

any person who knowingly and willfully engages in decoding violations. This subsection imposes fines pursuant to the schedule of fines set forth in Title 18. A person violating the Act could be imprisoned up to one year for the first offense; up to 5 years if the value of the goods exceed \$10,000; up to 10 years if the violation threatens public health and safety; up to 20 years if the violation results in bodily injury; and up to life imprisonment if a death results from the violation. If there are subsequent violations, the bill imposes twice the term of imprisonment that would otherwise be imposed.

Section 1365A(f). Injunctions and Impounding, Forfeiture, and Disposition of Goods. This section authorizes the court in its discretion, upon motion of the United States, to grant injunctive relief to prevent or restrain the alleged violation, and impound goods that the court has reasonable cause to believe are involved in the violation. This section also requires the court upon conviction to order the forfeiture of any goods involved in the violation and either the destruction, disposal or return of the goods involved.

Section 1365A(g). Civil Remedies. Section 1365A(g) provides consumers and manufacturers who are injured or threatened with injury with a civil right of action against persons who knowingly engage in decoding activities.

Paragraph (2) further authorizes the court at its discretion to issue injunctions, and to impound the goods in the custody of the defendant. As part of a final judgment or decree, the court may order the destruction, disposal or return to the manufacturer of the goods involved in the violation of this section. The goods may also be delivered to a government agency or provided as gifts to charitable institutions, if the manufacturer consents to the disposition.

Paragraph (3) sets forth the civil damages available to persons injured or who can demonstrate the likelihood of injury by violations of the Act. These damages include actual damages and profits, or, upon election by the plaintiff, statutory damages in an amount not less than \$500 and not more than \$100,000 for each type of goods involved in the violation. Available statutory damages are increased to not less than \$5,000 and not more than \$1,000,000 in cases in which the violation threatens the health and safety of the public. In addition, paragraph (5) allows the civil plaintiff to seek treble damages in the event of repeat violations made within 3 years of the original violation. Paragraph (7) also authorizes the court to reduce or eliminate the total damages award, or award no damages, if the violator sustains the burden of proving, and the court finds, that the violator was not aware and had not reason to believe the acts of the violator constituted a violation.

Paragraph (4) provides that the court in its discretion may award the prevailing party its costs and attorneys' fees.

Paragraph (6) imposes a three-year statute of limitations on the filing of a civil action. The limitation begins running from the date on which the claimant discovers or has reason to know of the violation.

Section 1365A(h). Enforcement actions. Section 1365A(h) requires the Attorney General and Secretary of Treasury to enforce the requirements of this new section of Title 18. It also authorizes the head of a department or agency of the Federal Government (including the Secretary of Agriculture and the Commissioner of the Food and Drug Administration) to investigate alleged violations involving goods regulated by their respective agencies.

This section also requires Customs Service officials to seize decoded products, notify the manufacturer of such seizure, and destroy or

dispose of such goods. In order to facilitate this Customs seizure, the manufacturer would be permitted to record with the Customs Service any relevant information concerning product identification codes.

#### *Subsection (b). Conforming amendments*

Subsection (b) makes a conforming amendment to Title 18 to include the title of new section 1365A in the table of sections for chapter 65 of Title 18.

#### *Subsection (c). Regulatory authority*

Subsection (c) of the bill requires the Attorney General, after consultation with the Secretary of the Treasury, the FDA Commissioner, and the head of any other department or agency of the Federal Government the Attorney General determines appropriate, to issue regulations implementing new section 1365A of Title 18 within six months of enactment.

### SECTION 3. ATTORNEY GENERAL REPORTING REQUIREMENTS

Section 3 of the bill requires the Attorney General to include in his or her reports to Congress on the business of the Department of Justice all actions taken by the Department regarding product decoding.

### SECTION 4. EFFECTIVE DATE

Section 4 of the bill states that the bill will become effective six months after enactment.

Mr. LEAHY. Mr. President, I am joining forces with my good friend Senator HATCH on a Judiciary Committee bill that would prohibit improper tampering with product identification codes.

Manufacturers code their products in order to protect their consumers and to assist law enforcement in investigating consumer complaints, as well as in conducting recalls of tampered products. These codes assist the manufacturer and law enforcement in tracing goods back to a particular lot, batch or date of production. They include batch codes, expiration dates, lot numbers, and other information that one can typically see imprinted on the bottom or side of most products.

This product identification codes are extremely important in terms of product recall. There were over 250 product recalls last year—including two recent product recalls, one of ready-to-eat diet shakes and the other regarding the recall of 7,000 cases of infant formula. Also, product codes were of great help regarding the Tylenol poisonings of 1982 and the contaminated strawberry incident in Michigan in which school children became ill.

Forensic experts have used product identification codes in investigating numerous crimes including the bombing of the World Trade Center in New York City. Sometimes product codes are used to exonerate the innocent. For example, the product codes in the batteries involved in the Olympic Park, Atlanta, bombing helped exonerate the security guard, Richard Jewell, under suspicion in that case.

Product codes have been fraudulently altered regarding medicines, fertility drugs, and even bulk frozen shrimp. This makes it very difficult to trade back these products and to determine their safety. This bill addresses those concerns.

This bill contains significant improvements over a version introduced in the other body some time ago. Wholesalers were worried that they could not repackage goods—together into "sale baskets"—to be sold at discount prices. This bill permits the resale of products at discounted prices. Each individual item would have to keep the original code but the prices could be changed depending on competitive market forces.

It is important that manufacturers not be able to control prices by operation of this bill. Consumers interested in bargains need to be able to get the best bargain they can get. This bill does not prevent the reselling of overstocked, or other, goods to discount retailers.

The bill also makes clear that any innocent alterations of product identification codes are not subject to the criminal provisions.

The bill contains a provision unrelated to product identification codes which I want to discuss for a moment. The bill prohibits at flea markets the sale of baby food, infant formula, or similar products made for consumption of children under three years of age. It also prohibits the sale of drugs, medical foods, cosmetics, and medical devices as defined in the Federal Food, Drug and Cosmetic Act at flea markets unless the seller keeps for public inspection written documentation identifying the seller person as an authorized representative of the manufacturer or distributor of the food, drug, device, or cosmetic.

This appears to be a reasonable policy but I am very interested in the views of my colleagues on this matter as there may be other ways to achieve the goals of these flea market provisions. I intend to work closely with the Committee Chairman, Senator HATCH, and my other colleagues regarding this bill.

### ADDITIONAL COSPONSORS

#### S. 282

At the request of Mr. MACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 282, a bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978.

#### S. 285

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

#### S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Michigan

(Mr. ABRAHAM) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 577

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 860

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 860, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic

Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1642

At the request of Mr. COCHRAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1706

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1706, a bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.

S. 1763

At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1763, a bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North

Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2026

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. CON. RES. 34

At the request of Mr. SPECTER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. Con. Res. 34, a concurrent resolution relating to the observance of "In Memory" Day.

S. CON. RES. 60

At the request of Mr. KERREY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. THURMOND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

**SENATE CONCURRENT RESOLUTION 82—CONDEMNING THE ASSASSINATION OF FERNANDO BUESA AND JORGE DÍEZ ELORZA, SPANISH NATIONALS, BY THE BASQUE SEPARATIST GROUP, ETA, AND EXPRESSING THE SENSE OF THE CONGRESS THAT VIOLENT ACTIONS BY ETA CEASE**

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas on February 22, 2000, the Basque terrorist group ETA killed Fernando Buesa, the leader of the Basque Socialist Party, and Jorge Diez Elorza, a member of his escort, in a cowardly bomb attack;

Whereas this heinous crime displays absolute contempt for human rights and the right to life by those individuals who practice terrorism and threaten freedom, peace, liberty, and the peaceful coexistence of the Basque people and the people of Spain; and

Whereas Spain is a democracy where the rule of law is enforced and terrorist acts are not tolerated: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) strongly condemns and denounces those responsible for the cowardly bombing that killed Fernando Buesa and Jorge Diez Elorza;

(2) strongly shares the determination of the Spanish people that the perpetrators of this vile act will be brought swiftly to justice so that Spain may demonstrate its opposition to acts of terror;

(3) calls again on ETA and those responsible for this act to renounce violence and terrorism which have taken so many lives; and

(4) continues to cherish the strong friendship between Spain and the United States.

Mr. DODD. Mr. President, I know I will be joined by every Member of the Senate as I express my deepest condolences to the families of Fernando Buesa and Jorge Diez Elorza, who were tragically killed in Tuesday's bombing attack by the Spanish terrorist group ETA in Vitoria, Spain. I point out Fernando Buesa was the head of the So-

cialist Party in the Basque Assembly, so he was a political leader of some note and a highly respected leader in his own country. In the aftermath of this attack on human rights and peaceful coexistence, I also offer my thoughts and prayers to the people of Spain and the Spanish community around the world.

Reports of terrorist violence in Spain are becoming far too common. It was only one month ago that an ETA car bomb in central Madrid killed one man and injured innocent children on their way to school. This cowardly type of terrorist expression must be stopped.

Over a year ago, I was pleased when I heard reports of the historic ETA cease-fire. Under this cease-fire, Spain remained free of terrorist violence for 14 months and enjoyed the increase in tourism that peace affords. Unfortunately, in December of 1999, ETA renounced its cease-fire, once again plunging Spain into the horrific terrorist violence that marked its past.

I believe that a majority of the people in Spain, both Basque and Spanish, are tired of this endless violence. It is time for ETA to renew its cease-fire and negotiate a peace agreement with the Spanish government. Only then can the senseless violence that threatens to destroy Spain's booming economy be stopped.

Last night, at a White House dinner I attended in honor of King Juan Carlos and Queen Sofia of Spain, after-dinner dancing was suspended in memory of the killed. In this vein, I ask that we as a body reaffirm our commitment to human rights by condemning this most recent attack in Spain.

Today, I submit a resolution that denounces the terrorist activities that killed Fernando Buesa and Jorge Diez Elorza, calls again on ETA to renounce the use of violence and terrorism which have taken so many lives, and pledges continued alliance between Spain and the United States, and ask it to be referred to the appropriate committee. I urge my colleagues to support this resolution.

**SENATE CONCURRENT RESOLUTION 83—COMMENDING THE PEOPLE OF IRAN FOR THEIR COMMITMENT TO THE DEMOCRATIC PROCESS AND POSITIVE POLITICAL REFORM ON THE OCCASION OF IRAN'S PARLIAMENTARY ELECTIONS**

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 83

Whereas the Islamic Republic of Iran held parliamentary elections on February 18, 2000; Whereas more than 75 percent of the approximately 39,000,000 eligible voters cast ballots in the elections;

Whereas preliminary results indicate that reformers have won a parliamentary majority, freeing Iran's parliament, the Majlis, of hard-line domination for the first time since the 1979 Iranian revolution;

Whereas reformers won elections despite concerted efforts by hard-line Iranian clergy to ban reformist forces from the ballot; and

Whereas the elections show a clear preference by a majority of Iranian voters for democracy, rule of law, and improved relations with Western nations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the people of Iran for their commitment to the democratic process;

(2) congratulates reformist parliamentarians on their recent electoral victory;

(3) reaffirms the desire of the United States to see free, democratic political development, the restoration of the rule of law, and full civil and political rights for all Iranians; and

(4) calls on the Government of Iran to rejoin the community of nations and renounce terrorism, opposition to the Middle East peace process, and the development and acquisition of weapons of mass destruction.

**SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF AIRCRAFT CARRIER CVN-77, THE LAST VESSEL OF THE HISTORIC "NIMITZ" CLASS OF AIRCRAFT CARRIERS, AS THE U.S.S. "LEXINGTON"**

Mr. WARNER (for himself and Mr. INOUE) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 84

Whereas over the last three decades Congress has authorized and appropriated funds for a total of 10 "NIMITZ" class aircraft carriers;

Whereas the last vessel in the "NIMITZ" class of aircraft carriers, CVN-77, is currently under construction and will be delivered in 2008;

Whereas the first nine vessels in this class proudly bear the following names:

- (1) U.S.S. Nimitz (CVN-68).
- (2) U.S.S. Dwight D. Eisenhower (CVN-69).
- (3) U.S.S. Carl Vinson (CVN-70).
- (4) U.S.S. Theodore Roosevelt (CVN-71).
- (5) U.S.S. Abraham Lincoln (CVN-72).
- (6) U.S.S. George Washington (CVN-73).
- (7) U.S.S. John C. Stennis (CVN-74).
- (8) U.S.S. Harry S. Truman (CVN-75).
- (9) U.S.S. Ronald Reagan (CVN-76).

Whereas it is now time to recommend to the President, as Commander in Chief of the Armed Forces, an appropriate name for the final vessel in the "NIMITZ" class of aircraft carriers;

Whereas over the last 25 years the vessels in the "NIMITZ" class of aircraft carriers have served as one of the principal means of United States diplomacy and as one of the principal means for the defense of the United States and our allies around the world;

Whereas the name bestowed upon aircraft carrier CVN-77 should embody the American spirit and provide a lasting symbol of the American commitment to freedom;

Whereas for the citizens of the United States, the name "Lexington" has been synonymous with defense of freedom from the very first battle of the War of the American Revolution and is taught to American schoolchildren as the place of the "shot heard round the world", at which our forebears mustered the courage to gain independence;

Whereas the name "Lexington" has been associated with naval aviation from its origins in the 1920s, when President Harding bestowed the name "Lexington" on the second aircraft carrier in United States history;