

confidential. Individuals are particularly concerned about their genetic privacy. Genetic information is perhaps the most personal information that can be learned about an individual, and can have enormous ramifications for their future. As a result, Americans are especially worried that their genetic information could fall into the wrong hands and be used to undermine, rather than advance, their best interests.

I am proud to sponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act. As its title states, this legislation would prevent insurers and employers from using genetic information to discriminate against individuals. The bill has the support of dozens of organizations, as well as over 130 bipartisan cosponsors. It was developed with the review and input of all the stakeholders, including consumers, health care professionals, and providers. H.R. 2457 has been enthusiastically endorsed by the administration, and the President has called repeatedly for its passage.

Nevertheless, this legislation languishes in committee without so much as a hearing. The majority has buried this reasonable, responsible, timely legislation in favor of establishing a commission that will, in this case, simply tell us what we already know.

I have traveled all over the nation to discuss genetic discrimination issues. At every turn, I am approached by individuals who tell me that they would like to take a genetic test, but have decided not to do so because they are afraid the results will be obtained by their insurer or employer. I am contacted by doctors who say that their relationships with their patients are being damaged because patients are afraid to have notes about a genetic disorder in their medical records. I receive calls and letters from researchers who tell me that it is getting more difficult every year to recruit participants in genetic research.

Congress has already waited too long to act on this issue. We cannot waste any more time by deferring to a commission that will not report for a year and a half. I urge my colleagues to vote against H.R. 4049, and to call for its consideration under regular order.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 4049, the "Privacy Commission Act."

We don't need a commission to study consumer privacy rights. Consumers either have the right to determine how personal information they gave others will be used, or they don't. In my view, consumers deserve this right. Spending 18 months studying privacy and \$5 million of the taxpayers money will not bring us any closer to deciding this fundamental issue. Only Members of the Congress, not members of a study commission, can decide whether to protect consumer privacy.

What consumers are demanding is a simple and clear statement from Congress that banks, insurance companies, securities firms, HMO's, and other entities cannot disseminate or use personal information in ways the consumer has not approved. That's not a complicated concept, although many who don't want to protect consumer privacy will maintain that it is. One hundred and thirty-eight of our colleagues are cosponsors of one such bill that we should have the opportunity to consider either as an amendment to the bill before us or on its own.

That legislation, H.R. 2457, is sponsored by our colleague, Mrs. SLAUGHTER, and prohibits

genetic discrimination in determining eligibility for health insurance and employment. Polls show that more than 80 percent of those surveyed are afraid that genetic information could be used against them. One hundred and seventy-eight of our colleagues have signed a discharge petition to bring this matter to the floor for a vote. Outside medical professional groups, including the Director of the National Human Genome Research Institute, support the bill. The administration strongly support it, and the platforms of both major national parties include planks that call for legislation like H.R. 2457.

Clearly, Members are ready to act on genetic privacy, yet the Republican House leadership says we can't. The chairman of the Commerce Committee has repeatedly rejected requests from Democratic Members to let the committee act on this important legislation. In fact, Republican leadership won't even permit an amendment prohibiting genetic discrimination to be offered to the matter before us.

That's just plain wrong, and the Republican majority should not be allowed to cite passage of this meaningless commission bill as evidence that they have concerns for consumer privacy. If they truly were concerned about consumer privacy we'd be considering Mrs. SLAUGHTER's bill, or others like it that are intended to legally protect consumer privacy, not just study it. At the very least, Members should have the right to amend this bill with proposals that provide consumers real and needed protection.

Mr. Speaker, I urge my colleagues to vote "no" on H.R. 4049.

Mr. WATTS of Oklahoma. Mr. Speaker today I rise in support of H.R. 4049, the Privacy Commission Act. I commend the gentleman from Arkansas, Mr. HUTCHINSON, on this fine piece of legislation.

Mr. Speaker, as we enter into this new millennium, the Internet has taken the American economy to unseen levels of prosperity. The Internet has contributed to a stock market which has reached unimaginable highs.

However, with this amazing new medium, we must be cautious of the privacy of individuals. The Internet, this storehouse of financial, personal and medical information can be easily abused and unjustly destroy people's credit, reputation and security. America's families have a right to be concerned." This Congress must take steps to assure families that their privacy will be protected in the modern age.

This piece of legislation will create a bipartisan committee to study privacy and its protection. Mr. Speaker this legislation will take monumental steps in protecting individual privacy in the 21st Century. This commission will spend 18 months discussing the question of privacy, and find the answers to these questions.

Mr. Speaker, I support this important piece of legislation and urge my colleagues to vote yes on H.R. 4049, the Privacy Commission Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4827) to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4827

*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 "Enhanced Federal Security Act of 2000".*

#### SEC. 2. ENTRY BY FALSE PRETENSES TO ANY REAL PROPERTY, VESSEL, OR AIRCRAFT OF THE UNITED STATES, OR SECURE AREA OF AIRPORT.

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

**"§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport**

*"(a) Whoever, by any fraud or false pretense, enters or attempts to enter—*

*"(1) any real property belonging in whole or in part to, or leased by, the United States;*

*"(2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States; or*

*"(3) any secure area of any airport;*

*shall be punished as provided in subsection (b) of this section.*

*"(b) The punishment for an offense under subsection (a) of this section is—*

*"(1) a fine under this title or imprisonment for not more than five years, or both, if the offense is committed with the intent to commit a felony;*

*or*

*"(2) a fine under this title or imprisonment for not more than six months, or both, in any other case.*

*"(c) As used in this section—*

*"(1) the term 'secure area' means an area access to which is restricted by the airport authority or a public agency; and*

*"(2) the term 'airport' has the meaning given such term in section 47102 of title 49."*

*(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:*

*"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport."*

#### SEC. 3. POLICE BADGES.

*(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:*

**"§ 716. Police badges**

*"(a) Whoever—*

*"(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;*

*"(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual, knowing that such individual is not authorized to possess it under the law of the*

place in which the badge is the official badge of the police;

“(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

“(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce; shall be fined under this title or imprisoned not more than six months, or both.

“(b) It is a defense to a prosecution under this section that the badge is used or is intended to be used exclusively—

“(1) as a memento, or in a collection or exhibit;

“(2) for decorative purposes;

“(3) for a dramatic presentation, such as a theatrical, film, or television production; or

“(4) for any other recreational purpose.

“(c) As used in this section—

“(1) the term ‘genuine police badge’ means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

“(2) the term ‘counterfeit police badge’ means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

“716. Police badges.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

#### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4827, the legislation under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4827, the Enhanced Federal Security Act of 2000. H.R. 4827 will help make our Federal buildings and airports more secure by making it a Federal crime to enter or attempt to enter Federal property under false pretenses. Additionally, the bill will prohibit the trafficking in genuine and counterfeit police badges, which can be used by criminals, terrorists, and foreign intelligence agents to obtain unauthorized access to these secure facilities or to commit other crimes.

The gentleman from California (Mr. HORN) introduced H.R. 4827 in July, and it was reported by voice vote from the Committee on the Judiciary on September 20. The gentleman from California drafted this bill in response to the findings of an oversight investigation conducted by the Subcommittee on Crime, made public at a hearing on May 25 of this year, which revealed serious breaches of security at Federal buildings and airports.

At that hearing, GAO special agents testified that, while posing as plainclothes law enforcement officers, they targeted and penetrated 19 secure Federal buildings and two airports using fake police badges and credentials. In every case, these agents were able to enter agency buildings and secure airport areas while claiming to be armed and carrying briefcases, which were never searched, and were big enough to be packed with large quantities of explosives, chemical or biological agents. The agencies penetrated included the CIA, the Defense Department, the Pentagon, the FBI, the Justice Department, the State Department, and the Department of Energy.

To address the serious threat to our national security posed by individuals carrying fake badges and credentials, H.R. 4827 would do two things. First, it would make it a Federal crime to enter or attempt to enter Federal property or the secure area of an airport under false pretenses. A person entering such property under false pretenses would be subject to a fine and up to 6 months in prison. Additionally, a person entering such property under false pretenses, with the intent to commit a felony, would be subject to a fine and up to 5 years in prison.

H.R. 4827 would also prohibit trafficking in genuine and counterfeit police badges in interstate or foreign commerce. A person trafficking in police badges would be subject to a fine and up to 6 months in prison.

The bill creates a defense to prosecution to protect those who possess a badge as a memento, in a collection or exhibit, for decorative purposes, for dramatic presentation, or for recreational purposes.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN) for introducing this bill and the gentleman from Virginia (Mr. SCOTT) for working with us to improve it in the Committee on the Judiciary. This bill is an important step towards closing a major gap in security that currently exists at our Nation's most secure buildings and airports. We live in a time that some people call the age of terrorism. It is a time that calls for heightened vigilance and security. We must do all we can to thwart and punish those who would threaten our public safety and national security.

Mr. Speaker, I urge all my colleagues to support this important piece of legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, H.R. 4827, as the gentleman noted, seeks to prohibit those who abuse forms of false identification, including the law enforcement badge, from committing crimes against innocent people.

This legislation prohibits entry under false pretense to Federal Government buildings and the secure area of any airport, but it also bans the interstate and foreign trafficking of counterfeit and genuine police badges

among those not authorized to possess such a badge. There is no attempt to harm collectors in any way. These are just people that are crooks and are rapists, and there are a whole series of these.

There is currently no Federal law dealing with counterfeit badges of State and local law enforcement agencies. Existing law only prohibits the unauthorized sale or possession of a Federal Government badge. H.R. 4827 complements existing law by prohibiting the misuse of State and local law enforcement agency badges.

This problem first came to my attention when David Singer, police chief of Signal Hill, a wonderful little community in my district, informed me how easy it is to obtain police badges. The local Fox television affiliate in Los Angeles conducted an undercover investigation in which the undercover reporter easily bought a fake Los Angeles Police Department badge, a California Highway Patrol badge, and a Signal Hill Police Department badge for relatively low cost.

Earlier this year, at the request of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime of the Committee on the Judiciary, the General Accounting Office, as we all heard, conducted an undercover investigation of security in Federal Government buildings. This investigation revealed critical lapses in policy, and the gentleman from Florida (Mr. CANADY) has covered that.

These undercover agents flashed fake law enforcement badges, which were easily obtained through the Internet, to penetrate secure areas in 19 government offices and two major airports. The General Accounting Office agents acquired the fake badges from public sources. Counterfeit law enforcement identification was created using commercially available information downloaded from the Internet. The ease with which the General Accounting Office agents were able to penetrate security suggests that the same opportunity exists for criminals to assume false identities and engage in criminal behavior.

Fake badges are especially dangerous when used to commit crimes against innocent individuals who trust in the authority of law enforcement officials. In two separate incidents in Tampa, Florida, an unidentified man attempted to abduct a young boy by using a fake police badge. In Chicago, Illinois, police recently arrested a suspect who used a fake police badge to commit a series of home invasion and sexual assaults against women. Just last week a Newark man was charged with illegal weapons possession and impersonating an officer. After his arrest for drunken driving, an investigation revealed that he was using a fake Newark police badge to avoid arrest and mislead his family and friends.

Although the bill is focused on curbing the criminal activity associated with misuse of the badge, concern has

been voiced, as I noted earlier, by legitimate badge collectors, and we have met their concerns. H.R. 4827 includes exceptions for cases where the badge is used exclusively in a collection or exhibit, for decorative purposes, or for a dramatic presentation such as a theater film or television production.

H.R. 4827 has bipartisan support as well as the support of the Fraternal Order of Police, the International Brotherhood of Police Officers, the California Peace Officers Association, and the California Narcotics Officers Association. Mr. Speaker, I urge my colleagues to support and pass H.R. 4827.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Enhanced Federal Security Act of 2000, which addresses in part the vulnerabilities of Federal agencies, which were exposed by the May 2000 GAO investigatory report referred to by the gentleman from Florida (Mr. CANADY).

In its original form, this bill would make it a Federal crime to enter or attempt to enter Federal property or a secure area of an airport under false pretenses. The person who enters Federal property under false pretenses is subject to a fine of up to 2 years in prison. If such an entry were done with the intent to commit a crime, the person would be punished with a fine and up to 5 years in prison.

The bill would also prohibit trafficking in police badges, whether real or counterfeit. A person trafficking in badges would be subject to a fine and up to 6 months in prison. A person is, however, permitted to possess a badge or badges in a collection or exhibit, for decorative purposes, or for dramatic presentations such as a theatrical film or television production.

Mr. Speaker, at the Subcommittee on Crime's mark of this legislation, I indicated that, while I support the purpose of the bill, I had concerns regarding certain provisions. Following discussions between our staffs, the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), offered an amendment at the full committee which addressed my concerns and which were ultimately adopted by the Committee on the Judiciary.

Specifically, the amendment reduced the possible term of imprisonment for simple trespass from 2 years to 6 months, a term which is consistent with other Federal criminal trespass provisions. Further, the amendment provides that the felony provisions under the law require entry by false pretenses with the intent to commit a felony, as opposed to any crime, which the original bill provided.

Finally, the amendment makes it clear that transferring, transporting, or receiving a replica of a police badge as a memento or for recreational purposes, such as a toy, would not constitute a criminal offense under the bill.

Mr. Speaker, with those changes, I believe that H.R. 4827 addresses the

vulnerabilities of Federal agencies which were exposed in May of 2000 without sacrificing individual liberties or imposing penalties out of proportion with the underlying crime. I, therefore, commend the gentleman from California (Mr. HORN), the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Florida (Mr. CANADY) for their work on this matter; and I urge my colleagues to support the legislation.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for all of his work, and the work of the entire committee for their work on this bill. I would also like to thank the gentleman from California (Mr. HORN) for his leadership in writing and drafting this bill. It is really about the safety of our citizens, and I believe he should be duly recognized for his efforts.

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On June 29, the gentleman from California (Mr. HORN) brought H.R. 4827 before the Speaker's Advisory Group on Corrections. The Corrections Group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations. This bill received unanimous support from the Corrections Advisory Group.

Earlier this year, agents of the General Accounting Office were able to enter Government buildings with ease by flashing fake badges and pretending to be law enforcement officers. These agents used badges purchased over the Internet. The agents passed through security at two airports without going through the regular security measures. Agents were also able to enter the Justice Department, State Department, FBI Headquarters, and the Pentagon.

H.R. 4827 would prohibit the transfer, transport or receiving in interstate or foreign commerce of a counterfeit or a genuine police badge to an individual not authorized to possess such a badge. The bill would also make it a crime to enter a Government building under false pretenses.

I am proud as chairman of the Advisory Group and as a cosponsor to be here today speaking in favor of H.R. 4827 and would urge support of this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in congratulating the gentleman from California (Mr. HORN) for his leadership. I would like to again thank the gentleman from Virginia (Mr. SCOTT) for his cooperation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the light that has been shed on the Breaches of Security at Federal Agencies and Airports by the General Accounting Office's (GAO), Office of Special Investigation (OSI) is extremely disturbing to me. The GAO's security test of federal agencies resulted in the OSI being able to breach security at each of the nineteen federal agencies it visited, and two airports.

Mr. Speaker, the Judiciary committee's investigation has highlighted the practicing of selling stolen and counterfeit police badges on the internet and other sources, and the potential to use these items for illegal purposes including breaching the security at through the vessels of our Nation's security is very alarming, to put it mildly, and has led us to hold very informative oversight hearings on these breaches.

GAO agents testified that they breached the offices of several of the Administration's cabinet heads including the Pentagon, Department of Treasury and Department of Commerce. In each of these cases, the agents testified that after producing false badges purchased over the internet, they were waved through check points with their weapons and bags that could have contained explosive devices. In fact, the agents testified that on several occasions they were left unescorted as they wandered through the personal offices of several cabinet heads.

Under the bill, anyone who enters federal property or a secure airport by posing as a police officer would be subject to a fine and up to 6 months in prison. If that person intends to commit a felony, the felony would be a fine and up to 5 years in prison.

H.R. 4827 also prohibits transfer, transport or receipt of a counterfeit police badge through interstate or foreign commerce and provides a penalty of a fine and up to 6 months in prison for doing so. This prohibition also applies to individuals who transfer a real police badge to someone who is not authorized to have it.

Mr. Speaker, I support this legislation and urge my colleagues to pass this common-sense bill. We must not delay to act when the security of our Nation's fortress is in question.

Mr. CANADY of Florida. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4827, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for