

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.