

TRIBUTE TO ED WEINSTEIN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

Mr. SHAW. Mr. Speaker, in just a few months, the accounting profession will bid farewell to one of its illustrious members. Ed Weinstein epitomizes what CPAs stand for: honesty, integrity, and forthrightness in all matters. Ed majored in accounting at Columbia University and earned his MBA from the Wharton School. He then joined Touche Ross and Co., and is currently a senior partner in the Deloitte & Touche firm. He has spent most of his professional career in New York and Pennsylvania, and during part of that time he managed the firm's Philadelphia office.

But Ed has done more than serve his clients; he serves his community and gives selflessly of his time and talents to many worthy and deserving causes. He is currently involved in the New York City Police Foundation, the Cooper-Hewitt National Museum of Design, and the New York City Public/Private Initiatives Commission. He is a Public Member of the New York City Rent Guidelines Board and is actively involved in Operation Exodus, the United Israel Appeal.

Fittingly, Ed has been acknowledged by his peers for his professional and civic activities. The New York Society of CPAs awarded Ed "The Arthur J. Dixon Public Service Award" and he received the New York City Police Department's Certificate of Commendation of 1994.

As a fellow CPA, I know the accounting profession will surely miss him, but I also know that Ed intends to continue many of the important community activities in which he is currently involved.

On behalf of my colleagues, I extend to Ed and his wonderful wife, Sandra, our very best wishes for a long and well-deserved retirement.

INTRODUCTION OF THE TRADE-MARK ANTI-COUNTERFEITING ACT OF 1998
HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Trademark Anticounterfeiting Act of 1998. This important legislation will provide law enforcement the tools they need to combat the growing crime of altering or removing product identification codes from goods and packaging. This bill will also provide manufacturers and consumers with civil and criminal remedies to fight those counterfeiters and illicit distributors of goods with altered or removed product codes. Finally, this bill will protect consumers from the possible health risks that so often accompany tampered goods.

Most of us think of UPC codes when we think of product identification codes—that block of black lines and numbers on the backs of cans and other containers. However, product ID codes are much more than simple UPC codes. Product ID codes can include various

combinations of letters, symbols, marks or dates that allow manufacturers to "fingerprint" each product with vital production data, including the batch number, the date and place of manufacture, and the expiration date. These codes also enable manufacturers to trace the date and destination of shipments, if needed.

Product codes play a critical role in the regulation of goods and services. For example, when problems arise over drugs or medical devices regulated by the Food and Drug Administration, the product codes play a vital role in conducting successful recalls. Similarly, the Consumer Product Safety Commission and other regulators rely on product codes to conduct recalls of automobiles, dangerous toys and other items that pose safety hazards.

Product codes are frequently used by law enforcement to conduct criminal investigations as well. These codes have been used to pinpoint the location and sometimes the identity of criminals. Recently, product codes aided in the investigation of terrorist acts, including the bombing of Olympic Park in Atlanta and the bombing of Pan Am Flight 103 over Lockerbie, Scotland.

At the same time, manufacturers have limited weapons to prevent unscrupulous distributors from removing the coding to divert products to unauthorized retailers or place fake codes on counterfeit products. For example, one diverter placed genuine, but outdated, labels of brand-name baby formula on substandard baby formula and resold the product to retailers. Infants who were fed the formula suffered from rashes and seizures.

We cannot take the chance of any baby being harmed by infant formula or any other product that might have been defaced, decoded or otherwise tampered with. FDA enforcement of current law has been vigilant and thorough, but this potentially serious problem must be dealt with even more effectively as counterfeiters and illicit distributors utilize the advanced technologies of the digital age in their crimes.

Manufacturers have attempted, at great expense and with little success, to prevent decoding through new technologies designed to create "invisible" codes, incapable of detection or removal. However, decoders have proven to be equally diligent and sophisticated in their efforts to identify and defeat new coding techniques. We therefore must provide manufacturers with the appropriate legal tools to protect their coding systems in order for them to protect the health and safety of American consumers.

Currently, federal law does not adequately address many of the common methods of decoding products and only applies to a limited category of consumer products, including pharmaceuticals, medical devices and specific foods. Moreover, current law only applies if the decoder exhibits criminal intent to harm the consumer. It does not address the vast majority of decoding cases which are motivated by economic considerations, but may ultimately result in harm to the consumer.

My legislation will provide federal measures which will further discourage tampering and protect the ability of manufacturers to implement successful recalls and trace product when needed. It would prohibit the alteration or removal of product identification codes on goods or packaging for sale in interstate or foreign commerce, including those held in areas where decoding frequently occurs.

The legislation will also prohibit goods that have undergone decoding from entering the country, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices. It will require offenders to pay monetary damages and litigation costs, and treble damages in the event of repeat violations. The bill will also impose criminal sanctions, including fines and imprisonment for violators who are knowingly engaged in decoding violations.

The bill would not require product codes, prevent decoding by authorized manufacturers, or prohibit decoding by consumers. It is a good approach designed to strengthen the tools of law enforcement, provide greater security for the manufacturers or products, and most importantly, provide consumers with improved safety from tampered or counterfeit goods. I urge my colleagues to join me in supporting passage of this bill, which will go a long way toward closing the final gap in federal law enforcement tools to protect consumers and the products they enjoy.

THE AMERICAN HOMEOWNERSHIP ACT OF 1998
HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

Mr. LAZIO of New York. Mr. Speaker, today I am proud to introduce with my colleagues the "American Homeownership Act of 1998." For most Americans, the most important financial investment we make in our lives is the purchase of a home. Homeownership creates a sense of community and common good, binding neighbors together. Homeownership is the cornerstone of strong families, prosperous communities and a dynamic nation, and this important legislation is designed to provide all families great opportunities to attain and preserve the American dream of owning their own home.

This Act will reduce barriers to the production of affordable housing, protect our Nation's senior citizens when they obtain reverse mortgages, and enable those who receive federal housing assistance, such as public housing or Section 8 housing, to use these funds in creative ways to achieve homeownership. This bill contains important provisions to assist self-help housing providers, such as Habitat for Humanity, in achieving their goals of helping our poor citizens move into their own homes. The American Homeownership Act provides increased flexibility to State and local governments to leverage federal housing funds, provided through the HOME Program, to attain higher levels of homeownership in their areas through local homeownership initiatives. This bill contains provisions to enhance and improve the manufactured housing industry. Moreover, this legislation seeks to address concerns raised by Native American groups who fear that federal bureaucratic procedures will hinder their efforts to increase homeownership on Indian lands.