[''(b) In this section—

[''(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any electronic means;

[''(2) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

[''(3) the term 'under circumstances violating the privacy of that individual' means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation.''.

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

[''88. Privacy ..... 1801''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Video Voyeurism Prevention Act of 2003''.

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—VIDEO VOYEURISM

''Sec.

''1801. Video voyeurism.

''§ 1801. Video voyeurism

''(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so and that individual's naked or undergarment clad genitals, pubic area, buttocks, or female breast is depicted in the improper image under circumstances in which that individual has a reasonable expectation of privacy regarding such body part or parts, shall be fined under this title or imprisoned not more than one year, or both.

''(b) In this section—

''(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any means or broadcasts;

''(2) the term 'female breast' means any portion of the female breast below the top of the areola;

''(3) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

''(4) 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 his or her image was being videotaped, photographed, filmed, broadcast, or otherwise recorded by any means; or

''(B) circumstances in which a reasonable person would believe that his or her naked or undergarment-clad pubic area, buttocks, genitals, or female breast would not be visible to the public, regardless of whether that person is in a public or private area.

''(c) This section shall not apply to any person engaged in lawful law enforcement or intelligence activities.''.

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

''88. Video Voyeurism ..... 1801''.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2003. 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 one year, or both.

In recent years, the explosion of micro-camera 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 we pass 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. I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1301), as amended, was read the third time and passed.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 2003

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 245, S. 1244.

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

The legislative clerk read as follows:

A bill (S. 1244) to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1244

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 ''Federal Maritime Commission Authorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000; [and]

(2) for fiscal year 2005, [$19,500,000]. *$19,500,000;*

(3) for fiscal year 2006, $20,750,000;

(4) for fiscal year 2007, $21,500,000; and

(5) for fiscal year 2008, $22,575,000.''.

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 102(b) of the Reorganization Plan No. 7 of 1961 (5 U.S.C. 903 nt) is amended by striking ''President'' and inserting ''President, by and with the advice and consent of the Senate,''.

SEC. 4. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

Amend the title so as to read ''A bill To authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.''.

Mr. DEWINE. I ask unanimous consent that the committee reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1244), as amended, was considered read the third time and passed, as follows:

S. 1244

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 ''Federal Maritime Commission Authorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000; [and]

(2) for fiscal year 2005, [$19,500,000]. *$19,500,000;*

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Amend the title so as to read ''A bill To authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.''.

The title amendment was agreed to.

NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 290, S. Res. 98.

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

The legislative clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

There being no objection, the Senate proceeded to consider the resolution which was reported from the Committee on the Judiciary, with an amendment, as follows:

[Omit the part in black brackets].

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

[(c) ADDITIONAL ACTION.—The Senate commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund-raising efforts for research, and increased levels of support for those with cystic fibrosis and their families.]

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The committee amendment was agreed to.

The resolution (S. Res. 98), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

HONORING WOODSTOCK, VERMONT NATIVE HIRAM POWERS

NATIONAL MAMMOGRAPHY DAY

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar Nos. 291 and 292, en bloc.

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

Mr. DEWINE. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc; further that any statements relating to these resolutions be printed in the RECORD.

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

The resolutions (S. Res. 209 and S. Res. 222) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 209

Whereas Hiram Powers is one of the preeminent artists in American sculpture;

Whereas Hiram Powers, in the words of the director and curator of the Houston Museum of Fine Arts, was the artist who ''put American sculpture on the map,'' gaining international fame and providing unprecedented support for the notion of the United States as a country capable of producing artists equal to or better than their international counterparts;

Whereas Powers' 1844 sculpture ''Greek Slave'' became, in the words of Powers biographer Richard Wunder, ''a telling symbol'' of freedom for Americans in the pre-Civil War years and remains unequaled in popularity among American sculptures;

Whereas Powers' bust of President Andrew Jackson is widely considered the finest portrait ever sculpted of the president, as well as one of the noblest examples of portraiture ever created by an American sculptor;

Whereas the Congress of the United States, in recognition of Powers' extraordinary talents, awarded him commissions to execute