

weapons. The cases of Wei Jingsheng and the Panchen Lama are just two more unfortunate examples. If as a result the rest of the world is a bit reticent to enter into other agreements with the PRC—for example, the WTO agreement—for fear that the Chinese will continue to say one thing but do another, then before it points the finger of accusation at us for denying it its “rightful place” in the world, it should realize that it has no one to blame but itself.

I urge my colleagues to support Senate Joint Resolution 43, and thank the distinguished Chairman and ranking member of the Committee for their leadership on these important issues.

Mr. BROWN. I ask unanimous consent the joint resolution be deemed read a third time, passed, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and that the statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (S.J. Res. 43) was deemed read the third time and passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 43

Whereas on November 21, 1995, the Government of the People's Republic of China formally arrested Wei Jingsheng, who is known internationally as the father of the democracy movement in China;

Whereas the Government of the People's Republic of China has held Wei Jingsheng incommunicado and without charge since April 1994 and has rebuffed international calls to release him;

Whereas Wei Jingsheng has spent all but 6 months of the last 16 years in detention because of this unwavering support for freedom of speech and the development of democracy in China;

Whereas at an October 1995 meeting in New York between President Clinton and President Jiang Zemin of China, the Administration urged the Government of the People's Republic of China to release political prisoners and specifically included Wei Jingsheng and others among such prisoners;

Whereas the treatment of Wei Jingsheng by the Government of the People's Republic of China raises concern over the future of other jailed dissidents in China, including Wang Dan, a student leader in the 1989 pro-democracy movement in China;

Whereas on May 14, 1995, His Holiness the Dalai Lama announced recognition of 6-year-old Gedhun Choekyi Nyima as the next Panchen Lama;

Whereas recognition of the successor to the Panchen Lama in Tibet has always been within the authority of the Dalai Lama;

Whereas for the first time in Tibetan history, the Government of the People's Republic of China has imposed on Tibet its own candidate for a new Panchen Lama and has rejected the new Panchen Lama selected by the Dalai Lama;

Whereas Gedhun Choekyi Nyima and his family have been missing for 6 months and are reported being held by authorities of the Government of the People's Republic of China;

Whereas Chatrel Rinpoche, who is the head of the original search committee for the new Panchen Lama and who refused to denounce the Dalai Lama's selection of the new Panchen Lama, is also missing and believed to be held by authorities of the Government of the People's Republic of China;

Whereas the Panchen Lama is one of the highest-ranking religious official of Tibetan Buddhism;

Whereas the rejection of the Dalai Lama's selection of Panchen Lama by the Government of the People's Republic of China, and the selection of its own candidate for Panchen Lama, is seen by many Tibetans as politicizing a purely religious affair and as a violation of fundamental Tibetan human rights;

Whereas since the invasion of Tibet in 1949, the Government of the People's Republic of China has taken any expression by the Tibetan people of their distinct religious or cultural identity as a direct challenge to that government's political control of Tibet;

Whereas Chinese officials have repeatedly maintained that the Tibet Autonomous Region is entitled to manage its own cultural and religious affairs, and the intervention of Chinese government authorities in the selection of the next Panchen Lama is a clear violation of that principle;

Whereas for 3 consecutive years, the United States has been a primary sponsor of resolutions criticizing the human rights practices of the Government of the People's Republic of China in China and Tibet at the annual meetings of the United Nations Human Rights Commission in Geneva;

Whereas these resolutions call upon the Government of the People's Republic of China to take measures to ensure the observance of all human rights, invite that government to cooperate with all special rapporteurs and working groups, and request the Secretary General of the United Nations to prepare a report for the United Nations Human Rights Commission on the human rights situation in China and Tibet;

Whereas at the March 1995 meeting of the United Nations Human Rights Commission in Geneva, the resolution lost by only 1 vote;

Whereas it is important to maintain international pressure on the Government of the People's Republic of China in order to induce that government to respect internationally-recognized standards of human rights; and

Whereas in May 1994, the President of the United States pledged strong support for efforts at international forums to criticize the human rights practices of the Government of the People's Republic of China: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government should—

(1) press for the immediate and unconditional release of Wei Jingsheng and other political prisoners by the Government of the People's Republic of China;

(2) urge the Government of the People's Republic of China to respect the wishes of the Tibetan people by supporting the selection of the new Panchen Lama by His Holiness the Dalai Lama;

(3) work to ensure the safety of the new Panchen Lama as selected by the Dalai Lama; and

(4) sponsor and aggressively push for the passage of a resolution regarding the human rights situation in China at the annual meeting of the United Nations Human Rights Commission in Geneva scheduled for March 1996.

The PRESIDING OFFICER. The Senator from Kentucky.

MEASURE READ FOR THE FIRST TIME—S. 1472

Mr. FORD. Madam President, I understand that S. 1472, Federal Judges for the Middle and Eastern Districts of Louisiana, introduced earlier today by Senator BREAU, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Madam President, I ask for the first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle and Eastern Districts of Louisiana and one less Federal Judge for the Eastern District of Louisiana.

Mr. FORD. Madam President, I ask for the second reading.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard. The bill will lay over and will receive its second reading on the next legislative day.

AU PAIR PROGRAMS EXTENSION

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 267, S. 1465.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1465) to extend au pair programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3099

(Purpose: To extend au pair programs through fiscal year 1997)

Mr. BROWN. Madam President, I send an amendment to the desk for Senator HELMS and Senator DODD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. BROWN), for Mr. HELMS, for himself and Mr. DODD, proposes an amendment numbered 3099.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On line 9, strike “1999” and replace with “1997.”

On page 2, line 1, strike “1998” and replace with “1996.”

Mr. BROWN. Madam President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 3099) was agreed to.

So the bill (S. 1465), as amended, was deemed read for the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

ANTICOUNTERFEITING CONSUMER PROTECTION ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 1136.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1136) to control and prevent commercial counterfeiting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1136

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 "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels

for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "computer program," after "motion picture,"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18."

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order."

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than \$500 or more than \$100,000 per counterfeit mark per type of goods or

services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than \$1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just."

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be."

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or [is in any way concerned in] *aids and abets* the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be [equal to] *not more than* the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be [equal to] *not more than* twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law."

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier;"

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading;"

and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge."

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the