Guillermo Santiago Christensen, of Virginia
David F. Davison, of Virginia
Paul J. DeFrancesco, Jr., of Ohio
Catherine I. Ebert-Gray, of Colorado
David J. Fineman, of Virginia
Clarence Franklin Foster, Jr., of Virginia
Dennis David Grabulis, of Virginia
Richard Jason Grimes, of Virginia
Brian Gibbs Gunderson, of Virginia
Kent Frendon Hallberg, of Virginia
Jerry Hersh, of New York
Sallie Marie Hicks, of Virginia
Tyrena L. Holley, of the District of Columbia
Jon Clarke Hooper, of Virginia
Horace P. Jen, of Virginia
Jennifer J. Jordan, of Virginia
Scott H. Jung, of Maryland
Kurtis Michael Kessler, of Virginia
Mark A. LaBrecque, of Virginia
Kristine R. Lansing, of Virginia
Michael W. Liikala, of California
Douglas M. Littrel, of Virginia
Frank J. Manganiello, of Virginia
Mark J. Martin, of Virginia
Kevin Bruce McKinney, of Virginia
Marion K. McMahel, of Maryland
Tara K. Nathan, of Virginia
Geraldine H. O'Brien, of Virginia
Henry Oppermann, of Maryland
Homer C. Pickens III, of Virginia
Phyllis Marie Powers, of Texas
Christopher C. Rand, of Virginia
Helen Patricia Reed-Rowe, of Maryland
William Rodman Regan, of Virginia
Cornelio Rivera III, of Virginia
Fed A. Schellenberg, of Virginia
David D. Shilling, of Maryland
James B. Sizemore, of Virginia
Mary Emerson Slimp, of Virginia
Amy Katherine Stamps, of Virginia
Andrea Robin Starks, of Maryland
Revalee Stevens, of the District of Columbia
Louis V. Surgent, Jr., of Maryland
Dwayne Leo Therriault, of Virginia
Michael S. Tulley, of California
Bruce G. Valentine, Jr., of Virginia
Randall R. Videgar, of Virginia
Anthony David Watt, of Wyoming
Ann G. Webster, of Virginia
Helga L. Weisto, of Maryland
David S. Wick, of Delaware
Robert T. Yurko, of Maryland

TREATY DOC 104–24 AGREEMENT CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS (EXEC. REPT. 104–20)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with Annexes (''The Agreement''), which was adopted at United Nations Headquarters in New York by Consensus of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995 (Treaty Doc. 104–24), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 42 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

TREATY DOC 104–27 INTERNATIONAL NATURAL RUBBER AGREEMENT, 1995 (EXEC. REPT. 104–21)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995 (Treaty Doc. 104–27), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 68 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 1907. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1909. A bill to require the offer in every defined benefit plan of a joint and 2/3 survivor annuity option and to require comparative disclosure of all benefit options to both spouses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. D'AMATO:

S. Res. 272. A resolution to amend Senate Resolution 246; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

THE CHILDREN'S PRIVACY PROTECTION AND PARENTAL EMPOWERMENT ACT OF 1996

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support this simple but strong legislation to protect our children.

This bill, which I introduce with Senator BOXER, would provide three simple protections:

First, the bill would prohibit commercial list brokers from selling personal information about children under 16 to anyone, without first getting the parent's consent.

All kinds of information about our children—more facts than most of us might think or hope for—is rapidly becoming available through these list brokers. It is only a matter of time before this information begins to fall into the wrong hands.

Recently, a reporter in Los Angeles was easily able to purchase parent's names, birth months and addresses for 5,500 children aged 1–12 in a particular neighborhood. The reporter used the name of a fictitious company, gave a nonworking telephone number, had no credit card or check, and identified herself as ''Richard Allen Davis,'' the notorious murderer of Polly Klaas. When ordering the list, the company representative simply told her, ''Oh, you have a famous name,'' and sent her the information COD. This is simply unacceptable.

Second, the bill would give parents the authority to demand information from the list brokers who traffic in the personal data of their children—brokers will be required to provide parents with a list of all those to whom they sold information about the child, and must also tell the parent precisely what kind of information was sold.

If this personal information is out there, and brokers are buying and selling it back and forth, it is only reasonable that we allow parents to find out what information has been sold and to whom that information has been given.

Finally, this bill would prohibit list brokers from using prison labor to input personal information. This seems like common sense to most of us, but unfortunately the use of prison labor is not currently prohibited.

Mr. President, I ask unanimous consent that a May 6, 1996, Wall Street Journal article be printed in the RECORD. This recent Wall Street Journal article described the terrible experience of Beverly Dennis, an Ohio grandmother who filled out a detailed marketing questionnaire about her buying habits for a mail-in survey. She filled out the questionnaire when she was told that she might receive free product samples and helpful information. Rather than receiving product information, however, she soon began to receive sexually explicit, fact-specific letters from a convicted rapist serving time.

The rapist, writing from his prison cell, had learned the very private, intimate details about her life because he was keypunching her personal questionnaire data into a computer for a subcontractor. Ms. Dennis received letters with elaborate sexual fantasies, woven around personal facts provided by her in the questionnaire. This bill would have prevented the situation from ever occurring.

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.