

name is something that is iconic to all of us, left us, but his mother carries on the tradition, and it has made such a tremendous difference.

My colleague Henry Waxman, who is no longer in the Congress but is still a champion on HIV/AIDS, was so instrumental in leading us to passing that legislation.

So it has been bipartisan. It is global. It is personal. It is urgent that we continue so that, one day, 50 years from now, people will say, “What was AIDS? What was that?”, and the books will show that it was a terrible, terrible tragedy that befell the world’s population regardless of status, of wealth, of gender or of race, and something that is now buried in the news somewhere as a terrible memory but not a part of our future.

Again, as we observe World AIDS Day, may we all wear our red ribbons in sympathy with those who have lost their lives, sadly, before the science took us to a better place on this.

That is what we are counting on, research and science to take us to a better place on this, and also the enthusiasm, determination, and relentlessness of so many people throughout the world to make HIV/AIDS a horrible, horrible memory, again, but not part of our future.

□ 1045

THE RIGHT OF PRIVACY MUST EXTEND TO ELECTRONIC COMMUNICATIONS

The SPEAKER pro tempore. The chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, like most Americans, I store a lot on my computer and on my phone: family photographs, personal calendars, emails, schedules, and even weekend to-do lists or, as my wife calls them, honey-do lists.

But this information stored on a phone, like the one I have here in my hand, is not private from the prying, spying eyes of government—our government. Most Americans have no idea that Big Brother can snoop on tweets, Gchats, texts, Instagrams, and even emails.

Anything that is stored in the cloud for over 6 months is available to be spied on by government as long as it is older than 180 days. Now, why is that? Well, it goes all the way back to the outdated Electronic Communications Privacy Act of 1986. That act protects privacy of emails that are less than 6 months old.

In 1986, those were the days before the World Wide Web even existed. Many of us have staff that weren’t even born before 1986. We stored letters in folders, filing cabinets, and desk drawers. No one knew what the cloud was because the cloud did not exist. There was not any broadband, no social media, no tablets, or no smartphones. So, in 1986, lawmakers tried to protect emails but only did so for 180 days.

Under current law, every email, every text, every Google doc and Facebook message, every photograph of our vacation is subject to government inspection without a warrant, without probable cause, and without our knowledge if it is older than 6 months.

This is an invasion of privacy. Constitutional protection for 6 months only? That is nonsense, Mr. Speaker.

What is worse, some government agencies don’t want the law changed. The Securities and Exchange Commission is lobbying to keep the same law on the books so they can snoop around in emails after 6 months without a warrant. The SEC is not even a law enforcement agency, but yet they want to keep the ability to look at emails.

I suspect they want to be able to read personal financial records and communications without a warrant. Spying on citizens by government sounds like conduct reminiscent of the old Soviet Union.

The SEC is not the only government agency that has access to emails over 6 months old. Any government agency can go in, confiscate emails that are older than 6 months without a warrant, without probable cause, and without knowledge of the person that they are snooping on. To me, this is a clear violation of the spirit of the United States Constitution.

Mr. Speaker, if we go back to the days of snail mail and you write a letter and you put it in an envelope and you put it in a mailbox and it floats around the country from place to place and finally ends up in somebody else’s mailbox, government cannot go and grab that letter and search it without a warrant under most circumstances, no matter where it goes in the U.S., because it is protected. It is the privacy of the person who wrote the letter and the person who is receiving the letter.

Why should government have the ability to snoop around in our personal emails? They don’t have that right, even though they have the ability to do so.

Mr. Speaker, the Fourth Amendment makes us, the U.S., different than any nation on Earth to protect the privacy of American citizens. Government agencies can’t raid homes or tap into phones or read mail without showing a judge they have probable cause that a crime was committed. They must obtain a search warrant.

Mr. Speaker, I was a judge in Texas for 22 years, a criminal court judge, and saw 20,000 cases or more. Police officers would come to me at all times, day or night, with a search warrant. If it stated probable cause, I would sign the warrant, and then they would be instructed to go search whatever it was that they had probable cause to search.

That is what the Constitution requires before you can snoop around and spy on Americans. If you want to search, get a warrant. That is the rule under our law.

Why should our possessions and communications be less private because

they are online? Well, they shouldn’t be. That is why I have teamed up with Representative ZOE LOFGREN on the other side and lots of other Members of Congress in both parties to introduce legislation to update the outdated ECPA law.

There are several bills pending. In fact, these bills have over 300 sponsors right now, bipartisan, to restore ECPA’s original purpose to protect the privacy of American citizens.

This legislation would protect the sacred right of privacy from ever-increasing spying government trolls on Americans. Our mission is simple: extend constitutional protections to communications and records that Americans store online for any amount of time.

Mr. Speaker, technology may change, but the Constitution remains the same. Thomas Jefferson said in the Declaration of Independence, government is created to ensure our rights, not violate those rights.

It is about time we make government protect the right of privacy rather than violate the right of privacy. We need to pass this ECPA law and get privacy back in America.

And that is just the way it is.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o’clock and 51 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEWART) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

As we face a new day, help us to discover the power of resting in You. Send Your Spirit down upon the Members of the people’s House.

Grant them wisdom, insight and vision that the work they do will be for the betterment of our Nation during a time of struggle for so many Americans.

In extraordinary times, people from around the world are coming together and recognizing shared threats to peace and prosperity among all people of goodwill. May the men and women of this House emerge as leading statesmen and women to address issues that transcend the here and now of political tides.

Help them to identify policies that will redound to the benefit of our children and grandchildren.

May all that is done this day be for Your greater honor and glory.