: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mrs. Feinstein, Ms. Cantwell, Mr. Salazar, and Mr. Menendez.

Special Committee on Aging: Mr. Kohl (Ranking Member), Mr. Jeffords, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson of Florida, Mrs. Clinton and Mr. Salazar.

Committee on the Budget: Mr. Conrad (Ranking Member), Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Menendez.

Stabenow, and Mr. Menendez.

Select Committee on Ethics: Mr. Johnson (Vice Chairman), Mr. Pryor and Mr. Salazar. Select Committee on Intelligence: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Mr. Feingold.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 fourth quarter mass mailings is Wednesday, January 25, 2006. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

#### RECORD TO REMAIN OPEN

Mr. WARNER. Mr. President, I ask unanimous consent that Senators be permitted to introduce bills and submit statements for the RECORD until 12 noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INAUGURATION OF GOVERNOR TIMOTHY KAINE

Mr. WARNER. Mr. President, we had a historic moment in the Commonwealth of Virginia this past weekend. I was privileged, along with Senator ALLEN, to attend the inauguration of our new Governor. We have an unusual situation in the Commonwealth of Virginia where our Governors are elected in what we call the off year for elections in America, but it was a very significant occasion for the people of the Commonwealth of Virginia.

An interesting footnote in history: our capitol building in Richmond is under renovation at this time. Consequently, very wisely, Governor Kaine selected Williamsburg, VA, for the purposes of his inauguration. As I said, it was a rainy day, but we all enjoyed it.

On behalf of the Congressional delegation and the people of Virginia, I am privileged to place into the CONGRESSIONAL RECORD the inaugural address given by Governor Timothy Kaine, Virginia's 70th Governor on January 14, 2006. Due to the extensive renovation of Virginia's Capitol in Richmond, Satur-

day's inauguration was held at the Colonial Capital of Williamsburg for only the third time in the Commonwealth's history and the first since that of Thomas Jefferson in 1779.

Williamsburg, Virginia was home to the first Capitol building in America and served as the home of the House of Burgesses. It is fitting that this inauguration took place in Williamsburg as Virginia and Nation prepares to celebrate the 400th anniversary of the founding of the Jamestown settlement in 2007.

We in Virginia are proud of our long-standing spirit of cooperation and bipartisanship among the various branches of government in the Commonwealth and with the members of our congressional delegation serving in Washington. I look forward to working with Governor Kaine as he is the eighth Governor to serve Virginia during my service in the United States Senate. It is in this spirit of bipartisanship that I ask unanimous consent that Governor Kaine's inaugural address to the Commonwealth of Virginia be printed in the RECORD.

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

[From Colonial Capitol, Williamsburg, Virginia, Jan. 14, 2006]

#### INAUGURAL ADDRESS OF TIM KAINE—70TH GOVERNOR OF THE COMMONWEALTH OF VIRGINIA

Mr. Speaker, Mr. President, Mr. President Pro Tem, Members of the General Assembly, Mr. Chief Justice, Members of the Supreme Court, Mr. Attorney General, ladies and gentlemen:

I am humbled by the trust you have placed in me. With the support of God and my family, I pledge my energy and enthusiasm to the mission of serving this Commonwealth.

I salute with great respect our dear friend Governor Mark Warner, and I ask that all Virginians join me in showing their public appreciation for his outstanding leadership.

I congratulate Lieutenant Governor Bolling, Attorney General McDonnell and all the members of the General Assembly who have stepped forward to offer their talents to advance our common good.

This is a glorious day—the weather is to remind us not to take ourselves too seriously. And how far Virginia has come since we last gathered for an inauguration in Williamsburg!

Patrick Henry was sworn in here as the newly-formed Commonwealth's first Governor in 1776 and, three years later, Thomas Jefferson followed in his footsteps. Henry and Jefferson stood here in the midst of a war raging on our country's soil, a war that threatened the very existence of Virginia and our young nation.

They stood here at a time, just as today, when Virginians serving freedom's cause sacrificed their lives so that democracy could prevail over tyranny. They stood here proclaiming the Promise of Virginia, when the world around them doubted that the land of their vision would survive.

Could Henry or Jefferson have imagined the powerful success of their democratic experiment, their beloved Virginia, as it appears today? As a people, we have come through storm after storm, working out the meaning of our own destiny and coming closer and closer to the Virginia ideal of equality that Jefferson articulated in America's Declaration of Independence.

As we stand here now, our hearts should be filled with the magnitude of the debt we owe to the generations of leaders—the celebrated and the unknown—who fought and worked to create our Commonwealth. The Promise of Virginia is bright today because of their efforts, and it is up to us to carry the work forward for future generations.

Today's ceremony honors and renews that experiment, and continues the promise that Virginia—which has so often led our nation through the past four centuries—will continue to lead our nation in the 21st century. And we will lead, we will keep the Promise of Virginia bright, if we stay true to the best values that have guided our first 400 years.

First, we reaffirm the necessity of courage. This is the defining trait of those who came to Virginia aboard the Discovery, Godspeed and Susan Constant, landing just a few miles from this place at Jamestown Island in 1607. They knew that earlier efforts, by the Spanish and English, to establish settlements in this region had ended in disaster. But they crossed treacherous seas to arrive at a new world because they understood the need to do and to dare. Their survival and success depended upon bold leadership. We must be equally bold to tackle the challenges of our day.

Second, we acknowledge that individual opportunity is the most powerful engine of progress. The first English settlers came as part of a commercial venture, the Virginia Company, seeking economic riches in the New World. Others came seeking the opportunity to worship as they pleased or to trade away an aristocracy of birth for an aristocracy of merit. When individuals have the opportunity to set their own purpose, and determine the bar for their own achievements, they are able to harness their God-given talents and ensure our economic and social success.

And third, we recognize that our destiny is a shared destiny and that our commitment to community is a condition of our advancement. Our Virginia might not exist today were it not for the generosity extended to those first settlers by the native Virginia tribes living in this region. Without the hospitality of Chief Powhatan or the compassion of Pocahontas, those in Jamestown would have perished. Throughout Virginia's history, we have succeeded only when we have welcomed all to the table of Thanksgiving.

That same sense of community is required of us today. We must include all Virginians in our efforts. We should continue to welcome newcomers to this Commonwealth and nation, just as Chief Powhatan did 400 years ago.

Hemos venido hoy día, a este lugar para recordar la promesa de nuestros antepasados. Como gobernador, seré justo e incluyente de todas las comunidades, con la certeza que juntos lograremos construir un mejor futuro para Virginia. [We have come here today to remember the promise made by our forefathers. As Governor, I will be fair and inclusive of all communities with the certainty that together we can achieve a better future in Virginia.]

And, we should use this historic time to help those who first helped us by working with the federal government to see that Virginia's native Indian tribes are finally recognized.

Our challenges today are different than those faced by the Jamestown settlers, or the first Virginia governors. But they require fidelity to the same values. We may not have new geographic worlds to discover, but there are still worlds of research and knowledge, of information and creativity, of commerce and service, of reconciliation and brotherhood, that await our exploration.