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Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2720

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2720, a bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

S. 2908

At the request of Mr. BROWN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3080

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3114

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3114, a bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes.

S. 3142

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 3142, a bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from California (Mrs. BOXER), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3287

At the request of Mr. DURBIN, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 3287, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 3291

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 3291, a bill to amend the Internal Revenue Code of 1986 to treat certain income and gains relating to fuels as qualifying income for publicly traded partnerships.

S. 3310

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3310, a bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 3311

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S.J. RES. 44

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 44, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08-003, dated May 7, 2008, from such Center.

S. CON. RES. 53

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution supporting the goals and ideals of "National Sudden Cardiac Arrest Awareness Month".

S. RES. 502

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Res. 502, a resolution commemorating the 25th anniversary of the Space Foundation.

S. RES. 618

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. DOMENICI), the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5105

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 5105 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

AMENDMENT NO. 5108

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 5108 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 5108 intended to be proposed to S. 3268, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. BAYH, Mr. VOINOVICH, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 3325. A bill to enhance remedies for violations of intellectual property laws, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY, Mr. President, before I was a Senator, I was a prosecutor, as the Chittenden County State's Attorney for 8 years. I prosecuted all varieties of crime in Vermont. I know first hand how important it is for criminal investigators, and the lawyers who prosecute those cases, to have a full arsenal of legal tools to ensure that justice is done. I also know how important the intellectual property industries are to our economy, and to our position as a global leader. In Vermont, Hubbardton Forge makes beautiful, trademarked lamps. The Vermont Teddy Bear Company relies heavily on its patented products. Likewise, SE Electronics needs patents for its film capacitor products. Burton's snowboards and logo are protected by trademarks and patents.

While Vermont is closest to my heart, every state in the Nation has such companies, and every community

in the United States is home to creative and productive people. Intellectual property—copyrights, patents, and trademarks—is critical to our fiscal health and to our continuing dominance of the world economy. This valuable property is also terribly vulnerable; by its very nature, it is subject to numerous types of theft and misappropriation. The Internet has brought great and positive change to all our lives, but it is also an unparalleled tool for piracy. The increasing inter-connectedness of the globe, and the efficiencies of sharing information quickly and accurately between continents, has made foreign piracy and counterfeiting operations profitable in numerous countries. Americans suffer when their intellectual property is stolen, they suffer when those counterfeit goods displace sales of the legitimate products, and they suffer when counterfeit products actually harm them, as is sometimes the case with fake pharmaceuticals and faulty electrical products.

The time has come to bolster the Federal effort to protect this most valuable and vulnerable property, to give law enforcement the resources and the tools it needs to combat piracy and counterfeiting, and to make sure that the many agencies that deal with intellectual property enforcement have the opportunity and the incentive to talk with each other, to coordinate their efforts, and to achieve the maximum effects for their efforts. The Enforcement of Intellectual Property Rights Act of 2008 does just that.

First, it gives the Department of Justice the ability to bring civil actions against anyone whose conduct constitutes criminal copyright infringement. Many times, a criminal sanction is simply too severe for the harm done. This provision, the concept of which has passed the Senate on three separate occasions as the PIRATE Act, gives the Department of Justice an extra tool.

Second, the bill enhances civil intellectual property rights law by eliminating unnecessary burdens to instituting a suit; improving remedies; and applying the copyright and trademark laws not only to imported goods, but also to exported and transshipped items.

Third, the bill improves and harmonizes the forfeiture provisions in copyright and counterfeiting cases.

Fourth, the bill addresses concerns that the current governmental structure to coordinate intellectual property rights enforcement among agencies and departments is impeding the Government from reaching its full potential. It creates a Coordinator within the Executive Office of the President to chair an inter-agency committee that will produce a Joint Strategic Plan to combat piracy and counterfeiting.

Finally, the bill will increase the resources available to Federal, state and local law enforcement.

We are not addressing theoretical concerns with this bill, nor are we making grandiose policy proclamations. We are synthesizing the real-world experiences of our many constituents who develop and monetize intellectual property—the individuals and companies that turn their creative and innovative efforts into jobs, goods, and services—with the daily frustrations of law enforcement agents who lack the laws, and the resources, to vindicate those property rights.

I was once a prosecutor. I am now a Senator. But I have always been a fan of movies. My cameo in the latest Batman movie, *The Dark Knight*, was priceless to me, but we can put real numbers on the value of that production to the economy. *The Dark Knight* shot for 65 days in Chicago, pouring almost \$36 million into the local economy. Seventeen million dollars went to nearly 800 local vendors that were critical to the production of the movie. For example, one local lumber supplier employing 40 people played a central role in the set construction that helped transform Chicago into the mythical “Gotham City.” In order to fulfill the production needs of the film, the lumber company worked closely with 15 other Illinois-based companies. Those 15 suppliers employed an additional 350 workers.

All of that value is threatened by piracy. Just in the movie industry, piracy costs 140,000 U.S. jobs and \$5.5 billion in wages each year. Piracy costs cities, towns and states an estimated \$837 million in additional tax revenue each year. The movie industry alone produces \$30.2 billion each year in revenue for 160,000 vendors all across the Nation, and 85 percent of those vendors employ 10 people or fewer.

This is a well balanced bill, drawn from numerous conversations with all manner of interested parties. It brings together the best of numerous proposals, including important legislation I introduced earlier this year with Senator CORNYN. His support on intellectual property matters is critical to our success moving forward. I thank him, and all the cosponsors of this legislation for their efforts and support. This bill will improve the enforcement of our Nation's intellectual property laws, bolster our intellectual property-based economy, and protect American jobs.

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

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

S. 3325

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Enforcement of Intellectual Property Rights Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL

Sec. 101. Civil penalties for certain violations.

TITLE II—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 201. Registration of claim.
Sec. 202. Civil remedies for infringement.
Sec. 203. Treble damages in counterfeiting cases.
Sec. 204. Statutory damages in counterfeiting cases.
Sec. 205. Transshipment and exportation of goods bearing infringing marks.
Sec. 206. Importation, transshipment, and exportation.

TITLE III—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 301. Criminal copyright infringement.
Sec. 302. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging for works that can be copyrighted.
Sec. 303. Unauthorized fixation.
Sec. 304. Unauthorized recording of motion pictures.
Sec. 305. Trafficking in counterfeit goods or services.
Sec. 306. Forfeiture, destruction, and restitution.
Sec. 307. Forfeiture under Economic Espionage Act.
Sec. 308. Technical and conforming amendments.

TITLE IV—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Sec. 401. Intellectual property enforcement coordinator.
Sec. 402. Definition.
Sec. 403. Joint strategic plan.
Sec. 404. Reporting.
Sec. 405. Savings and repeals.
Sec. 406. Authorization of appropriations.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Sec. 501. Local law enforcement grants.
Sec. 502. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.
Sec. 503. Additional funding for resources to investigate and prosecute criminal activity involving computers.
Sec. 504. International intellectual property law enforcement coordinators.
Sec. 505. Annual reports.
Sec. 506. Authorization of appropriations.

SEC. 2. REFERENCE.

Any reference in this Act to the “Trademark Act of 1946” refers to the Act entitled “An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. DEFINITION.

In this Act, the term “United States person” means—

- (1) any United States resident or national,
- (2) any domestic concern (including any permanent domestic establishment of any foreign concern), and
- (3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, except that such term does not include an individual who resides outside the United States.

States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

**TITLE I—AUTHORIZATION OF CIVIL COPY-
RIGHT ENFORCEMENT BY ATTORNEY
GENERAL**

SEC. 101. CIVIL PENALTIES FOR CERTAIN VIOLATIONS.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

“SEC. 506a. CIVIL PENALTIES FOR VIOLATIONS OF SECTION 506.

“(a) IN GENERAL.—In lieu of a criminal action under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3633(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

“(b) OTHER REMEDIES.—

“(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy, which is available by law to the United States or any other person.

“(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.”

(D) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “, or the Attorney General in a civil action,” after “The copyright owner”; and

(H) by striking “him or her” and inserting “the copyright owner”; and

(B) in the second sentence by inserting “, or the Attorney General in a civil action,” after “the copyright owner”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “, or the Attorney General in a civil action,” after “the copyright owner”; and

(B) in paragraph (2), by inserting “, or the Attorney General in a civil action,” after “the copyright owner”.

(C) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

“Sec. 506a. Civil penalties for violations of section 506.”

TITLE II—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 201. REGISTRATION OF CLAIM.

(a) LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting “CIVIL” before “INFRINGEMENT”; and

(2) in subsection (a)—

(A) in the first sentence, by striking “no action” and inserting “no civil action”; and

(B) in the second sentence, by striking “an action” and inserting “a civil action”;

(3) by redesignating subsection (b) as subsection (c);

(4) in subsection (c), as so redesignated by paragraph (3), by striking “506 and sections 509 and” and inserting “505 and section”; and

(5) by inserting after subsection (a) the following:

“(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

“(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

“(B) the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.”

“(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 412 of title 17, United States Code, is amended by striking “411(b)” and inserting “411(c)”.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

“Sec. 411. Registration and civil infringement actions.”

SEC. 202. CIVIL REMEDIES FOR INFRINGEMENT.

(a) IN GENERAL.—Section 503(a) of title 17, United States Code, is amended—

(1) by striking “and of all plates” and inserting “, of all plates”; and

(2) by striking the period and inserting “, and of records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter, if appropriate, a protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to ensure that confidential information contained in such records is not improperly disclosed to any party.”

(b) PROTECTIVE ORDERS FOR SEIZED RECORDS.—Section 34(d)(1)(A) of the Trademark Act (15 U.S.C. 1116(d)(1)(A)) is amended by adding at the end the following: “The court shall enter, if appropriate, a protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to ensure that confidential information contained in such records is not improperly disclosed to any party.”

SEC. 203. TREBLE DAMAGES IN COUNTERFEITING CASES.

Section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)) is amended to read as follows:

“(b) In assessing damages under subsection (a) for any violation of section 32(1)(a) of this Act or section 220506 of title 36, United States Code, in a case involving use of a counterfeit mark or designation (as defined in section 34(d) of this Act), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney’s fee, if the violation consists of—

“(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act), in connection with the sale, offering for sale, or distribution of goods or services; or

“(2) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual

interest rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, beginning on the date of the service of the claimant’s pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.”

SEC. 204. STATUTORY DAMAGES IN COUNTERFEITING CASES.

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking “\$500” and inserting “\$1,000”; and

(B) by striking “\$100,000” and inserting “\$200,000”; and

(2) in paragraph (2), by striking “\$1,000,000” and inserting “\$2,000,000”.

SEC. 205. TRANSSHIPMENT AND EXPORTATION OF GOODS BEARING INFRINGING MARKS.

Title VII of the Trademark Act of 1946 (15 U.S.C. 1124) is amended—

(1) in the title heading, by inserting after “IMPORTATION” the following: “TRANSSHIPMENT, OR EXPORTATION”; and

(2) in section 42—

(A) by striking “imported”; and

(B) by inserting after “customhouse of the United States” the following: “, nor shall any such article be transhipped, through or exported from the United States”;

SEC. 206. IMPORTATION, TRANSSHIPMENT, AND EXPORTATION.

(a) IN GENERAL.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

“CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, TRANSSHIPMENT, AND EXPORTATION.”

(b) AMENDMENT ON EXPORTATION.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking “(a)” and inserting “(a) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION”; and

(3) by striking “(1) IMPORTATION.—”;

(4) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(5) by striking “(3) EXEMPTIONS.—”

(6) by striking “(1) IMPORTATION.—”;

(7) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(8) by striking “(3) EXEMPTIONS.—”

(9) by striking “(1) IMPORTATION.—”;

(10) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(11) by striking “(3) EXEMPTIONS.—”

(12) by striking “(1) IMPORTATION.—”;

(13) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(14) by striking “(3) EXEMPTIONS.—”

(15) by striking “(1) IMPORTATION.—”;

(16) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(17) by striking “(3) EXEMPTIONS.—”

(18) by striking “(1) IMPORTATION.—”;

(19) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(20) by striking “(3) EXEMPTIONS.—”

(21) by striking “(1) IMPORTATION.—”;

(22) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(23) by striking “(3) EXEMPTIONS.—”

(24) by striking “(1) IMPORTATION.—”;

(25) by striking “(2) IMPORTATION, TRANSSHIPMENT, OR EXPORTATION OF INFRINGING ITEMS.—”

(26) by striking “(3) EXEMPTIONS.—”

(i) by striking "(b) In a case" and inserting "(b) IMPORT PROHIBITION.—In a case";

(ii) by striking "(the United States Customs Service" and inserting "United States Customs and Border Protection"; and

(iii) by striking "the Customs Service" and inserting "United States Customs and Border Protection".

(2) Section 601(b)(2) of title 17, United States Code, is amended by striking "the United States Customs Service" and inserting "United States Customs and Border Protection".

(3) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

"6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION.....601".

TITLE III—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

SEC. 301. CRIMINAL COPYRIGHT INFRINGEMENT.

(a) **FORFEITURE AND DESTRUCTION; RESTITUTION.**—Section 506(b) of title 17, United States Code, is amended to read as follows:

"(b) **FORFEITURE, DESTRUCTION, AND RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law."

(b) **SEIZURES AND FORFEITURES.**—

(1) **REPEAL.**—Section 509 of title 17, United States Code, is repealed.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 6 of title 17, United States Code, is amended by striking the item relating to section 509.

SEC. 302. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.

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

(1) in subsection (a)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking "Whoever" and inserting "(1) Whoever";

(2) by amending subsection (d) to read as follows:

"(d) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

(3) by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 303. UNAUTHORIZED FIXATION.

(a) Section 2319A(b) of title 18, United States Code, is amended to read as follows:

"(b) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."

(b) Section 2319A(c) of title 18, United States Code, is amended by striking the second sentence and inserting: "The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by United States Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance."

SEC. 304. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."

SEC. 305. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

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

(1) in subsection (b)—

(A) by striking "Whoever" and inserting "OFFENSE.—"

"(1) **IN GENERAL.**—Whoever";

(B) by moving the remaining text 2 ems to the right; and

(C) by adding at the end the following:

"(2) **SERIOUS BODILY HARM OR DEATH.**—

"(A) **SERIOUS BODILY HARM.**—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both."

"(B) **DEATH.**—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both."

(b) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Section 2320(b) of title 18, United States Code, is amended to read as follows:

"(b) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."

SEC. 306. FORFEITURE, DESTRUCTION, AND RESTITUTION.

(a) **IN GENERAL.**—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

"**SEC. 2323. FORFEITURE, DESTRUCTION, AND RESTITUTION.**—

"(1) **CIVIL FORFEITURE.**—

"(i) **PROPERTY SUBJECT TO FORFEITURE.**—The following property is subject to forfeiture to the United States Government:

"(A) Any article, the making or trafficking of which is prohibited under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

"(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A), except that property is subject to forfeiture under this subparagraph only if the United States Government establishes that there was a substantial connection between the property and the violation of an offense referred to in subparagraph (A).

"(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

"(2) **PROCEDURES.**—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

"(b) **CRIMINAL FORFEITURE.**—

"(1) **PROPERTY SUBJECT TO FORFEITURE.**—The court, in imposing sentence on a person convicted of an offense under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence

imposed, that the person forfeit to the United States Government any property subject to forfeiture under subsection (a) for that offense.

"(2) **PROCEDURES.**—

"(A) **IN GENERAL.**—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"(B) **DESTRUCTION.**—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States shall order that any—

"(i) forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

"(ii) infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

"(c) **RESTITUTION.**—When a person is convicted of an offense under section 506 or 1204 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title."

"(d) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 2323. Forfeiture, destruction, and restitution."

SEC. 307. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended to read as follows:

"**SEC. 1834. CRIMINAL FORFEITURE.**—Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."

SEC. 308. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **AMENDMENTS TO TITLE 17, UNITED STATES CODE.**—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking "505, and 509" and inserting "and 505".

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking "and 509";

(B) in subsection (c)—

(i) in paragraph (2), by striking "and 509";

(ii) in paragraph (3), by striking "sections 509 and 510" and inserting "section 510"; and

(iii) in paragraph (4), by striking "and section 509"; and

(C) in subsection (e)—

(i) in paragraph (1), by striking "sections 509 and 510" and inserting "section 510"; and

(ii) in paragraph (2), by striking "and 509".

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking "and 509"; and

(B) in paragraph (6), by striking "and 509".

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking "sections 509 and 510" and inserting "section 510";

(B) in paragraph (7)(A), by striking "and 509"; and

(C) in paragraph (8), by striking "and 509"; and

(D) in paragraph (13), by striking "and 509".

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking "and 509";

(B) in subsection (e), by striking "sections 509 and 510" and inserting "section 510"; and

(C) in subsection (f)(1), by striking "and 509".

(6) Section 411(b) of title 17, United States Code, is amended by striking "sections 509 and 510" and inserting "section 510".

(b) OTHER AMENDMENTS.—Section 598(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking "or 509".

TITLE IV—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

SEC. 401. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.

(a) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.—The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this title referred to as the "IPEC") to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(b) DUTIES OF IPEC.—

(1) IN GENERAL.—The IPEC shall—

(A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);

(B) coordinate the development of the Joint Strategic Plan against counterfeiting and piracy by the advisory committee under section 403;

(C) assist in the implementation of the Joint Strategic Plan by the departments and agencies listed in subsection (b)(3)(A);

(D) report directly to the President and Congress regarding domestic and international intellectual property enforcement programs;

(E) report to Congress, as provided in section 404, on the implementation of the Joint Strategic Plan, and make recommendations to Congress for improvements in Federal intellectual property enforcement efforts; and

(F) carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IPEC may not control or direct any law enforcement agency in the exercise of its investigative or prosecutorial authority.

(3) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, and who are, or are appointed by, the respective heads of those departments and agencies:

(i) The Office of Management and Budget.

(ii) The Department of Justice.

(iii) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(iv) The Office of the United States Trade Representative.

(v) The Department of State, the United States Agency for International Development, and the Bureau of International Narcotics Law Enforcement.

(vi) The Department of Homeland Security, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.

(vii) The Food and Drug Administration of the Department of Health and Human Services.

(viii) The United States Copyright Office.

(ix) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and piracy.

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall develop the Joint Strategic Plan against counterfeiting and piracy under section 403.

(c) COMPENSATION.—Section 5012 of title 5, United States Code, is amended by adding at the end the following: "United States Intellectual Property Enforcement Coordinator."

SEC. 402. DEFINITION.

For purposes of this title, the term "intellectual property enforcement" means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and pirated goods.

SEC. 403. JOINT STRATEGIC PLAN.

(a) PURPOSE.—The objectives of the Joint Strategic Plan against counterfeiting and piracy that is referred to in section 401(b)(1)(B) (in this section referred to as the "joint strategic plan") are the following:

(1) Reducing counterfeit and pirated goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action against the financing, production, trafficking, or sale of counterfeit or pirated goods.

(3) Ensuring that information is identified and shared among the relevant departments and agencies, to the extent permitted by law and consistent with law enforcement protocols for handling information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or pirated goods.

(4) Disrupting and eliminating domestic and international counterfeiting and piracy networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws preventing the financing, production, trafficking, and sale of counterfeit and pirated goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(7) Protecting intellectual property rights overseas by—

(A) working with other countries and exchanging information with appropriate law enforcement agencies in other countries relating to individuals and entities involved in the financing, production, trafficking, or sale of pirated or counterfeit goods;

(B) using the information described in subparagraph (A) to conduct enforcement activities in cooperation with appropriate law enforcement agencies in other countries; and

(C) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IPEC shall submit the joint strategic plan to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(c) RESPONSIBILITY OF THE IPEC.—During the development of the joint strategic plan, the IPEC—

(1) shall provide assistance to, and coordinate the meetings and efforts of, the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 401(b)(3) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement in furtherance of providing assistance to the members of the advisory committee appointed under section 401(b)(3).

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—In the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 401(b)(3) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IPEC and other members of the advisory committee; and

(2) share relevant department or agency information with the IPEC and other members of the advisory committee, including statistical information on the enforcement activities of the department or agency against counterfeiting or piracy, and plans for addressing the joint strategic plan.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A detailed description of the priorities identified for carrying out the objectives of the joint strategic plan, including activities of the Federal Government relating to intellectual property enforcement.

(2) A detailed description of the means and methods to be employed to achieve the priorities, including the means and methods for improving the efficiency and effectiveness of the Federal Government's enforcement efforts against counterfeiting and piracy.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights, including the costs to the economy of the United States resulting from violations of intellectual property laws, and the threats to public health and safety created by counterfeiting and piracy.

(6) An identification of the departments and agencies that will be involved in implementing each priority under paragraph (1).

(7) A strategy for ensuring coordination between the IPEC and the departments and agencies identified under paragraph (6), including a process for oversight by the executive branch of, and accountability among, the departments and agencies responsible for carrying out the strategy.

(8) Such other information as is necessary to convey the costs imposed on the United States economy by, and the threats to public health and safety created by, counterfeiting and piracy, and those steps that the Federal Government intends to take over the period covered by the succeeding joint strategic plan to reduce those costs and counter those threats.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeiting and piracy. With respect to such programs, the joint strategic plan shall—

(1) seek to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency of efforts;

(2) identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 182(a) of the Trade Act of 1974 (19 U.S.C. 2242(a)); and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts to improve the laws and enforcement practices of foreign governments against counterfeiting and piracy.

(g) **DISSEMINATION OF THE JOINT STRATEGIC PLAN.**—The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IPEC may identify.

SEC. 404. REPORTING.

(a) **ANNUAL REPORT.**—Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (c) of section 403.

(b) **CONTENTS.**—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 403(e)(1).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and pirated goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 401(b)(3).

(6) Recommendations for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and piracy and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made under trade agreements and treaties to protect intellectual property rights of United States persons and their licensees.

SEC. 406. SAVINGS AND REPEALS.

(a) **REPEAL OF COPYRIGHT COUNCIL.**—Section 653 of the Treasury and General Gov-

ernment Appropriations Act, 2000 (15 U.S.C. 1128) is repealed.

(b) **CURRENT AUTHORITIES NOT AFFECTED.**—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) **REGISTER OF COPYRIGHTS.**—Nothing in this title shall derogate from the duties and functions of the Register of Copyrights.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

SEC. 501. LOCAL LAW ENFORCEMENT GRANTS.

(a) **AUTHORIZATION.**—Section 2 of the Computer Crime Enforcement Act (42 U.S.C. 3713) is amended—

(1) in subsection (b), by inserting after “computer crime” each place it appears the following: “, including infringement of copyrighted works over the Internet”; and

(2) in subsection (e)(1), relating to authorization of appropriations, by striking “fiscal years 2001 through 2004” and inserting “fiscal years 2009 through 2013”.

(b) **GRANTS.**—The Office of Justice Programs of the Department of Justice shall make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes (in this subsection referred to as “IP-TIC grants”), in accordance with the following:

(1) **USE OF IP-TIC GRANT AMOUNTS.**—IP-TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-piracy, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law.

(A) Assist State and local law enforcement agencies in enforcing those laws, including by reimbursing State and local entities for expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement offi-

cers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multijurisdictional task forces.

(2) **ELIGIBILITY.**—To be eligible to receive an IP-TIC grant, a State or local government entity shall provide to the Attorney General—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws described in paragraph (1); and

(C) a plan for coordinating the programs funded under this section with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part 2 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) **MATCHING FUNDS.**—The Federal share of an IP-TIC grant may not exceed 90 percent of the costs of the program or proposal funded by the IP-TIC grant, unless the Attorney General waives, in whole or in part, the 90 percent requirement.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this subsection the sum of \$25,000,000 for each of fiscal years 2009 through 2013.

(B) **LIMITATION.**—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

SEC. 502. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) **IN GENERAL.**—Subject to the availability of appropriations to carry out this subsection, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) create an operational unit of the Federal Bureau of Investigation—

(A) to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than 1 judicial district, or international;

(B) that consists of at least 10 agents of the Bureau; and

(C) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(3) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) ORGANIZED CRIME TASK FORCE.—Subject to the availability of appropriations to carry out this subsection and not later than 120 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, shall create a Task Force to develop and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$12,000,000 for each of fiscal years 2009 through 2013.

SEC. 503. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2009 through 2013—

(A) \$10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) \$10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) USE OF ADDITIONAL FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) procure advanced tools of forensic science to investigate, prosecute, and study such crimes.

SEC. 504. INTERNATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.

(a) DEPLOYMENT OF ADDITIONAL COORDINATORS.—Subject to the availability of appropriations to carry out this section, the Attorney General shall, within 180 days after the date of the enactment of this Act, deploy 5 Intellectual Property Law Enforcement Coordinators, in addition to those serving in such capacity on such date of enactment. Such deployments shall be made to those countries and regions where the activities of such a coordinator can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries. The mission of all International Intellectual Property Law Enforcement Coordinators shall include the following:

(1) Acting as liaison with foreign law enforcement agencies and other foreign officials in criminal matters involving intellectual property rights;

(2) Performing outreach and training to build the enforcement capacity of foreign governments against intellectual property-related crime in the regions in which the coordinators serve.

(3) Coordinating United States law enforcement activities against intellectual property-related crimes in the regions in which the coordinators serve.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary for the deployment and support of all International Intellectual Property Enforcement Coordinators of the Department of Justice, including those deployed under subsection (a).

SEC. 505. ANNUAL REPORTS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on actions taken to carry out this title.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

Mr. SPECTER. Mr. President, I am pleased to speak today on the introduction of the Enforcement of Intellectual Property Rights Act of 2008, which I am sponsoring with Senator LEAHY.

The United States has always placed a high value on creativity and innovation. As a result, we rank number 1 for innovation in the World Economic Forum's Global Competition Report. Yet, the U.S. does not even make it into the "top 20" countries when it comes to the protection of intellectual property. When you consider that intellectual property contributes over \$5 trillion annually to our national economy, this is not acceptable.

If we want to profit from our intellectual property, then we must protect it. Counterfeiting and piracy, though, are on the rise. Counterfeiting, which at one time involved mainly "knocking off" products in the high end and luxury goods markets, is now much more pervasive. According to FBI, Interpol, World Customs Organization and International Chamber of Commerce estimates, roughly 7-8 percent of world trade every year is in counterfeit goods. That is the equivalent of as much as \$512 billion in global lost sales. Of that amount, U.S. companies annually lose between \$200 billion and \$250 billion in sales.

Counterfeiting, piracy, and the theft of intellectual property, are not victimless crimes. Exporters face unfair competition abroad. Non-exporters face counterfeit imports at home. Businesses face legal, health and safety risks from the threat of counterfeit goods entering their supply chains. Consumers, too, face serious health and safety risks.

For every legitimate product on the market, one can find a counterfeit version, being passed off as the same quality at a fraction of the cost. Counterfeit products run the gamut from

low end products such as razor blades, shampoos, batteries, and cigarettes to more specialized products like auto and plane parts. Although these products may look real, they are not subjected to the same quality protocols as their legitimate counterparts and a consumer—be they knowing or not—uses the product at their own risk. Counterfeit products that are substandard goods have been the subject of public recalls and seizures in industries ranging from food products both human and pet consumables, pharmaceuticals both lifestyle and life-saving drugs, aircraft or automobile parts, toys and baby furniture, and building and manufacturing components. The potential for harm is very serious. Every day, our newspapers are filled with stories of the damage that counterfeit products have caused.

Further, each counterfeit item that is manufactured overseas and distributed in the United States costs American workers their jobs. According to the U.S. Chamber of Commerce, overall intellectual property theft costs 750,000 U.S. jobs a year. These are losses that directly impact each and every person listening to my voice by inhibiting the growth of the American economy. Although private industry is more vigilant than ever in pursuing infringers civilly and devoting enormous amounts of human and financial capital to combat violations of their intellectual property rights, the U.S. Government must do its part to protect one of our Nation's most valuable assets.

Building on the work of the House with the Prioritizing Resources and Organization of Intellectual Property Act of 2007, better known as the PRO-IP Act, and Senators BAYH and VOINOVICH with the Intellectual Property Rights Enforcement Act, Senators LEAHY and I have crafted a comprehensive intellectual property that responds to that need.

This bill will provide the current and future administrations with the additional tools it needs to combat intellectual property theft by, amongst other things: Giving the Attorney General the authority, in lieu of a criminal action, to pursue a civil action for intellectual property infringement and collect damages and profits resulting from infringement; enhancing the civil and criminal penalties for intellectual property violations in order to deter new criminal organizations from entering into "the business" of counterfeiting and piracy; elevating the inter-governmental coordination of intellectual property enforcement efforts; and authorizing funding for State and local governments for pursuing intellectual property related investigations.

Alan Greenspan stated in "The Age of Turbulence" that, "Arguably, the single most important economic decision our lawmakers and courts will face in the next twenty-five years is to clarify the rules of intellectual property."

Great legislation does not happen overnight—nor should it. When considering any reforms to something as valuable as our intellectual property assets—whether it is reforms to our Nations patents, trademarks, or more relevantly to this group, copyright laws—we must act cautiously and with a careful understanding of the effects that any such changes will have on the interested industries. That said, I believe that we can work together in the few remaining days that is left in this Congress in not just a bipartisan but a nonpartisan manner to pass and send this bill to the President this Congress.

By Mr. LIEBERMAN (for himself and Mr. COLEMAN):
S. 3324. A bill to provide leadership regarding science, technology, engineering and mathematics education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, the United States has been the most innovative, technologically capable economy in the world. Yet our science, technology, engineering, and mathematics, STEM, education system is failing to ensure that children in our great Nation are entering the workforce with the skills and knowledge required for success in the global economy of the 21st century. Meanwhile, the rest of the world is catching up. I rise today on behalf of myself and Senator COLEMAN to introduce the Science, Technology, Engineering, and Mathematics Education for the 21st Century Act. This legislation seeks to promote and coordinate existing science and technology education efforts and to improve the communication among various stakeholders so that tomorrow's workforce will be prepared to continue the American tradition of innovation and enterprise. There are three pieces to this legislation, which is based largely on the recommendations found in the National Science Board's action plan on STEM education.

First, this legislation charters a new, independent, and non-Federal National Council for Science, Technology, Engineering, and Mathematics Education, which will coordinate and facilitate STEM education initiatives across the Nation and inform policymakers and the public on the state of STEM education across the United States. This council will be housed in the National Academy of Sciences and will have a Board of Directors comprised of representatives from the various State and local governments, organizations, businesses, and industries that have a stake in the success of STEM education. This includes current and former governors, chief State school officers, representatives from local school boards, classroom teachers, school administrators, representatives from institutions of higher education, private foundations, and representatives of businesses and industries.

Much of the innovation and success in improving STEM education through-

out the country is being done locally, in the State's counties, and school systems, often partnering with businesses and industry in need of a STEM-educated workforce. The Council will bring together these various stakeholders to facilitate and coordinate the flow of information on STEM education systems to various stakeholders; to independently evaluate the success of Federal and non-Federal STEM initiatives; to fairly determine and promote best STEM classroom practices; to encourage the acquisition and retention of highly effective STEM teachers; and to inform policymakers and the general public on the state of STEM education across the United States. More specifically, the Council will also be responsible for issuing an annual report on the state of STEM education in America to the States, Congress, the Federal Government, and the general public; disseminating results from research on teaching and learning in STEM fields to State educational agencies; helping the States establish their own Science, Technology, Engineering, and Mathematics Education boards or councils; proposing models for the effective professional development of teachers in STEM fields; and launching and updating a publicly available website that hosts a database consisting of information on scholarships, fellowships, grants, internships, and summer programs for both students and teachers.

Second, this bill authorizes a full standing Committee on Science, Technology, Engineering and Mathematics Education within the National Science and Technology Council, NSTC, which is part of the Executive Office of the President. This committee would be responsible for coordinating STEM education across all the Federal agencies involved in such efforts, including the National Laboratories, the Department of Commerce, the Environmental Protection Agency, the National Science Foundation, and NASA. Currently, the NSTC Committee on Science has a Subcommittee on Education and Workforce Development with jurisdiction over issues relating to STEM education. However, this subcommittee has been largely inactive; it rarely meets and has not been effective in coordinating the efforts of these different agencies. Senator COLEMAN and I believe that the state of STEM education in the Nation today warrants a full committee at the NSTC that will meet regularly to assess the effectiveness of such Federal efforts.

Finally in this legislation we direct the Secretary of Education to undergo a comprehensive review of all programs within the Department of Education relating to education in science, technology, engineering, and mathematics fields, and to evaluate them for their effectiveness. We want to make sure that the current panoply of such programs are effective, target the students they are intended to target, are not unnecessarily redundant, complement

State and local educational agencies, and are promoted effectively so that students, teachers, and parents know about these efforts. We also direct the Department to submit to Congress a plan for addressing the challenges they identify in this review.

I believe this legislation will help science, technology, engineering, and mathematics education in this country, and will help students, parents, teachers, and other educators as we strive to prepare tomorrow's workforce for the global economy of the 21st century.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 3324.

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 "Science, Technology, Engineering, and Mathematics Education for the 21st Century Act of 2008".

SEC. 2. NATIONAL COUNCIL FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION.

(a) ESTABLISHMENT.—There is established a federally chartered corporation to be known as the National Council for Science, Technology, Engineering, and Mathematics Education (referred to in this section as the "STEM Council") which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section. Notwithstanding any other provision of law, the STEM Council is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.

(b) MISSION.—The mission of the STEM Council is to—

(1) provide guidance and coordinate and facilitate the flow of information about science, technology, engineering, and mathematics (referred to in this section as "STEM") education among State, local, and private entities, as well as the general public;

(2) provide leadership by identifying critical deficiencies in the Nation's STEM education systems and proposing strategies for members of the STEM Council to collaborate to address such deficiencies;

(3) serve as a primary focal point for Federal agencies to improve their coordination with, and service to, State and local school systems; and

(4) promote STEM fields and educate the general public about the value of a STEM education.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The management of the STEM Council shall be vested in a Board of Directors composed of 23 voting members and 10 nonvoting members, who shall meet not less frequently than quarterly.

(2) INITIAL APPOINTMENTS.—The Director of the National Science Foundation, in consultation with the Chairmen and Ranking Members of the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Science and Technology of the House of Representatives, shall appoint, in accordance with this subsection, the initial voting members of the Board of Directors of the STEM Council.

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