

The legislation will close this loophole and empower Federal authorities to prosecute counterfeiting activity on a greater scale with better results. Americans will be better protected from those who attempt to deceive them into spending their money on counterfeit products.

The text of H.R. 3754, the Fraudulent Online Identity Sanctions Act, has also been included in the underlying legislation. The Fraudulent Online Identity Sanctions Act assures those that use false identities in conjunction with a domain name face additional penalties for other crimes they commit.

To ensure that online anonymity is protected, the mere act of using an alias online is not penalized. A savings clause assures that first amendment rights are not impacted by the legislation. This legislation, though, will ensure that those who deceive others as they commit crimes online are, in fact, subject to additional criminal penalties for such deceit.

Two Federal Court bills also have been added to the underlying legislation, H.R. 112 and H.R. 4646. These bills create new places of holding U.S. Federal District Court in Colorado Springs, Colorado, and in Plattsburgh, New York. Americans seeking their constitutional right to be heard in Federal Court will find it easier to do so once this legislation is enacted.

H.R. 112 is cosponsored by both Republican and Democratic members of the Colorado delegation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the bill before the House, H.R. 3632, the Anti-Counterfeiting Amendments of 2003. Fortunately, the Subcommittee on Courts, the Internet and Intellectual Property successfully marked this bill up and reported it out favorably on March 31, 2004, as its provisions will address some serious concerns.

The trafficking of security components, for example Certificates of Authenticity (COAs) is a problem that the current law does not adequately address. Logistically, since the security components are useless without the actual product, such action serves no legitimate business purpose. Furthermore, criminal prosecutors have a hard time attaching crimes to the counterfeit sales made by these traffickers.

Nevertheless, the COA is like currency because it gives the real value to the product to which it is attached. The prohibitions found in this legislation will discourage piracy.

To address this problem, H.R. 3632 would amend Section 2318 of Title 18 to prohibit trafficking of these products. With this narrowly-tailored amendment to Section 2318, federal law enforcement and copyright owners will have the tools needed to prevent trafficking in genuine physical security components.

The Anticounterfeiting Amendments will help combat the growing threat of international counterfeiting crimes by ensuring that U.S. laws address all aspects of counterfeiting activities.

In Texas, a crime ring was implicated that was believed to have imported over 100 million counterfeit cigarettes, mislabeling shipping

documents by indicating that they were importing toys or plastic parts.

Passage of this important bill with the amendments that will be offered to improve its scope will, in the long run, improve the quality of our intellectual property and technological developments. Moreover, with adequate legal checks put in place to reduce trafficking of security products will foster a more competitive environment. For the above reasons, Mr. Speaker, I support this legislation.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3632, 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.

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate 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, as amended.

The Clerk read as follows:

S. 1301

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 "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".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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 S. 1301.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1301 imposes civil and criminal penalties for intentionally capturing an image of a private area of an individual without the individual's consent and in a circumstance where the individual has a reasonable expectation of privacy.

With the development of smaller cameras and the instantaneous distribution capability of the Internet, the issue of video voyeurism is a huge privacy concern. Unsuspecting adults, as well as high school students and children, have been targeted in school locker rooms, department store dressing rooms, and even in their homes.

One egregious example occurred in Monroe, Louisiana, where a neighbor installed cameras in Susan Wilson's attic. Using those cameras, the neighbor had been watching the Wilsons for months, but because Louisiana had no laws at the time to prosecute the invasion of privacy, the Wilsons have no options for redress.

Many States have since passed laws that target video voyeurism to protect those in private areas, but there are fewer protections for those who may be photographed in compromising positions in public places. S. 1301 makes the acts of video voyeurism illegal on Federal land such as national parks and Federal buildings, using the well-accepted legal concept that individuals are entitled to a reasonable expectation of privacy. It also serves as model legislation for States that have not yet

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 to 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