

(Mrs. WILSON) and the gentleman from Louisiana (Chairman TAUZIN), as well as the gentleman from Massachusetts (Mr. MARKEY), ranking member of the subcommittee, and the gentleman from Michigan (Mr. DINGELL), ranking member of the full committee.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to also single out again the work of the staff who have always, as I said, toiled long hours to help us bring bills like this, complex in nature, technical in nature, to the floor.

I want to again acknowledge and thank Andy Levin and Colin Crowell, and from the majority, Tricia Paoletta, Mike O'Rielly, Cliff Riccio and Luke Rose for their excellent work on this bill and for our entire committee and subcommittee.

Again, I say thanks for the work of the gentleman from Virginia (Chairman BLILEY) in helping us to move this legislation to the floor, as well as to the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their excellent cooperation.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for giving me this opportunity to address this important bill, H.R. 514, that will extend our federal privacy protections to protect the users of wireless technologies.

Many historians would agree, that it is our country's long tradition of innovation and ingenuity that made us, and keeps us, a superpower. However, the rewards of innovation do not always come without a price.

First, there is the cost of developing the innovation. Our government often participates in that innovation through agencies and programs like NASA, the Science Foundation (NSF), and the Advanced Technology Program (ATP).

Second, new technologies often have hidden costs. One example is the Y2K problem, which manifested itself in part because technology developers did not believe that their products would still be in use in the 21st century.

Third and unfortunately, because the law is sometimes unable to adjust quickly enough to these rapidly-changing technologies, there are other costs that come about because of fraudulent or criminal activity. This bill addresses one such problem that has developed because of the rise in the use of wireless technologies, such as cellular phones.

With the demand for wireless technologies growing at a near-exponential rate, we have seen the development of technologies that are capable of intercepting wireless transmissions, and in some instances, decoding those transmissions. That means that with a simply modified scanner, an individual with criminal intentions could readily listen into cellular phone conversations undetectably.

Furthermore, there are some scanners that even have the ability to decode the digital transmissions that up until now were a strong

selling point for high-end cellular phones. Many of the purchasers of digital phones, in fact, purchased them in part because they felt that their conversations and cellular phone profiles are more secure than with the use of analog technology.

This bill works to better protect those consumers, and in fact, all consumers of wireless technologies, by making it illegal to intentionally intercept or disclose any wireless communication. By criminalizing both behaviors, we will be protecting all consumers from the fraudulent misuse of their conversations and transmissions.

It is our responsibility as a Congress to preserve the principles put forth in our Constitution. I feel that this bill is a logical extension of the Right of Privacy recognized by the Supreme Court in *Griswold v. Connecticut*, 381 U.S. 479 (1965), and I support this bill as a result.

I urge all of you to vote in favor of this bill, and to further protect our citizens from high-tech fraud.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 514, and in support of the Wilson amendment. The passage of this legislation will, as does so much of the legislation we pass, move our nation yet another step close to a national police state by further expanding a federal crime and empowering more federal police—this time at the Federal Communications Commission. Despite recent and stern warnings by both former U.S. attorney general Edwin Meese III and current U.S. Supreme Court Chief Justice William H. Rehnquist, the Congress seems compelled to ride the current wave of federally criminalizing every human misdeed in the name of saving the world from some evil rather than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from totalitarianism.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently. Of course, there will be those who will hand their constitutional "hats" on the interstate commerce or general welfare clauses, both of which have been popular "headgear" since the plunge into New Deal Socialism.

Perhaps, more dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, as mentioned above, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). "Concur-

rent" jurisdiction crimes, such as alcohol prohibition in the past and eavesdropping today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same crime. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide values as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Yet, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

As government becomes more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police power in the national government and, accordingly, H.R. 514.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.