

enacted their own laws or need to update existing laws to account for the rapid spread of camera technology.

This crime would be punishable by a fine of not more than \$100,000 or imprisonment for up to 1 year or both. The penalties found in this bill reflect the serious injury that is caused by the invasive nature of these crimes.

The Senate passed S. 1301 by unanimous consent on July 24, 2003, and the gentleman from Ohio (Mr. OXLEY), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Virginia (Mr. GOODE) and the gentleman from Washington (Mr. BAIRD) introduced a bill that was substantially the same in the House.

The gentlewoman from Texas (Ms. JACKSON-LEE) added a definition to the term "broadcast" to cover those who would not only video, but directly broadcast these pictures on the Internet. These changes improved the bill, and it is my understanding that the original sponsors in the House and the other body support them.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. CHRISTENSEN. Mr. Speaker, I yield myself of such time as I may consume.

Mr. Speaker, I rise in support of the legislation before us today. Recent technological advances have made it all too easy for modern day, high-tech peeping toms to recklessly infringe on the privacy rights of many unsuspecting individuals.

The Video Voyeurism Protection Act of 2003 attempts to bring an end to this disturbing phenomenon by making it a crime to secretly take pictures of someone in a State of undress. Specifically, the bill prohibits the use of certain devices to videotape, photograph or record the genitals, pubic area, buttocks or breast of an individual without that individual's consent.

Second, the bill guarantees that perpetrators of video voyeurism will be punished by imposing a sentence of fine or imprisonment for up to 1 year.

Video voyeurism is a serious crime, the extent of which has been greatly exacerbated by the Internet. Because of Internet technology, the pictures that a voyeur captures can be disseminated to a worldwide audience in a matter of seconds. As a result, individuals in the victims rights' community have labeled video voyeurism "the new frontier of stalking."

Finally, I would like to commend Senators LEAHY, SCHUMER and DEWINE for taking the lead on this important issue and for making sure that it remains at the forefront of public debate. By all accounts, this bill is truly a worthwhile endeavor. I strongly urge my colleagues to lend their support this sensible piece of legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to

the gentleman from Ohio (Mr. OXLEY), the House author of the bill, with the sincere hope that he does not use it all.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me time, and he will be pleased to know that I will not use the entire 18 minutes.

Mr. Speaker, as the proud sponsor of the Video Voyeurism Act, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from North Carolina (Chairman COBLE) for their leadership in getting this bill through the committee, and also would like to thank the gentleman from Texas (Mr. GONZALEZ) for sponsoring this bipartisan bill with me.

I would like to express my appreciation for Senator DEWINE's work in passing the companion bill in the Senate. I have introduced this bill in the past 3 Congresses, and I am very happy to see it on the floor today.

My original interest in this issue came from a concern that a constituent expressed in a letter. I had also just written the Child Online Protection Act, which is something we need to have implemented after years of legal delays.

Video voyeurism is something that has been in the news a lot lately, in part, due to the improper use of the camera cell phones that have become so popular. For the victim, it is embarrassing and degrading to be photographed in a compromised position. It is an invasion of personal privacy.

What we have seen in recent years is that technologically savvy predators have infiltrated high school locker rooms, department store dressing rooms and even people's homes using small concealed cameras. Women have even been victimized standing in line at the mall or an amusement park.

What makes it worse now is that these pictures can be instantly posted on the Internet for millions to use. In fact, there are a multitude of Web sites devoted specifically for these types of pictures and videos.

As is often the case, the law has not kept up with technology. Many of these cases have been tried under old peeping tom laws which were not written to cover photographic equipment, so a case either cannot be brought or the sentence does not adequately fit the crime.

Although more States are passing laws to address this, our Video Voyeurism Prevention Act would create a comprehensive law that covers all forms of video voyeurism on Federal land, and it will serve as a model for States that either have not enacted or may not want to strengthen their own laws against video voyeurism.

Mr. Speaker, it is a good bill that protects privacy and decency, and I urge my colleagues to support it.

Mr. SENSENBRENNER. 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 Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1301, as amended.

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

A motion to reconsider was laid on the table.

□ 1515

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-217)

The SPEAKER pro tempore (Mr. BOOZMAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2003 (68 FR 55189).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 21, 2004.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5025, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. OXLEY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSPORTATION, TREASURY,  
AND INDEPENDENT AGENCIES  
APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5025.

□ 1518

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BOOZMAN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 15, 2004, the amendment by the gentleman from Virginia (Mr. MORAN) had been disposed of.

Pursuant to the order of the House of that day, the order of the House of September 14, 2004, was amended to strike any provision for the amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba.

The reading has progressed to page 166, line 3.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. HINCHEY), and the gentleman from Illinois (Mr. EMANUEL). This amendment also has the strong support of the AARP, the largest senior citizen group in this country, representing over 35 million Americans; the AFL-CIO, representing all of organized labor; and the Pension Rights Center.

Mr. Chairman, last year, this amendment passed the House by a vote of 258 to 160. Two years ago, a similar amendment passed by a vote of 308 to 121. By voting for this amendment today, we will be protecting the retirement benefits of some 8 million American workers who have seen their pensions slashed by as much as 50 percent through age discriminatory cash balance pension schemes and the 14 million more American workers who still have traditional, defined benefit plans that could be converted to cash balance schemes. That is the issue today: standing up for those workers and protecting the pensions that they have been promised.

The reason that this amendment is coming up again today is, despite the very strong, tripartisan support that we have seen in the House, this bill has yet to be implemented into law, and it is imperative that we keep fighting and keep standing with American workers who want us to do that.

Mr. Chairman, this amendment is simple and straightforward. In July of 2003, a Federal court ruled that IBM's cash balance pension plan violates Federal anti-age discrimination law. The judge in this case is expected to award damages to IBM employees any day now, after which the company will appeal to the Seventh Circuit Court of Appeals.

Our amendment today would simply prohibit the Federal Government from assisting in overturning this pro-worker court decision. IBM deserves its day in court, like every other litigant, but taxpayer money should not be used to support an age-discriminatory cash balance plan. And this amendment gives Congress the opportunity to make that very clear.

Mr. Chairman, let us be very clear. While this particular lawsuit involves IBM's conversion to a cash balance plan, there are hundreds of other companies that have done exactly the same thing. This is not just IBM; it is hundreds of companies, companies like AT&T, Duke Energy, CBS, Bank of America, Enron, WorldCom and many others. It is not only IBM employees who are hurting but millions of workers from one end of this country to the other who have also been affected, people whose retirement dreams have been

shattered when companies change the rules of the game and slash the retirement benefits that were promised to their employees.

This precedent-setting court ruling against cash balance plans confirms what American workers have been saying for years: Cash balance pension conversions discriminate against workers based on age, are illegal and, without adequate protections for older workers, must be stopped. And that is what we are here to do today.

Mr. Chairman, let me just read a brief excerpt from the ruling of Judge Murphy: "In 1999, IBM opted for a cash balance formula. The plan's actuaries projected that this would produce annual savings of almost \$500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act. IBM's own age discrimination analysis illustrates the problem." That was Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when hundreds of IBM employees in Vermont contacted my office and told me that the pensions that they had been promised by the company had been cut by 20 to 50 percent. In fact, the largest town meeting that I have ever held in Vermont, and I have held many, was for some 700 IBM workers who came out to demand that the company rescind the changes that had been made in their pension plan.

Mr. Chairman, think about it. Think about workers staying at a company through good times and bad times, providing loyalty to their employers because, among other reasons, they expect to receive certain agreed-upon pensions when they retire. And then, Mr. Chairman, one day, out of nowhere, the company sends a document, maybe it is an e-mail, which says, in so many words: Thank you, employees, for your dedicated service to the company, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Forget about it. That is gone.

And, in many instances, while pulling the rug out from under their employees, we are seeing older workers, years of service to a company, suddenly find that the pensions that they had been planning on, the retirement dreams that they had been expecting, slashed by up to 50 percent.

Mr. Chairman, for those Members who will tell us that cash balance conversions are good things and should be supported, and there will be some today, I would remind them of a report from the Congressional Research Service that I requested. And very simply, what I asked the CRS to tell me is, what impact would a conversion to cash balance mean for Members of Congress, because I hear over and over again, Members of Congress, they want the American people to have what they have.