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Citation: 1 Protecting America's Intellectual Property A  
History of the Pro IP Act of 2008 William H. Manz ed.  
2009

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110TH CONGRESS  
2D SESSION

# S. 3325

To enhance remedies for violations of intellectual property laws, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 23), 2008

Mr. LEAHY (for himself, Mr. SPECTER, Mr. BAYH, Mr. VOINOVICH, Mrs. FEINSTEIN, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To enhance remedies for violations of intellectual property laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Enforcement of Intellectual Property Rights Act of  
6 2008”.

7 (b) **TABLE OF CONTENTS.**—The table of contents is  
8 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.

**1 SEC. 2. REFERENCE.**

2 Any reference in this Act to the “Trademark Act of  
3 1946” refers to the Act entitled “An Act to provide for  
4 the registration of trademarks used in commerce, to carry

1 out the provisions of certain international conventions,  
2 and for other purposes”, approved July 5, 1946 (15  
3 U.S.C. 1051 et seq.).

4 **SEC. 3. DEFINITION.**

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

- 7 (1) any United States resident or national,
- 8 (2) any domestic concern (including any perma-  
9 nent domestic establishment of any foreign concern),  
10 and
- 11 (3) any foreign subsidiary or affiliate (including  
12 any permanent foreign establishment) of any domes-  
13 tic concern that is controlled in fact by such domes-  
14 tic concern,

15 except that such term does not include an individual who  
16 resides outside the United States and is employed by an  
17 individual or entity other than an individual or entity de-  
18 scribed in paragraph (1), (2), or (3).

1 **TITLE I—AUTHORIZATION OF**  
2 **CIVIL COPYRIGHT ENFORCE-**  
3 **MENT BY ATTORNEY GEN-**  
4 **ERAL**

5 **SEC. 101. CIVIL PENALTIES FOR CERTAIN VIOLATIONS.**

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

9 **“SEC. 506a. CIVIL PENALTIES FOR VIOLATIONS OF SECTION**  
10 **506.**

11 “(a) IN GENERAL.—In lieu of a criminal action under  
12 section 506, the Attorney General may commence a civil  
13 action in the appropriate United States district court  
14 against any person who engages in conduct constituting  
15 an offense under section 506. Upon proof of such conduct  
16 by a preponderance of the evidence, such person shall be  
17 subject to a civil penalty under section 504 which shall  
18 be in an amount equal to the amount which would be  
19 awarded under section 3663(a)(1)(B) of title 18 and res-  
20 titution to the copyright owner aggrieved by the conduct.

21 “(b) OTHER REMEDIES.—

22 “(1) IN GENERAL.—Imposition of a civil pen-  
23 alty under this section does not preclude any other  
24 criminal or civil statutory, injunctive, common law,

1 or administrative remedy, which is available by law  
2 to the United States or any other person.

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

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

12 (1) in subsection (b)—

13 (A) in the first sentence—

14 (i) by inserting “, or the Attorney  
15 General in a civil action,” after “The copy-  
16 right owner”; and

17 (ii) by striking “him or her” and in-  
18 serting “the copyright owner”; and

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

22 (2) in subsection (c)—

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

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

4 (e) TECHNICAL AND CONFORMING AMENDMENT.—  
 5 The table of sections for chapter 5 of title 17, United  
 6 States Code, is amended by inserting after the item relat-  
 7 ing to section 506 the following:

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

8 **TITLE II—ENHANCEMENTS TO**  
 9 **CIVIL INTELLECTUAL PROP-**  
 10 **ERTY LAWS**

11 **SEC. 201. REGISTRATION OF CLAIM.**

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

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

17 (2) in subsection (a)—

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

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

22 (3) by redesignating subsection (b) as sub-  
 23 section (c);

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

4           (5) by inserting after subsection (a) the fol-  
5           lowing:

6           “(b)(1) A certificate of registration satisfies the re-  
7           quirements of this section and section 412, regardless of  
8           whether the certificate contains any inaccurate informa-  
9           tion, unless—

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

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

16           “(2) In any case in which inaccurate information de-  
17           scribed under paragraph (1) is alleged, the court shall re-  
18           quest the Register of Copyrights to advise the court  
19           whether the inaccurate information, if known, would have  
20           caused the Register of Copyrights to refuse registration.”.

21           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22           (1) Section 412 of title 17, United States Code,  
23           is amended by striking “411(b)” and inserting  
24           “411(e)”.

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

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

4 **SEC. 202. CIVIL REMEDIES FOR INFRINGEMENT.**

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

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

9           (2) by striking the period and inserting “, and  
10 of records documenting the manufacture, sale, or re-  
11 ceipt of things involved in such violation. The court  
12 shall enter, if appropriate, a protective order with re-  
13 spect to discovery of any records that have been  
14 seized. The protective order shall provide for appro-  
15 priate procedures to ensure that confidential infor-  
16 mation contained in such records is not improperly  
17 disclosed to any party.”.

18           (b) PROTECTIVE ORDERS FOR SEIZED RECORDS.—  
19 Section 34(d)(1)(A) of the Trademark Act (15 U.S.C.  
20 1116(d)(1)(A)) is amended by adding at the end the fol-  
21 lowing: “The court shall enter, if appropriate, a protective  
22 order with respect to discovery of any records that have  
23 been seized. The protective order shall provide for appro-  
24 priate procedures to ensure that confidential information

1 contained in such records is not improperly disclosed to  
2 any party.”.

3 **SEC. 203. TREBLE DAMAGES IN COUNTERFEITING CASES.**

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

6 “(b) In assessing damages under subsection (a) for  
7 any violation of section 32(1)(a) of this Act or section  
8 220506 of title 36, United States Code, in a case involving  
9 use of a counterfeit mark or designation (as defined in  
10 section 34(d) of this Act), the court shall, unless the court  
11 finds extenuating circumstances, enter judgment for three  
12 times such profits or damages, whichever amount is great-  
13 er, together with a reasonable attorney’s fee, if the viola-  
14 tion consists of—

15 “(1) intentionally using a mark or designation,  
16 knowing such mark or designation is a counterfeit  
17 mark (as defined in section 34(d) of this Act), in  
18 connection with the sale, offering for sale, or dis-  
19 tribution of goods or services; or

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

1 In such a case, the court may award prejudgment interest  
2 on such amount at an annual interest rate established  
3 under section 6621(a)(2) of the Internal Revenue Code of  
4 1986, beginning on the date of the service of the claim-  
5 ant's pleadings setting forth the claim for such entry of  
6 judgment and ending on the date such entry is made, or  
7 for such shorter time as the court considers appropriate.”.

8 **SEC. 204. STATUTORY DAMAGES IN COUNTERFEITING**  
9 **CASES.**

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

12 (1) in paragraph (1)—

13 (A) by striking “\$500” and inserting  
14 “\$1,000”; and

15 (B) by striking “\$100,000” and inserting  
16 “\$200,000”; and

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

19 **SEC. 205. TRANSSHIPMENT AND EXPORTATION OF GOODS**  
20 **BEARING INFRINGING MARKS.**

21 Title VII of the Trademark Act of 1946 (15 U.S.C.  
22 1124) is amended—

23 (1) in the title heading, by inserting after “IM-  
24 PORTATION” the following: “TRANSSHIPMENT,  
25 OR EXPORTATION”; and

1 (2) in section 42—

2 (A) by striking “imported”; and

3 (B) by inserting after “customhouse of the  
4 United States” the following: “, nor shall any  
5 such article be transshipped through or ex-  
6 ported from the United States”.

7 **SEC. 206. IMPORTATION, TRANSSHIPMENT, AND EXPOR-**  
8 **TATION.**

9 (a) IN GENERAL.—The heading for chapter 6 of title  
10 17, United States Code, is amended to read as follows:

11 **“CHAPTER 6—MANUFACTURING REQUIRE-**  
12 **MENTS, IMPORTATION, TRANS-**  
13 **SHIPMENT, AND EXPORTATION”.**

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

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

19 (2) by striking “(a)” and inserting “(a) IN-

20 FRINGING IMPORTATION, TRANSSHIPMENT, OR EX-

21 PORTATION.—

22 “(1) IMPORTATION.—”;

23 (3) by striking “This subsection does not apply  
24 to—” and inserting the following:

1           “(2) IMPORTATION, TRANSHIPMENT, OR EXPOR-  
2           TATION OF INFRINGING ITEMS.—Importation into  
3           the United States, transshipment through the  
4           United States, or exportation from the United  
5           States, without the authority of the owner of copy-  
6           right under this title, of copies or phonorecords, the  
7           making of which either constituted an infringement  
8           of copyright or would have constituted an infringe-  
9           ment of copyright if this title had been applicable,  
10          is an infringement of the exclusive right to distribute  
11          copies or phonorecords under section 106, actionable  
12          under sections 501 and 506.

13          “(3) EXCEPTIONS.—This subsection does not  
14          apply to—”;

15          (4) in paragraph (3)(A) (as redesignated by  
16          this subsection) by inserting “or exportation” after  
17          “importation”; and

18          (5) in paragraph (3)(B) (as redesignated by  
19          this subsection)—

20                  (A) by striking “importation, for the pri-  
21                  vate use of the importer” and inserting “impor-  
22                  tation or exportation, for the private use of the  
23                  importer or exporter”; and

24                  (B) by inserting “or departing from the  
25                  United States” after “United States”.

1 (e) CONFORMING AMENDMENTS.—(1) Section 602 of  
2 title 17, United States Code, is further amended—

3 (A) in the section heading, by inserting “**or**  
4 **exportation**” after “**importation**”; and

5 (B) in subsection (b)—

6 (i) by striking “(b) In a case” and insert-  
7 ing “(b) IMPORT PROHIBITION.—In a case”;

8 (ii) by striking “the United States Cus-  
9 toms Service” and inserting “United States  
10 Customs and Border Protection”; and

11 (iii) by striking “the Customs Service” and  
12 inserting “United States Customs and Border  
13 Protection”.

14 (2) Section 601(b)(2) of title 17, United States Code,  
15 is amended by striking “the United States Customs Serv-  
16 ice” and inserting “United States Customs and Border  
17 Protection”.

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

“6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND  
EXPORTATION ..... 601”.

1 **TITLE III—ENHANCEMENTS TO**  
 2 **CRIMINAL INTELLECTUAL**  
 3 **PROPERTY LAWS**

4 **SEC. 301. CRIMINAL COPYRIGHT INFRINGEMENT.**

5 (a) FORFEITURE AND DESTRUCTION; RESTITU-  
 6 TION.—Section 506(h) of title 17, United States Code, is  
 7 amended to read as follows:

8 “(h) FORFEITURE, DESTRUCTION, AND RESTITU-  
 9 TION.—Forfeiture, destruction, and restitution relating to  
 10 this section shall be subject to section 2323 of title 18,  
 11 to the extent provided in that section, in addition to any  
 12 other similar remedies provided by law.”.

13 (b) SEIZURES AND FORFEITURES.—

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

16 (2) TECHNICAL AND CONFORMING AMEND-  
 17 MENT.—The table of sections for chapter 5 of title  
 18 17, United States Code, is amended by striking the  
 19 item relating to section 509.

20 **SEC. 302. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT**  
 21 **LABELS, OR COUNTERFEIT DOCUMENTATION**  
 22 **OR PACKAGING FOR WORKS THAT CAN BE**  
 23 **COPYRIGHTED.**

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

1 (1) in subsection (a)—

2 (A) by redesignating subparagraphs (A)  
3 through (G) as clauses (i) through (vii), respec-  
4 tively;

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

8 (C) by striking “Whoever” and inserting  
9 “(1) Whoever”;

10 (2) by amending subsection (d) to read as fol-  
11 lows:

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

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

19 **SEC. 303. UNAUTHORIZED FIXATION.**

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

22 “(b) **FORFEITURE AND DESTRUCTION OF PROPERTY;**  
23 **RESTITUTION.**—Forfeiture, destruction, and restitution  
24 relating to this section shall be subject to section 2323,

1 to the extent provided in that section, in addition to any  
2 other similar remedies provided by law.”.

3 (b) Section 2319A(c) of title 18, United States Code,  
4 is amended by striking the second sentence and inserting:  
5 “The Secretary of Homeland Security shall issue regula-  
6 tions by which any performer may, upon payment of a  
7 specified fee, be entitled to notification by United States  
8 Customs and Border Protection of the importation of cop-  
9 ies or phonorecords that appear to consist of unauthorized  
10 fixations of the sounds or sounds and images of a live mu-  
11 sical performance.”.

12 **SEC. 304. UNAUTHORIZED RECORDING OF MOTION PIC-**  
13 **TURES.**

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

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

21 **SEC. 305. TRAFFICKING IN COUNTERFEIT GOODS OR SERV-**  
22 **ICES.**

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

25 (1) in subsection (a)—

1 (A) by striking “WHOEVER” and inserting  
2 “OFFENSE.—”

3 “(1) IN GENERAL.—Whoever;”;

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

6 (C) by adding at the end the following:

7 “(2) SERIOUS BODILY HARM OR DEATH.—

8 “(A) SERIOUS BODILY HARM.—If the of-  
9 fender knowingly or recklessly causes or at-  
10 tempts to cause serious bodily injury from con-  
11 duct in violation of paragraph (1), the penalty  
12 shall be a fine under this title or imprisonment  
13 for not more than 20 years, or both.

14 “(B) DEATH.—If the offender knowingly  
15 or recklessly causes or attempts to cause death  
16 from conduct in violation of paragraph (1), the  
17 penalty shall be a fine under this title or im-  
18 prisonment for any term of years or for life, or  
19 both.”.

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

23 “(b) FORFEITURE AND DESTRUCTION OF PROPERTY;  
24 RESTITUTION.—Forfeiture, destruction, and restitution  
25 relating to this section shall be subject to section 2323,

1 to the extent provided in that section, in addition to any  
2 other similar remedies provided by law.”.

3 **SEC. 306. FORFEITURE, DESTRUCTION, AND RESTITUTION.**

4 (a) IN GENERAL.—Chapter 113 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“SEC. 2323. FORFEITURE, DESTRUCTION, AND RESTITU-**  
8 **TION.**

9 “(a) CIVIL FORFEITURE.—

10 “(1) PROPERTY SUBJECT TO FORFEITURE.—  
11 The following property is subject to forfeiture to the  
12 United States Government:

13 “(A) Any article, the making or trafficking  
14 of which is, prohibited under section 506 or  
15 1204 of title 17, or section 2318, 2319, 2319A,  
16 2319B, or 2320, or chapter 90, of this title.

17 “(B) Any property used, or intended to be  
18 used, in any manner or part to commit or facili-  
19 tate the commission of an offense referred to in  
20 subparagraph (A), except that property is sub-  
21 ject to forfeiture under this subparagraph only  
22 if the United States Government establishes  
23 that there was a substantial connection between  
24 the property and the violation of an offense re-  
25 ferred to in subparagraph (A).

1           “(C) Any property constituting or derived  
2           from any proceeds obtained directly or indi-  
3           rectly as a result of the commission of an of-  
4           fense referred to in subparagraph (A).

5           “(2) PROCEDURES.—The provisions of chapter  
6           46 relating to civil forfeitures shall extend to any  
7           seizure or civil forfeiture under this section. At the  
8           conclusion of the forfeiture proceedings, unless oth-  
9           erwise requested by an agency of the United States,  
10          the court shall order that any property forfeited  
11          under paragraph (1) be destroyed, or otherwise dis-  
12          posed of according to law.

13          “(b) CRIMINAL FORFEITURE.—

14          “(1) PROPERTY SUBJECT TO FORFEITURE.—  
15          The court, in imposing sentence on a person con-  
16          victed of an offense under section 506 or 1204 of  
17          title 17, or section 2318, 2319, 2319A, 2319B, or  
18          2320, or chapter 90, of this title, shall order, in ad-  
19          dition to any other sentence imposed, that the per-  
20          son forfeit to the United States Government any  
21          property subject to forfeiture under subsection (a)  
22          for that offense.

23          “(2) PROCEDURES.—

24          “(A) IN GENERAL.—The forfeiture of  
25          property under paragraph (1), including any

1 seizure and disposition of the property and any  
2 related judicial or administrative proceeding,  
3 shall be governed by the procedures set forth in  
4 section 413 of the Comprehensive Drug Abuse  
5 Prevention and Control Act of 1970 (21 U.S.C.  
6 853), other than subsection (d) of that section.

7 “(B) DESTRUCTION.—At the conclusion of  
8 the forfeiture proceedings, the court, unless oth-  
9 erwise requested by an agency of the United  
10 States shall order that any—

11 “(i) forfeited article or component of  
12 an article bearing or consisting of a coun-  
13 terfeit mark be destroyed or otherwise dis-  
14 posed of according to law; and

15 “(ii) infringing items or other prop-  
16 erty described in subsection (a)(1)(A) and  
17 forfeited under paragraph (1) of this sub-  
18 section be destroyed or otherwise disposed  
19 of according to law.

20 “(c) RESTITUTION.—When a person is convicted of  
21 an offense under section 506 or 1204 of title 17 or section  
22 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of  
23 this title, the court, pursuant to sections 3556, 3663A,  
24 and 3664 of this title, shall order the person to pay res-  
25 titution to any victim of the offense as an offense against

1 property referred to in section 3663A(c)(1)(A)(ii) of this  
2 title.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 113 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

“Sec. 2323. Forfeiture, destruction, and restitution.”.

7 **SEC. 307. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.**

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

10 **“SEC. 1834. CRIMINAL FORFEITURE.**

11 “Forfeiture, destruction, and restitution relating to  
12 this chapter shall be subject to section 2323, to the extent  
13 provided in that section, in addition to any other similar  
14 remedies provided by law.”.

15 **SEC. 308. TECHNICAL AND CONFORMING AMENDMENTS.**

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

18 (1) Section 109 (b)(4) of title 17, United States  
19 Code, is amended by striking “505, and 509” and  
20 inserting “and 505”.

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

23 (A) in subsection (b), by striking “and  
24 509”;

25 (B) in subsection (c)—

1 (i) in paragraph (2), by striking “and  
2 509”;

3 (ii) in paragraph (3), by striking “sec-  
4 tions 509 and 510” and inserting “section  
5 510”; and

6 (iii) in paragraph (4), by striking  
7 “and section 509”; and  
8 (C) in subsection (e)—

9 (i) in paragraph (1), by striking “sec-  
10 tions 509 and 510” and inserting “section  
11 510”; and

12 (ii) in paragraph (2), by striking “and  
13 509”.

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

16 (A) in paragraph (3)(G)(i), by striking  
17 “and 509”; and

18 (B) in paragraph (6), by striking “and  
19 509”.

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

22 (A) in paragraph (6), by striking “sections  
23 509 and 510” and inserting “section 510”;

24 (B) in paragraph (7)(A), by striking “and  
25 509”;

1 (C) in paragraph (8), by striking “and  
2 509”; and

3 (D) in paragraph (13), by striking “and  
4 509”.

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

7 (A) in subsection (d), by striking “and  
8 509”;

9 (B) in subsection (e), by striking “sections  
10 509 and 510” and inserting “section 510”; and

11 (C) in subsection (f)(1), by striking “and  
12 509”.

13 (6) Section 411(b) of title 17, United States  
14 Code, is amended by striking “sections 509 and  
15 510” and inserting “section 510”.

16 (b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of  
17 the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is  
18 amended by striking “or 509”.

1 **TITLE IV—COORDINATION AND**  
2 **STRATEGIC PLANNING OF**  
3 **FEDERAL EFFORT AGAINST**  
4 **COUNTERFEITING AND PI-**  
5 **RACY**

6 **SEC. 401. INTELLECTUAL PROPERTY ENFORCEMENT COOR-**  
7 **DINATOR.**

8 (a) INTELLECTUAL PROPERTY ENFORCEMENT CO-  
9 ORDINATOR.—The President shall appoint, by and with  
10 the advice and consent of the Senate, an Intellectual Prop-  
11 erty Enforcement Coordinator (in this title referred to as  
12 the “IPEC”) to serve within the Executive Office of the  
13 President. As an exercise of the rulemaking power of the  
14 Senate, any nomination of the IPEC submitted to the Sen-  
15 ate for confirmation, and referred to a committee, shall  
16 be referred to the Committee on the Judiciary.

17 (b) DUTIES OF IPEC.—

18 (1) IN GENERAL.—The IPEC shall—

19 (A) chair the interagency intellectual prop-  
20 erty enforcement advisory committee estab-  
21 lished under subsection (b)(3)(A);

22 (B) coordinate the development of the  
23 Joint Strategic Plan against counterfeiting and  
24 piracy by the advisory committee under section  
25 403;

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

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

7 (E) report to Congress, as provided in sec-  
8 tion 404, on the implementation of the Joint  
9 Strategic Plan, and make recommendations to  
10 Congress for improvements in Federal intellec-  
11 tual property enforcement efforts; and

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

14 (2) LIMITATION ON AUTHORITY.—The IPEC  
15 may not control or direct any law enforcement agen-  
16 cy in the exercise of its investigative or prosecutorial  
17 authority.

18 (3) ADVISORY COMMITTEE.—

19 (A) ESTABLISHMENT.—There is estab-  
20 lished an interagency intellectual property en-  
21 forcement advisory committee composed of the  
22 IPEC, who shall chair the committee, and Sen-  
23 ate-confirmed representatives of the following  
24 departments and agencies who are involved in  
25 intellectual property enforcement, and who are,

1 or are appointed by, the respective heads of  
2 those departments and agencies:

3 (i) The Office of Management and  
4 Budget.

5 (ii) The Department of Justice.

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

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

11 (v) The Department of State, the  
12 United States Agency for International  
13 Development, and the Bureau of Inter-  
14 national Narcotics Law Enforcement.

15 (vi) The Department of Homeland Se-  
16 curity, United States Customs and Border  
17 Protection, and United States Immigration  
18 and Customs Enforcement.

19 (vii) The Food and Drug Administra-  
20 tion of the Department of Health and  
21 Human Services.

22 (viii) The United States Copyright Of-  
23 fice.

24 (ix) Any such other agencies as the  
25 President determines to be substantially

1           involved in the efforts of the Federal Gov-  
2           ernment to combat counterfeiting and pi-  
3           racy.

4           (B) FUNCTIONS.—The advisory committee  
5           established under subparagraph (A) shall de-  
6           velop the Joint Strategic Plan against counter-  
7           feiting and piracy under section 403.

8           (c) COMPENSATION.—Section 5312 of title 5, United  
9           States Code, is amended by adding at the end the fol-  
10          lowing: “United States Intellectual Property Enforcement  
11          Coordinator.”.

12       **SEC. 402. DEFINITION.**

13          For purposes of this title, the term “intellectual prop-  
14          erty enforcement” means matters relating to the enforce-  
15          ment of laws protecting copyrights, patents, trademarks,  
16          other forms of intellectual property, and trade secrets,  
17          both in the United States and abroad, including in par-  
18          ticular matters relating to combating counterfeit and pi-  
19          rated goods.

20       **SEC. 403. JOINT STRATEGIC PLAN.**

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

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

3           (2) Identifying and addressing structural weak-  
4           nesses, systemic flaws, or other unjustified impedi-  
5           ments to effective enforcement action against the fi-  
6           nancing, production, trafficking, or sale of counter-  
7           feit or pirated goods.

8           (3) Ensuring that information is identified and  
9           shared among the relevant departments and agen-  
10          cies, to the extent permitted by law and consistent  
11          with law enforcement protocols for handling infor-  
12          mation, to aid in the objective of arresting and pros-  
13          ecuting individuals and entities that are knowingly  
14          involved in the financing, production, trafficking, or  
15          sale of counterfeit or pirated goods.

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

18          (5) Strengthening the capacity of other coun-  
19          tries to protect and enforce intellectual property  
20          rights, and reducing the number of countries that  
21          fail to enforce laws preventing the financing, produc-  
22          tion, trafficking, and sale of counterfeit and pirated  
23          goods.

24          (6) Working with other countries to establish  
25          international standards and policies for the effective

1 protection and enforcement of intellectual property  
2 rights.

3 (7) Protecting intellectual property rights over-  
4 seas by—

5 (A) working with other countries and ex-  
6 changing information with appropriate law en-  
7 forcement agencies in other countries relating  
8 to individuals and entities involved in the fi-  
9 nancing, production, trafficking, or sale of pi-  
10 rated or counterfeit goods;

11 (B) using the information described in sub-  
12 paragraph (A) to conduct enforcement activities  
13 in cooperation with appropriate law enforce-  
14 ment agencies in other countries; and

15 (C) building a formal process for con-  
16 sulting with companies, industry associations,  
17 labor unions, and other interested groups in  
18 other countries with respect to intellectual prop-  
19 erty enforcement.

20 (b) TIMING.—Not later than 12 months after the  
21 date of the enactment of this Act, and not later than De-  
22 cember 31 of every third year thereafter, the IPEC shall  
23 submit the joint strategic plan to the Committee on the  
24 Judiciary and the Committee on Appropriations of the  
25 Senate, and to the Committee on the Judiciary and the

1 Committee on Appropriations of the House of Representa-  
2 tives.

3 (c) RESPONSIBILITY OF THE IPEC.—During the de-  
4 velopment of the joint strategic plan, the IPEC—

5 (1) shall provide assistance to, and coordinate  
6 the meetings and efforts of, the appropriate officers  
7 and employees of departments and agencies rep-  
8 resented on the advisory committee appointed under  
9 section 401(b)(3) who are involved in intellectual  
10 property enforcement; and

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

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

19 (1) designate personnel with expertise and expe-  
20 rience in intellectual property enforcement matters  
21 to work with the IPEC and other members of the  
22 advisory committee; and

23 (2) share relevant department or agency infor-  
24 mation with the IPEC and other members of the ad-  
25 visory committee, including statistical information

1 on the enforcement activities of the department or  
2 agency against counterfeiting or piracy, and plans  
3 for addressing the joint strategic plan.

4 (c) CONTENTS OF THE JOINT STRATEGIC PLAN.—

5 Each joint strategic plan shall include the following:

6 (1) A detailed description of the priorities iden-  
7 tified for carrying out the objectives in the joint  
8 strategic plan, including activities of the Federal  
9 Government relating to intellectual property enforce-  
10 ment.

11 (2) A detailed description of the means and  
12 methods to be employed to achieve the priorities, in-  
13 cluding the means and methods for improving the  
14 efficiency and effectiveness of the Federal Govern-  
15 ment's enforcement efforts against counterfeiting  
16 and piracy.

17 (3) Estimates of the resources necessary to ful-  
18 fill the priorities identified under paragraph (1).

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

22 (5) An analysis of the threat posed by violations  
23 of intellectual property rights, including the costs to  
24 the economy of the United States resulting from vio-  
25 lations of intellectual property laws, and the threats

1 to public health and safety created by counterfeiting  
2 and piracy.

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

6 (7) A strategy for ensuring coordination be-  
7 tween the IPEC and the departments and agencies  
8 identified under paragraph (6), including a process  
9 for oversight by the executive branch of, and ac-  
10 countability among, the departments and agencies  
11 responsible for carrying out the strategy.

12 (8) Such other information as is necessary to  
13 convey the costs imposed on the United States econ-  
14 omy by, and the threats to public health and safety  
15 created by, counterfeiting and piracy, and those  
16 steps that the Federal Government intends to take  
17 over the period covered by the succeeding joint stra-  
18 tegic plan to reduce those costs and counter those  
19 threats.

20 (f) ENHANCING ENFORCEMENT EFFORTS OF FOR-  
21 EIGN GOVERNMENTS.—The joint strategic plan shall in-  
22 clude programs to provide training and technical assist-  
23 ance to foreign governments for the purpose of enhancing  
24 the efforts of such governments to enforce laws against

1 counterfeiting and piracy. With respect to such programs,  
2 the joint strategic plan shall—

3 (1) seek to enhance the efficiency and consist-  
4 ency with which Federal resources are expended,  
5 and seek to minimize duplication, overlap, or incon-  
6 sistency of efforts;

7 (2) identify and give priority to those countries  
8 where programs of training and technical assistance  
9 can be carried out most effectively and with the  
10 greatest benefit to reducing counterfeit and pirated  
11 products in the United States market, to protecting  
12 the intellectual property rights of United States per-  
13 sons and their licensees, and to protecting the inter-  
14 ests of United States persons otherwise harmed by  
15 violations of intellectual property rights in those  
16 countries;

17 (3) in identifying the priorities under paragraph  
18 (2), be guided by the list of countries identified by  
19 the United States Trade Representative under sec-  
20 tion 182(a) of the Trade Act of 1974 (19 U.S.C.  
21 2242(a)); and

22 (4) develop metrics to measure the effectiveness  
23 of the Federal Government's efforts to improve the  
24 laws and enforcement practices of foreign govern-  
25 ments against counterfeiting and piracy.

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

6 **SEC. 404. REPORTING.**

7 (a) ANNUAL REPORT.—Not later than December 31  
8 of each calendar year beginning in 2009, the IPEC shall  
9 submit a report on the activities of the advisory committee  
10 during the preceding fiscal year. The annual report shall  
11 be submitted to Congress, and disseminated to the people  
12 of the United States, in the manner specified in sub-  
13 sections (b) and (g) of section 403.

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

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

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

23 (3) The progress made in working with foreign  
24 countries to investigate, arrest, and prosecute enti-  
25 ties and individuals involved in the financing, pro-

1       duction, trafficking, and sale of counterfeit and pi-  
2       rated goods.

3           (4) The manner in which the relevant depart-  
4       ments and agencies are working together and shar-  
5       ing information to strengthen intellectual property  
6       enforcement.

7           (5) An assessment of the successes and short-  
8       comings of the efforts of the Federal Government,  
9       including departments and agencies represented on  
10      the committee established under section 401(b)(3).

11          (6) Recommendations for any changes in en-  
12      forcement statutes, regulations, or funding levels  
13      that the advisory committee considers would signifi-  
14      cantly improve the effectiveness or efficiency of the  
15      effort of the Federal Government to combat counter-  
16      feiting and piracy and otherwise strengthen intellec-  
17      tual property enforcement, including through the  
18      elimination or consolidation of duplicative programs  
19      or initiatives.

20          (7) The progress made in strengthening the ca-  
21      pacity of countries to protect and enforce intellectual  
22      property rights.

23          (8) The successes and challenges in sharing  
24      with other countries information relating to intellec-  
25      tual property enforcement.

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

4 **SEC. 405. SAVINGS AND REPEALS.**

5           (a) **REPEAL OF COORDINATION COUNCIL.**—Section  
6 653 of the Treasury and General Government Appropria-  
7 tions Act, 2000 (15 U.S.C. 1128) is repealed.

8           (b) **CURRENT AUTHORITIES NOT AFFECTED.**—Ex-  
9 cept as provided in subsection (a), nothing in this title  
10 shall alter the authority of any department or agency of  
11 the United States (including any independent agency) that  
12 relates to—

13           (1) the investigation and prosecution of viola-  
14 tions of laws that protect intellectual property  
15 rights;

16           (2) the administrative enforcement, at the bor-  
17 ders of the United States, of laws that protect intel-  
18 lectual property rights; or

19           (3) the United States trade agreements pro-  
20 gram or international trade.

21           (c) **REGISTER OF COPYRIGHTS.**—Nothing in this title  
22 shall derogate from the duties and functions of the Reg-  
23 ister of Copyrights.

1 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) **IN GENERAL.**—There are authorized to be appro-  
3 priated for each fiscal year such sums as may be necessary  
4 to carry out this title.

5 **TITLE V—DEPARTMENT OF**  
6 **JUSTICE PROGRAMS**

7 **SEC. 501. LOCAL LAW ENFORCEMENT GRANTS.**

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

10 (1) in subsection (b), by inserting after “com-  
11 puter crime” each place it appears the following: “,  
12 including infringement of copyrighted works over the  
13 Internet”; and

14 (2) in subsection (e)(1), relating to authoriza-  
15 tion of appropriations, by striking “fiscal years 2001  
16 through 2004” and inserting “fiscal years 2009  
17 through 2013”.

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

1           (1) USE OF IP-TIC GRANT AMOUNTS.—IP-TIC  
2 grants may be used to establish and develop pro-  
3 grams to do the following with respect to the en-  
4 forcement of State and local true name and address  
5 laws and State and local criminal laws on anti-pi-  
6 racy, anti-counterfeiting, and unlawful acts with re-  
7 spect to goods by reason of their protection by a pat-  
8 ent, trademark, service mark, trade secret, or other  
9 intellectual property right under State or Federal  
10 law:

11           (A) Assist State and local law enforcement  
12 agencies in enforcing those laws, including by  
13 reimbursing State and local entities for ex-  
14 penses incurred in performing enforcement op-  
15 erations, such as overtime payments and stor-  
16 age fees for seized evidence.

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

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

1           (D) Establish task forces that include per-  
2           sonnel from State or local law enforcement enti-  
3           ties, or both, exclusively to conduct investiga-  
4           tions and forensic analyses of evidence and  
5           prosecutions in matters involving those laws.

6           (E) Assist State and local law enforcement  
7           officers and prosecutors in acquiring computer  
8           and other equipment to conduct investigations  
9           and forensic analyses of evidence in matters in-  
10          volving those laws.

11          (F) Facilitate and promote the sharing,  
12          with State and local law enforcement officers  
13          and prosecutors, of the expertise and informa-  
14          tion of Federal law enforcement agencies about  
15          the investigation, analysis, and prosecution of  
16          matters involving those laws and criminal in-  
17          fringement of copyrighted works, including the  
18          use of multijurisdictional task forces.

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

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

1 (B) an assessment of the resource needs of  
2 the State or local government entity applying  
3 for the grant, including information on the need  
4 for reimbursements of base salaries and over-  
5 time costs, storage fees, and other expenditures  
6 to improve the investigation, prevention, or en-  
7 forcement of laws described in paragraph (1);  
8 and

9 (C) a plan for coordinating the programs  
10 funded under this section with other federally  
11 funded technical assistance and training pro-  
12 grams, including directly funded local programs  
13 such as the Edward Byrne Memorial Justice  
14 Assistance Grant Program authorized by sub-  
15 part 1 of part E of title I of the Omnibus  
16 Crime Control and Safe Streets Act of 1968  
17 (42 U.S.C. 3750 et seq.).

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

23 (4) AUTHORIZATION OF APPROPRIATIONS.—

24 (A) AUTHORIZATION.—There is authorized  
25 to be appropriated to carry out this subsection

1 the sum of \$25,000,000 for each of fiscal years  
2 2009 through 2013.

3 (B) LIMITATION.—Of the amount made  
4 available to carry out this subsection in any fis-  
5 cal year, not more than 3 percent may be used  
6 by the Attorney General for salaries and admin-  
7 istrative expenses.

8 **SEC. 502. IMPROVED INVESTIGATIVE AND FORENSIC RE-**  
9 **SOURCES FOR ENFORCEMENT OF LAWS RE-**  
10 **LATED TO INTELLECTUAL PROPERTY**  
11 **CRIMES.**

12 (a) IN GENERAL.—Subject to the availability of ap-  
13 propriations to carry out this subsection, the Attorney  
14 General, in consultation with the Director of the Federal  
15 Bureau of Investigation, shall, with respect to crimes re-  
16 lated to the theft of intellectual property—

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

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

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

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

5 (2) ensure that any unit in the Department of  
6 Justice responsible for investigating computer hack-  
7 ing or intellectual property crimes is assigned at  
8 least 2 agents of the Federal Bureau of Investiga-  
9 tion (in addition to any agent assigned to such unit  
10 as of the date of the enactment of this Act) to sup-  
11 port such unit for the purpose of investigating or  
12 prosecuting intellectual property crimes; and

13 (3) implement a comprehensive program—

14 (A) the purpose of which is to train agents  
15 of the Federal Bureau of Investigation in the  
16 investigation and prosecution of such crimes  
17 and the enforcement of laws related to intellec-  
18 tual property crimes;

19 (B) that includes relevant forensic training  
20 related to investigating and prosecuting intellec-  
21 tual property crimes; and

22 (C) that requires such agents who inves-  
23 tigate or prosecute intellectual property crimes  
24 to attend the program annually.

1           (b) ORGANIZED CRIME TASK FORCE.—Subject to the  
2 availability of appropriations to carry out this subsection,  
3 and not later than 120 days after the date of the enact-  
4 ment of this Act, the Attorney General, through the  
5 United States Attorneys' Offices, the Computer Crime and  
6 Intellectual Property section, and the Organized Crime  
7 and Racketeering section of the Department of Justice,  
8 and in consultation with the Federal Bureau of Investiga-  
9 tion and other Federal law enforcement agencies, shall  
10 create a Task Force to develop and implement a com-  
11 prehensive, long-range plan to investigate and prosecute  
12 international organized crime syndicates engaging in or  
13 supporting crimes relating to the theft of intellectual prop-  
14 erty.

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

18 **SEC. 503. ADDITIONAL FUNDING FOR RESOURCES TO IN-**  
19 **VESTIGATE AND PROSECUTE CRIMINAL AC-**  
20 **TIVITY INVOLVING COMPUTERS.**

21           (a) ADDITIONAL FUNDING FOR RESOURCES.—

22           (1) AUTHORIZATION.—In addition to amounts  
23 otherwise authorized for resources to investigate and  
24 prosecute criminal activity involving computers,

1 there are authorized to be appropriated for each of  
2 the fiscal years 2009 through 2013—

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

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

8 (2) AVAILABILITY.—Any amounts appropriated  
9 under paragraph (1) shall remain available until ex-  
10 pended.

11 (b) USE OF ADDITIONAL FUNDING.—Funds made  
12 available under subsection (a) shall be used by the Direc-  
13 tor of the Federal Bureau of Investigation and the Attor-  
14 ney General, for the Federal Bureau of Investigation and  
15 the Criminal Division of the Department of Justice, re-  
16 spectively, to—

17 (1) hire and train law enforcement officers to—

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

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

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

1 **SEC. 504. INTERNATIONAL INTELLECTUAL PROPERTY LAW**  
2 **ENFORCEMENT COORDINATORS.**

3 (a) DEPLOYMENT OF ADDITIONAL COORDINA-  
4 TORS.—Subject to the availability of appropriations to  
5 carry out this section, the Attorney General shall, within  
6 180 days after the date of the enactment of this Act, de-  
7 ploy 5 Intellectual Property Law Enforcement Coordina-  
8 tors, in addition to those serving in such capacity on such  
9 date of enactment. Such deployments shall be made to  
10 those countries and regions where the activities of such  
11 a coordinator can be carried out most effectively and with  
12 the greatest benefit to reducing counterfeit and pirated  
13 products in the United States market, to protecting the  
14 intellectual property rights of United States persons and  
15 their licensees, and to protecting the interests of United  
16 States persons otherwise harmed by violations of intellec-  
17 tual property rights in those countries. The mission of all  
18 International Intellectual Property Law Enforcement Co-  
19 ordinators shall include the following:

20 (1) Acting as liaison with foreign law enforce-  
21 ment agencies and other foreign officials in criminal  
22 matters involving intellectual property rights.

23 (2) Performing outreach and training to build  
24 the enforcement capacity of foreign governments  
25 against intellectual property-related crime in the re-  
26 gions in which the coordinators serve.

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

4           (b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
5           are authorized to be appropriated for each fiscal year such  
6           sums as may be necessary for the deployment and support  
7           of all International Intellectual Property Enforcement Co-  
8           ordinators of the Department of Justice, including those  
9           deployed under subsection (a).

10 **SEC. 505. ANNUAL REPORTS.**

11           Not later than 1 year after the date of the enactment  
12           of this Act, and annually thereafter, the Attorney General  
13           shall submit to the Committees on the Judiciary of the  
14           Senate and the House of Representatives a report on ac-  
15           tions taken to carry out this title.

16 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

17           There are authorized to be appropriated for each fis-  
18           cal year such sums as may be necessary to carry out this  
19           title.

○

## **DOCUMENT NO. 3**



Calendar No. 964

110TH CONGRESS  
2D SESSION

**S. 3325**

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**A BILL**

To enhance remedies for violations of intellectual property laws, and for other purposes.

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SEPTEMBER 15, 2008

Reported with amendments

