

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.