

(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

PROVIDING FOR FEDERAL EMPLOYEE ELECTIONS TO MAKE, MODIFY, AND TERMINATE CONTRIBUTIONS TO THRIFT SAVINGS FUND

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4324, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4324) to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4324) was read the third time and passed.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to speak

for up to 20 minutes to deliver a farewell address.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

A FOND FAREWELL

Mr. GRAHAM of Florida. Mr. President, my 18-year tenure in the Senate has capped an extremely satisfying personal experience with great rewards and gratification of public service. These have been some of the most significant influences on my life. The greatest influence, of course, has been my family.

I was born into a family with good values and an admiration for education and an interest in politics. In February of 1936, my mother and father made two significant decisions. First, my father, who was a mining engineer by education and a dairy farmer by occupation, a man who had become extremely distressed at the level of underworld corruption in Dade County, FL, decided to run for the Florida State Senate to represent that county on a platform of cleaning up underworld corruption.

The second decision my parents made in February of 1936 was to have a baby. I was the happy result of that second decision. My mother says that I came by my political instincts from the womb, that she spent her whole pregnancy going to political activities and that I became addicted.

Throughout my public career, I have had the love and support of my partner of 45 years, Adele. No person in public life could have a more loving, a more caring, and a more contributing partner than I.

At one point, Adele used to be nervous in public settings. Today, I wish I had her calm, her persuasiveness, her effectiveness in public settings. Together, we have had the privilege of raising four wonderful daughters, two of whom were born after our first election to public office.

All of those qualities have been enhanced during my Senate years, including the addition of 11 grandchildren. On Thanksgiving Day I shared a special tradition with 9 of those 11 grandchildren when they joined me here at this desk on the Senate floor and observed and critiqued my skills—and lack of skills—as I carved my name into the Senate desk.

The second greatest influence is my home, the State of Florida. I thought I knew a lot about Florida as a native and as a two-term Governor, but I have learned so much more during the last 18 years. Since 1974, I have been taking different jobs, jobs alongside fellow Floridians, and as of last Thursday I have done 406 of these workdays; 214 of them have been done since I became a Member of the Senate. Even though my day job is 1,000 miles away from where many Floridians live, these workdays have been an important part of maintaining a close relationship with my

fellow Floridians and reminding me what our priorities should be on their behalf here in Washington. Workdays and my experiences in Congress have taught me ways in which the Federal Government affects the lives of typical Americans and, most acutely, Floridians.

I come from a State which is marked with dramatic growth in a very fragile environment, with a close affiliation with the countries to the south of the United States, a State in which one out of five of our citizens is over the age of 65, and therefore programs such as Medicare and Social Security take on a very special significance. How we conduct a law-based immigration system with humanity intimately affects many of our people, as does the obligation to use power responsibly. All of these issues I have learned about at greater depth during my service in the Senate.

What I have also gained in my three terms here is an appreciation of the institution of the Senate and the unique role it plays in balancing our Government in order to avoid excessive power falling into the hands of any one person or governmental institution.

One of our greatest responsibilities as Members of the Senate is to assure an independent judiciary. I am especially pleased that I was able to join my Florida colleagues in the Senate in establishing and maintaining a bipartisan, merit-based process by which we recommended and confirmed applicants for the Federal judiciary.

Particularly, I am gratified by the work I did with former Senator Connie Mack. As a Democrat and as a Republican, we forwarded outstanding judicial candidates to both Democratic and Republican Presidents. Because this process was based on judicial merit, Florida nominees have been uniformly and expeditiously accepted for nomination and confirmation.

I also came to see the Senate as our country's best graduate school, offering access to private seminars with the best and the brightest, supplemented by outside organizations such as the Aspen Institute's congressional program and the InterAmerican Dialog's Focus on Hemispheric Issues.

Finally, Mr. President, as with you and your father, I came to appreciate the people of the Senate. Simply put, I enjoy being around politicians and the people who love politics, including my staff and the family of the Senate, and including the journalists who cover our activities. I value my relationship with each of my colleagues, and I wish I had the time to tell a story about each of you.

Mr. President, your father was one of the first people I met when I came into the Senate. We had a number of things in common in our background and quickly formed a friendship which was one of the most significant parts, particularly, of my early years in the Senate. My grief at his loss is diluted by the knowledge not only that he has

been followed by his son, but that his son is a person of such exemplary qualities as you represent.

I would also like to single out one of my colleagues, a non-Floridian, as representative of the over 200 people with whom I have served during my tenure in the Senate. Senator JAY ROCKEFELLER has been very special to me. We served as Governors at the same time. JAY, as much as anyone, encouraged me to run for the Senate.

I especially treasure the relationships I have had with my congressional political mentors such as Congressman Danny Fascell and Senator, later Congressman, Claude Pepper, and my Florida colleagues in this institution: Lawton Chiles, Connie Mack, and BILL NELSON.

BILL NELSON is a man I have known for over 40 years. In each stage of his life he has been committed to public service and to excellence in the execution of that public service. It has been a joy for the last 4 years jointly representing our 17 million constituents with BILL. I greatly admire his contributions to Florida and to the Nation. I wish to Senator NELSON a long tenure in the Senate. Florida and America will be better places because of his service.

I am also hugely grateful to those who have been willing to share this journey with me, the tens of thousands of people who have worked with me in my successful statewide campaigns, and the over 1,000 people who have joined me in public service in appointive or staff positions. I regret that I do not have time today to name all of them, but illustrative of all of them I will mention a few: Buddy Shorstein, Ken Klein, and Buddy Menn, all of whom have served as chiefs of staff in the Senate; Gary Smith, Dick Burroughs, Charles Reed, Jay Hakes, and Tom Herndon, who served in a similar position when I was Governor of Florida; Mary Chiles, Ellen Roth, Lula Rodriguez, Susan McGinn, and Lydia Mount; Al Cumming and Bob Filippone; Mark Block, John Provenzano, and Paul Anderson—these wonderful people and a thousand more who have shared this joyful experience in public service.

Winston Churchill once declared:

Now is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

My friends, the Senate needs to regain its tradition of controlled partisanship; in other words, placing country before party. Another of my Florida political mentors, former Governor and Senator, Spessard Holland, once said that it was the jet airplane that caused the greatest change in the culture of the Senate.

Prior to the jet airplane, Senator Holland and his wife would come in the first week of January to Washington, would settle in the hotel where they would live while they were here, and they would spend the next 6 to 7 months doing the business of America.

While they were doing that, they would spend time with the families of their colleagues. They would become more than just occasional colleagues. They would become genuine friends.

It was out of that development of relationships across regions and across parties that the Senate came to earn the title of "the world's most exclusive club." And it was the club where the essential bond was that of common respect.

The jet airplane began to change that, because instead of staying here for a 5-day workweek and then a week-end of personal relations with the families of their colleagues, it became possible for each Member of the Senate to leave on Friday to return to their home State for whatever request was made of them. The Senator knew that and the requesting organization knew that. So it became a matter of political necessity to respond.

The effect of that was not only did the work of the Senate extend from 6 to 7 months to today's 7th of December—we have been in session now for 11 months and 1 week—it also meant that those weekends of personal relationships were largely lost.

My No. 1 suggestion in this post-jet airplane age is that we try to get back to the tradition of spending more time together as families, as Americans, rather than as Republicans and Democrats. For instance, rather than holding our traditional partisan retreats in the spring of the year, huddling as reds and blues, we should go to a retreat as a whole Senate celebrating the families of this great institution.

I point to the pending intelligence reform bill, which I hope we will pass in the next day, as an example of what can be done when we recognize that an issue is so important to our Nation that we must work together to understand the problem and then develop solutions which are driven by pragmatism, not ideology.

I suggest we apply the lessons that are being learned in developing and forming and passing intelligence reform to some of the challenges that are before us now such as reform of Social Security and Medicare, and reform of our energy policy that we as a nation would be well served.

Franklin Roosevelt declared in 1940:

I do not believe that the common denominator of our great men in public life has not been mere allegiance to one political party, but the disinterested devotion with which they have strived to serve the whole country—and the relative unimportance that they have ascribed to politics compared with the paramount importance of government.

The Congress should also spend less time looking at the rearview mirror for the accidents behind and more time looking out of the front windshield.

Since I have served there for a decade including 18 months as chairman, I would cite the Intelligence Committee as a prime example of this institutional failure to focus ahead. Prior to September 11, the committee spent an

inordinate amount of time examining a series of mistakes, of acts of treachery and of bureaucratic turf fighting. What we failed adequately to do was to look forward to the threats and challenges that our intelligence agencies needed to address before those threats and challenges resolved into a tragedy. We desperately need to apply this principle of looking out the front windshield to our accumulative deficits, budgetary deficits, trade deficits, transportation and public utilities deficits, education deficits among them. These deficits are challenges which this generation, unlike our forefathers, is ignoring because they are tough and managing them now has political downsides. But it is wrong, it is immoral to let our grandchildren do the heavy lifting because we have refused to do so.

We need to learn again the principle of federalism that our forefathers laid out for us. I come out of a Jeffersonian philosophy believing that the best governmental decisions are most likely to be made by those closest to the citizens who will be affected by those decisions. I recognize the importance of a national response to truly national issues and to the protection of the civil rights of all citizens. But America's great contribution to political thought has been federalism, the sharing of responsibility between a central government and our 50 individual States.

I am concerned that this appreciation for federalism has too frequently been situational. We at the Federal level, the national level, determine what outcome we wish to secure and then support either centralization or a distribution of power based on what has a better chance of achieving the goal we seek. We would be well advised to resist this temptation.

Daily we are learning from the headlines of Ukraine and Iraq and other countries such as America with a diverse population which are struggling to secure peace and prosperity. These foreign countries remind us of how difficult it is to hold to the model of federalism unless we are prepared to treat it with respect even when it may result in a different outcome than we would personally prefer.

Finally, we should support the institution of the Senate. Its procedures and prerogatives are not arbitrary but reflect a responsibility to balance a complex government which is designed to protect the freedoms of the people against the temptation of government becoming authoritarian.

I would like to give special recognition to Senator ROBERT BYRD. Frankly, when I entered this institution, Senator BYRD and I had some disagreements over how we thought the National Government should address its priorities. But over the years, I have come to gain increasing respect and admiration for his defense of the institution of the Senate precisely because it plays such a crucial role in protecting our individual freedoms.

Mine has been a wonderful life, an exciting and unpredictable journey. But

it is a journey that is not ending but, rather, taking a different course. I am planning to travel especially in Latin America to teach, to write at least one more book, to continue my years of interest in relations within the Western hemisphere and in modernizing America's intelligence capability, and finally to fulfill our responsibilities to future generational leaders through the creation of an institution that instills the values of public service of such great Floridians such as LeRoy Collins, Reubin Askew, and our former colleague Lawton Chiles.

These are things that excite me, that inspire me and to which I am convinced I can make a better contribution as a private citizen at this, the end of the beginning of my life.

Four years after he left the Presidency, President Harry Truman said:

I have seen a great many men in public life, and one of their besetting sins is to stay in office too long.

I decided that I would not be guilty of this common failing, and that I should make way for younger men.

I extend my congratulations to the man Floridians have chosen as my successor, soon to be Senator MEL MARTINEZ. I wish him the very best in his new role. MEL is a friend. He is a good man who has served Florida and America in many different positions of responsibility. I know the Senate will welcome him to his new home in the Senate.

We Floridians have high expectations for Senator MEL MARTINEZ and for those who will be serving in the 109th Congress and beyond.

Goodbye, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMING AUTHORITY OF THE SECRETARY OF AGRICULTURE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4620, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4620) to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4620) was read the third time and passed.

VIDEO VOYEURISM PREVENTION ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1301

Resolved, That the bill from the Senate (S. 1301) entitled "An Act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2004".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

"(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

"(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

"(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

"(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

"(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity."

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is poised to pass S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2004. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked, or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to 1 year or both.

In recent years, the explosion of microcamera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill before the Senate today covers the simultaneous Web casting of images or any other transmissions that may not be recorded so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. Mr. President, I rise today in support of passage of the Video Voyeurism Prevention Act of 2004. This act would help safeguard the privacy we all value, and help ensure that our criminal law reflects the realities of rapidly changing technology. It would do this by prohibiting both the filming of and taking compromising pictures of people in places where they expect privacy the most. This important legislation would give prosecutors