

example for the rest of the world by demonstrating our commitment to end human rights atrocities and hold perpetrators accountable.

Mr. Speaker, I strongly encourage all of my colleagues to join me in support of S. 1472.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1472.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECOGNIZING A. PHILIP RANDOLPH FOR HIS LIFELONG LEADERSHIP AND WORK TO END DISCRIMINATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 150) expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 150

Whereas A. Philip Randolph was born April 15, 1889;

Whereas A. Philip Randolph was in New York during the height of the Harlem Renaissance and was a student in politics and economics at City College, which served as the intellectual center of the movement;

Whereas A. Philip Randolph was the co-founder of The Messenger in 1917, a widely read and respected magazine known for its radical persuasion;

Whereas A. Philip Randolph was the leader of the successful movement to organize the Pullman Company (one of the most powerful businesses in the Nation) which led to the formation of the Brotherhood of Sleeping Car Porters (BSCP), an organization that advanced the claims of African-Americans to dignity, respect, and a decent livelihood;

Whereas A. Philip Randolph was selected by the porters at the Pullman Company as a representative because he was a good orator and a tireless fighter for the rights of African-Americans and was dedicated to the porters' cause for over a decade;

Whereas A. Philip Randolph was able to gain an international charter from the American Federation of Labor (now AFL-CIO) after Franklin Roosevelt's New Deal legislation forced the Pullman Company to

negotiate with the Brotherhood, and was able to successfully negotiate the first-ever contract between a company and a black union, in 1937;

Whereas A. Philip Randolph was one of the central figures speaking out for African-American rights during the 1930s and 1940s and focused on labor and employment issues;

Whereas A. Philip Randolph was a leader in the movement challenging discrimination in defense industry jobs and used the threat of a march on Washington as part of an effort to lobby President Roosevelt to sign an executive order banning discrimination within the Government and the defense industries;

Whereas A. Philip Randolph was, in 1947, a leader in the movement to end segregation in the military and called for African-Americans to refuse to register for the draft until these practices were ended and was successful in this effort, which saw President Truman issue an executive order barring discrimination in the military on July 26, 1948;

Whereas A. Philip Randolph was the leading force behind the March on Washington for Jobs and Freedom and worked with many old friends and foes of his earlier labor struggles to ensure the success of the event, which took place on August 28, 1963, drew a crowd of over 250,000 people, and was the occasion of a meeting with President Kennedy and Dr. Martin Luther King, Jr.; and

Whereas A. Philip Randolph died in 1979 as an elder statesman of the civil rights movement, a much admired figure and role model for the young people of this Nation: Now, therefore, be it:

*Resolved*, That it is the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

##### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, I am especially pleased to rise in support of this resolution honoring the life and work of A. Philip Randolph, whom I have had the privilege of meeting and working with indirectly.

I am pleased to be a cosponsor of the resolution with the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL), who introduced it.

A. Philip Randolph was a towering figure in the movement for social justice in this country, particularly in the fields of labor and civil rights. He is principally noted for his efforts in organizing the Brotherhood of Sleeping Car Porters on trains, porters who were

all African Americans in the middle 20th century and earlier. There were nearly 10,000 of them who had never been unionized before. He was able to do that. Finally, he worked out a contract in 1937 with Pullman, and then went to the AFL-CIO where they were able to gain an international charter. That was his major contribution.

Yet, to me, what was so important was the work that he did with Dr. Martin Luther King, Jr., because it was he who, with Bayard Rustin, organized the march on Washington for jobs and freedom on August 28, 1963. I was a lawyer who was at that march. It was the first one which drew over 200,000 people and which had a great effect on our moving to enact the Civil Rights Act of 1964.

There are books about him, but the story that I like to tell is about the time that he challenged President Roosevelt to end the desegregation in the military and in the military factories, which were the industries that were making war materials. In a historic meeting with President Roosevelt, President Roosevelt acknowledged the validity of his struggle, but then he said something prophetic. He said, Make me do it.

Amazingly, Randolph, after a period of time, assembled a huge number of people to march on Washington. As they got ready to march, word came from the White House that the President would accede to his demand, and he gave an executive order banning racial discrimination in the government and in the factories. That has been told many times over.

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I am indebted to the chairman of the Ways and Means Committee. Randolph worked out of New York and I am hopeful that Chairman RANGEL may have met him and knew him as well.

Mr. Speaker, I reserve the balance of my time and urge support for the resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 150, which recognizes Asa Philip Randolph for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

Mr. Randolph was a leading champion of fairness in the 20th century. He is one of the most well-known trade unionists of his time and he helped found the modern civil rights movement.

Mr. Randolph moved to the Harlem district of New York City in 1911, where he organized black voters in favor of labor rights. In 1917 he co-founded a magazine, The Messenger, calling for more positions for black Americans in the war industry and the Armed Forces.

In 1925, Mr. Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of

the Pullman Company, which was one of America's most powerful companies and a major employer of black Americans. The Pullman Company later negotiated with the Brotherhood in 1935 and agreed to a contract with them in 1937, winning pay increases, shorter workweeks and overtime pay for their employees.

In 1941, Mr. Randolph proposed a march on Washington to protest racial discrimination in war industries and to propose the desegregation of the American Armed Forces. The march was canceled after President Franklin Roosevelt issued Executive Order 8802, which called for an end to discrimination in defense industries and government on the basis of race, creed, or national origin.

Mr. Randolph's nonviolent efforts led to the signing of another executive order on July 26, 1948, this time signed by President Truman to ban discrimination and segregation in the Armed Forces.

In addition to these accomplishments, Mr. Randolph was an active participant in a number of organizations and causes, including the Leadership Conference on Civil Rights, which he cofounded, and the Workmen's Circles. He also formed the A. Philip Randolph Institute for community leaders to study the causes of poverty.

Mr. Randolph has been called "the towering civil rights figure of the period" in which he lived, "the dean of American civil rights leaders" and "among the first leadership of the Labor movement." He fought for more than a half-century on behalf of the poor and deprived, securing rights not just for black workers but for employees of all races and nationalities.

I urge my colleagues to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the life and work of intellectual, activist and community organizer A. Philip Randolph. As a member of the House Judiciary Committee, I strongly support H. Res. 150, which provides Congress with an opportunity to recognize important issues such as civil rights, labor rights, and the struggle for racial equality, to which A. Philip Randolph devoted his life, and which continue to have relevance today. I encourage my colleagues to support this important resolution.

A. Philip Randolph was born on April 15, 1889 in Crescent City, Florida. He was a student of politics and economics at City College during the Harlem Renaissance. In 1917, Randolph co-founded "The Messenger," a widely respected political and literary magazine which campaigned against the horrors of lynching and segregation. Deeply concerned not only with African American rights, but also labor and employment issues, he organized a union of elevator operators in New York in the same year. In 1925 he organized the Brotherhood of Sleeping Car Porters, a labor union which advanced African American claims to respect, dignity and a decent livelihood. He used the threat of a march on Washington as part of a successful lobbying effort to abolish racial dis-

crimination in the national defense industry which led President Roosevelt to sign Executive Order 8802, or the Fair Employment Act in 1941—the first Federal Law to prohibit employment discrimination in the United States. In 1947, Randolph led a successful movement to end segregation in the armed forces, which prompted President Truman to issue Executive Order 9811 on July 26, 1948, establishing equality of treatment and opportunity in the Armed Services. In 1963, Randolph initiated and organized the March on Washington for Jobs and Freedom where Martin Luther King, Jr. of my home State of Georgia delivered his "I Have a Dream" speech, and which helped pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Throughout his life, A. Philip Randolph demonstrated the kind of moral courage worthy of our gratitude and support. His activism and his commitment to social justice consisted not in holding society to a moral standard that is external to it, but rather in demanding that society take seriously its own idea of freedom on which it intrinsically depends. Although much progress has been made since Randolph's death in 1979, the gap which he fought to overcome, between what we are and what we can be, between society and its potential, remains today as it did in his lifetime. His leadership in the civil rights movement and his lifelong efforts to secure equal labor opportunities for all Americans make him a positive role model, not only for young people, but for all of the citizens in this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, no one can start a new beginning, but anyone can start today and make a new ending. A. Philip Randolph was one of the many to make a new ending for not just himself, but the world around him. A. Philip Randolph was a prominent twentieth-century African-American civil rights leader and the founder of both the March on Washington Movement and the Brotherhood of Sleeping Car Porters, a landmark for labor and particularly for African-American labor organizing. Inspired from the writing of W.E.B. Dubois, *Souls of Black Folk*; this graduate of Bethune-Cookman College and son of an A.M.E. preacher took his beliefs and made them manifest through serving others.

Randolph had some experience in labor organization, having organized a union of elevator operators in New York City in 1917. In 1925 Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of the Pullman Company, which was a major employer of African-Americans. With amendments to the Railway Labor Act in 1934, porters were granted rights under federal law, and membership in the Brotherhood jumped to more than 7,000. After years of bitter struggle, the Pullman Company finally began to negotiate with the Brotherhood in 1935, and agreed to a contract with them in 1937, winning \$2,000,000 in pay increases for employees, a shorter workweek, and overtime pay. Randolph maintained the Brotherhood's affiliation with the American Federation of Labor through the 1955 AFL-CIO merger.

Randolph was also responsible for the organization of the March on Washington for Jobs and Freedom on August 28, 1963 with the help of Rustin and Martin Luther King, Jr. The Civil Rights Act of 1964 is often attributed in part to the success of the March on Wash-

ington, where Black and White Americans stood united and witnessed King's "I Have a Dream" speech. As the U.S. civil rights movement gained momentum in the early 1960s and came to the forefront of the nation's consciousness, his rich baritone voice was often heard on television news programs addressing the nation on behalf of African-Americans engaged in the struggle for voting rights and an end to discrimination in public accommodations. He was also an active participant in many other organizations and causes, including the Workmen's Circle and others.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of H. Res. 150, expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

A. Philip Randolph was born on April 15, 1889, in Crescent City, Florida. In 1917, Randolph co-founded *The Messenger*, a widely read and respected magazine known for its radical persuasion.

Randolph was perhaps most widely known for his work advocating for the rights of workers, and working to end employment discrimination. Randolph worked tirelessly on behalf of African American workers in forming the "Brotherhood of Sleeping Car Porters" (BSCP), an organization designed to advance the claims of African Americans to dignity, respect and a decent livelihood. After Franklin Roosevelt's New Deal forced the Pullman Company to negotiate with the BSCP in 1937, Randolph successfully negotiated the first-ever contract between a company and a black union.

Randolph became one of the most widely known spokespersons for the African American working class in America. In 1940, after Franklin Roosevelt refused to issue an executive order banning discrimination against black workers in the defense industry, Randolph called for 100,000 African Americans to march on Washington, DC. Support for Randolph's march grew so wide that President Roosevelt was forced to issue an executive order on June 25, 1941 declaring "there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color or national origin."

Randolph's legacy of working for labor opportunities and employment justice is alive and thriving today. In my home town of Houston, Texas, students at the University of Houston have carried on the torch of justice for laborers in founding the University of Houston Students Against Sweatshops. These students organized the largest boycott of modern student activism against Russell Athletic, due to labor violations in their factory in Honduras. Thanks to the student effort, Russell has recently agreed to meet worker demands and improve labor conditions for its 1200 workers.

The above example is a testament to the lasting and widespread effects of Randolph's work. As a champion for African American laborers, Randolph was able to shape our nation's values on employment and equality. Today, students from all over the country, including my home state of Texas, have picked up the torch in support of labor rights worldwide.

I ask my colleagues to stand with me in support of H. Res. 150.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 150.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### PHONE ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1110

*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 "Preventing Harassment through Outbound Number Enforcement Act of 2009" or the "PHONE Act of 2009".

#### SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1041. Caller ID spoofing

“(a) OFFENSE.—Whoever, in or affecting interstate or foreign commerce, knowingly uses or provides to another—

“(1) false caller ID information with intent wrongfully to obtain anything of value; or

“(2) caller ID information pertaining to an actual person or other entity without that person's or entity's consent and with intent to deceive any person or other entity about the identity of the caller;

shall be punished as provided in subsection (b).

“(b) PUNISHMENT.—Whoever violates subsection (a) shall—

“(1) if the offense is a violation of subsection (a)(1), be fined under this title or imprisoned not more than 5 years, or both; and

“(2) if the offense is a violation of subsection (a)(2), be fined under this title or imprisoned not more than one year, or both.

“(c) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

“(d) FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

“(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

“(B) any equipment, software or other technology used or intended to be used to commit or to facilitate the commission of such offense.

“(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘caller ID information’ means any identifying information regarding the origination of a telephone call, including the name or the telephone number of the caller, that is transmitted with the telephone call;

“(2) the term ‘telephone call’ means a call made or received using any real time voice communications service, regardless of the technology or network used; and

“(3) the term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1041. Caller ID spoofing.”

#### SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR MONEY LAUNDERING.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1037 (relating to fraud and related activity in connection with electronic mail), section 1041 (relating to caller ID spoofing),” before “section 1111”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, this measure is aimed at the deceptive telephoning practice called “spoofing,” where a fake caller ID is used to hide one's true identity. Sometimes it can mean simply using the caller ID of another person or business without permission, but sometimes the purpose is to commit fraud or identity theft. Call recipients are sometimes tricked into divulging private, personal information to the spoofer. For example, the AARP has reported cases in which people received calls falsely telling them that they missed jury duty and they were told to avoid prosecution they needed to provide their Social Security num-

ber. The phone number that appeared on their caller ID was from the local courthouse, so people assumed that the call was made truthfully.

Recently, the technology needed to spoof has become readily available through the purchase of Internet telephone equipment, or through Web sites specifically set up for that purpose.

The measure before us today prevents this activity on two levels, with penalties that fit the seriousness of the offense. For providing the caller ID information of another person without consent with the intent to deceive, the penalties are fines and up to 1 year in prison; for providing false caller ID information with the intent to wrongfully obtain something of value, the penalties are fines and up to 5 years imprisonment. In addition, the bill provides for forfeiture of equipment used and proceeds gained by those involved in this activity.

Because it can be used for legitimate law enforcement and intelligence purposes, the bill allows spoofing for lawfully authorized activities of law enforcement. It also does not prohibit the simple use of a fake number to hide the caller's number. Many businesses have opted to use this feature to protect against abusive call-backs. As a matter of fact, the House uses this feature on calls to outside lines. This non-malicious practice is not intended to be reached by the legislation before us.

Finally, I note that the bill was developed in previous Congresses on a bipartisan basis, and I commend my ranking member and the entire Judiciary Committee for the work that has gone into this measure. I urge its support, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1110, the Preventing Harassment Through Outbound Number Enforcement Act, or PHONE Act, addresses caller ID spoofing.

Spoofing is a ploy for obtaining a victim's personal and financial information to commit identity theft and other similar fraud. It involves masking caller ID information to make a fraudulent telephone call to a recipient. Those who engage in spoofing use incorrect, fake or fraudulent caller identification to hide their identity and then obtain personal information from the victim. Call recipients unwittingly divulge their names, addresses or Social Security numbers under the mistaken belief that the caller represents a bank, a credit card company or even a court of law. All too often, a person does not know that their identity has been stolen until it's too late and the damage has been done. This legislation will help law enforcement officials stop identity thieves by cutting off their means of obtaining personal information.

Spoofing not only victimizes the phone call recipient but also invades the privacy of those individuals whose