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May 11, 2006

Mr. Dennis Hastert
Speaker of the House
House of Representatives
The Capitol
Washington, D.C. 20515

Dear Mr. Speaker:

I am writing to report the mysterious disappearance of a bill that was snatched from the House floor last week and may be a blatant case of “extraordinary legislative rendition.” In particular, I am writing to you about the fate of H.R. 4943, the “Prevention of Fraudulent Access to Phone Records Act.” The headlines in today’s papers regarding the sweeping nature of the National Security Agency’s program to capture every phone call of every American in what is described as the “world’s largest database” may be relevant to the bill’s disappearance.

As you may recall, on Tuesday, May 2, 2006, this bill was scheduled for consideration on the floor of the House of Representatives shortly before its disappearance. In short, the “Prevention of Fraudulent Access to Phone Records Act,” introduced by Energy and Commerce Chairman Joe Barton (R-TX) and cosponsored by Representatives John Dingell (D-MI), Fred Upton (R-MI), Jan Schakowsky (D-IL), Cliff Stearns (R-FL), and myself, was the result of a bipartisan consensus on how to address the privacy of phone records for all Americans. It was developed after public hearings into how Americans’ telephone records were being sold on the Internet and the practices of telecommunications companies in safeguarding such sensitive telephone records. The bill passed the House Energy and Commerce Committee unanimously and I was aware of no controversy surrounding the bill that would cause it to vanish.

Yet, with no notice or explanation, H.R. 4943 summarily disappeared from the House floor schedule that day and it has not been seen or heard from since. I am concerned about reports that some intelligence agency or interest had a hand in the bill’s disappearance. There are rumors, as you may have heard, that the House Intelligence Committee has sought an exemption from the bill’s privacy protections for “intelligence gathering activities.” If true, this raises important questions concerning whether intelligence agencies are seeking an exemption in order to obtain the phone records of Americans without due legal process as part of some future plan, or whether intelligence

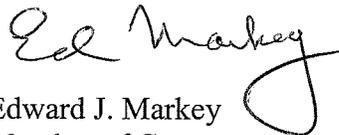
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entities were seeking an exemption in the bill to clarify the legality of such a program because they are currently gathering such records today without clear authority.

I write to you, Mr. Speaker, because perhaps you could shed light on the fate of H.R. 4943. Did the bill disappear from the House floor schedule due to objections from some intelligence committee or entity? Is it currently in some legislative "Guantanamo Bay"?

Thank you in advance for your time and attention in responding to this inquiry.

Sincerely,

A handwritten signature in cursive script that reads "Ed Markey". The signature is written in black ink and is positioned above the printed name and title.

Edward J. Markey
Member of Congress

EJM/cc