

EC-2291. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to proposed test and evaluation (T&E) budgets that are not certified by the Director of the Defense Test Resource Management Center (TRMC) to be adequate; to the Committee on Armed Services.

EC-2292. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report on the impact of the improvements to compensation and benefits made by the National Defense Authorization Act for Fiscal Year 2000 on the recruiting and retention programs of the Armed Forces; to the Committee on Armed Services.

EC-2293. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2294. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-2295. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-2296. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense (Acquisition, Technology and Logistics), received on May 18, 2005; to the Committee on Armed Services.

EC-2297. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on May 18, 2005; to the Committee on Armed Services.

EC-2298. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Army, received on May 18, 2005; to the Committee on Armed Services.

EC-2299. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Air Force, received on May 18, 2005; to the Committee on Armed Services.

EC-2300. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary of Defense, received on May 18, 2005; to the Committee on Armed Services.

EC-2301. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Air Force (Financial Management), received on May 18, 2005; to the Committee on Armed Services.

EC-2302. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Air Force (Financial Management), received on May 18, 2005; to the Committee on Armed Services.

EC-2303. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense (Acquisition, Technology and Logistics), received on May 18, 2005; to the Committee on Armed Services.

EC-2304. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Navy (Installations and Environment), received on May 18, 2005; to the Committee on Armed Services.

EC-2305. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Army (Civil Works), received on May 18, 2005; to the Committee on Armed Services.

EC-2306. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of the Air Force, received on May 18, 2005; to the Committee on Armed Services.

EC-2307. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of the Air Force, received on May 18, 2005; to the Committee on Armed Services.

EC-2308. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of the Air Force, received on May 18, 2005; to the Committee on Armed Services.

EC-2309. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$59,000,000 to Iraq; to the Committee on Foreign Relations.

EC-2310. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-2311. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Trebble Damages for Failure to Engage in Loss Mitigation" ((RIN2501-AC66) (FR-4553-F-03)) received on May 17, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2312. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plans; Michigan; Southeast Michigan Ozone Maintenance Plan Update to the State Implementation Plan" (FRL No. 7915-8) received on May 18, 2005; to the Committee on Environment and Public Works.

EC-2313. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "XL Rulemaking Extension of Expiration

Date for New York State Public Utilities; Hazardous Waste Management Systems" (FRL No. 7916-2) received on May 18, 2005; to the Committee on Environment and Public Works.

EC-2314. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for Minnesota" (FRL No. 7909-5) received on May 18, 2005; to the Committee on Environment and Public Works.

EC-2315. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule and SW-846 Final Update IIIB" (FRL No. 7916-1) received on May 18, 2005; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 1090. A bill to provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1091. A bill to establish a Federal incentive program as part of a national gasification strategy to stimulate commercial deployment of integrated gasification combined cycle and industrial gasification technology; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1092. A bill to establish a program under which the Secretary of the Interior offers for lease certain land for oil shale development, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1093. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 1094. A bill to amend the Mineral Leasing Act to establish procedures for the reinstatement of leases terminated due to unforeseeable circumstances; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. LEAHY):

S. 1095. A bill to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 420

At the request of Mr. KYL, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 875

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1075

At the request of Mr. THUNE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1075, a bill to postpone the 2005 round of defense base closure and realignment.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. LEAHY):

S. 1095. A bill to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, today I am pleased to join Senator LEAHY to offer important legislation in our continued bipartisan effort to combat the trafficking of illegitimate goods throughout the world.

Recently, we have worked together on a matter near and dear to my heart—good government legislation related to the Freedom of Information Act, and it is indeed a pleasure to work with the Ranking Member of the Judiciary Committee again.

The rampant distribution of illegitimate goods—be it counterfeited products, illegal copies of copyrighted works or any other form of piracy—undermines property rights, threatens American jobs, decreases consumer safety and, often times, supports organized crime and terrorist activity.

Amazingly, it is estimated that between 5 percent and 7 percent worldwide trade is conducted with counterfeit goods and services. According to

FBI estimates, counterfeiting costs U.S. businesses as much as \$200-\$250 billion annually—and that costs Americans their jobs—more than 750,000 jobs according to U.S. Customs.

In recent years, this plague on global trade has grown significantly. According to the World Customs Organization and Interpol, the global trade in illegitimate goods has increased from \$5.5 billion in 1992 to more than \$600 billion per year today. That is—\$600 billion per year illegally extracted from the global economy.

But perhaps most troubling, the counterfeit trade threatens our safety and our security. Counterfeit goods undermine our confidence in the reliability of our goods and service. For example, the Federal Aviation Administration estimates that 2 percent the 26 million airline parts installed each year are counterfeit. And the Federal Drug Administration estimates that as much as 10 percent pharmaceuticals are counterfeit. Worse yet—evidence indicates that the counterfeit trade supports terrorist activities. Indeed, Al Qaeda training manuals recommended the sale of fake goods to raise revenue.

And the reach of counterfeiting runs deep in my own home State of Texas. Data is difficult to collect, but a 1997 piece detailing Microsoft's efforts to combat counterfeiting and piracy—while dated—pointed out that this type of activity costs Texas over 10,000 jobs and almost \$1 billion. Today, we know those numbers are much higher.

We must act to stop this illegal activity.

The legislation we offer today, the Protecting American Goods and Services Act, is not complicated, it is not long—but its global impact will be significant. The legislation is designed to provide law enforcement with additional tools to curb the flow of these illegitimate goods.

First, the bill would make it specifically illegal to import or export unauthorized copies of copyrighted works or counterfeit goods. Second, it would make it illegal to possess counterfeit goods with the intention of selling them. Finally, the bill would more clearly specify that it is illegal to give away counterfeit goods in exchange for some future benefit—in effect, the “bartering” of counterfeit goods in such a way that avoids criminality.

Each of these items was highlighted by the Department of Justice in its October, 2004 report on its Task Force on Intellectual Property. In it, the Department describes the significant limitation law enforcement often times faces in pursuing counterfeiters and offers, among others, the principles embraced in the Protecting American Goods and Services Act, as possible solutions to these obstacles.

This legislation, and other reforms, will help turn the tide of the growing counterfeit trade. The legislation is critically important to law enforcement—but it is even more critical for businesses, large and small, throughout

America—including in my home State of Texas—as well as for ensuring the safety of consumers around the globe. Those who traffic in counterfeit goods put Americans in danger, support terrorism and undermine the health of our Nation's economy. It is time to put an end to this scourge on society.

I look forward to working with my colleagues to move this legislation forward, and in so doing, protect property rights, protect consumer safety, preserve American jobs and bolster the American economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

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 “Protecting American Goods and Services Act of 2005”.

SEC. 2. PROHIBITION ON TRAFFICKING OF CERTAIN GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a)(1) Any person who intentionally traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services—

“(A) if an individual, shall be fined not more than \$2,000,000, imprisoned not more than 10 years, or both; and

“(B) if a person other than an individual, shall be fined not more than \$5,000,000.

“(2) Any person who possesses goods with a counterfeit mark with an intent to traffic such goods—

“(A) if an individual, shall be fined not more than \$2,000,000, or imprisoned not more than 10 years, or both; and

“(B) if a person other than an individual, shall be fined not more than \$5,000,000.

“(3) In the case of an offense by a person under this section that occurs after that person is convicted of another offense under this section, the person—

“(A) if an individual, shall be fined not more than \$5,000,000, imprisoned not more than 20 years, or both; and

“(B) if other than an individual, shall be fined not more than \$15,000,000.”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) the term ‘traffic’ means—

“(A) transport, transfer, or otherwise dispose of, to another as consideration for anything of value or without consideration; or

“(B) make or obtain control of with intent to so transport, transfer, or dispose of; and”.

(b) PROHIBITION OF TRANSPORT OF COUNTERFEIT GOODS OR UNAUTHORIZED COPIES AND PHONORECORDS OF COPYRIGHTED WORKS.—

(1) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2320 the following:

“§ 2320A. Transport of counterfeit goods and unauthorized copyrighted works into or out of the United States

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘copies’ and ‘phonorecords’ have the respective meanings given under section 101 of title 17;

“(2) the term ‘counterfeit mark’ has the meaning given under section 2320(e)(1); and

“(3) the term ‘United States’ means each of the several States of the United States, the