

109TH CONGRESS  
2D SESSION

# H. R. 5249

To amend the Foreign Assistance Act of 1961 to require recipients of United States foreign assistance to certify that the assistance will not be used to intentionally traffic in goods or services that contain counterfeit marks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. TERRY (for himself, Mr. CROWLEY, Ms. HARRIS, Mr. FEENEY, Mr. HOLT, Mr. OSBORNE, Mr. FORTENBERRY, Mr. ROGERS of Michigan, Mr. WALDEN of Oregon, Mr. GREEN of Wisconsin, Mr. DAVIS of Illinois, Mr. MANZULLO, Mr. MEEKS of New York, Mr. PENCE, Mr. MCCOTTER, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the Foreign Assistance Act of 1961 to require recipients of United States foreign assistance to certify that the assistance will not be used to intentionally traffic in goods or services that contain counterfeit marks, 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,*

1 **SECTION 1. CERTIFICATION REQUIREMENT RELATING TO**  
2 **TRAFFICKING IN GOODS OR SERVICES THAT**  
3 **CONTAIN COUNTERFEIT MARKS.**

4 (a) AMENDMENTS.—Chapter 1 of part III of the For-  
5 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is  
6 amended—

7 (1) by redesignating the second section 620G  
8 (as added by section 149 of Public Law 104–164  
9 (110 Stat. 1436)) as section 620J; and

10 (2) by adding at the end the following new sec-  
11 tion:

12 **“SEC. 620K. CERTIFICATION REQUIREMENT RELATING TO**  
13 **TRAFFICKING IN GOODS OR SERVICES THAT**  
14 **CONTAIN COUNTERFEIT MARKS.**

15 “(a) BILATERAL ASSISTANCE.—Assistance to a non-  
16 governmental organization may be provided under this Act  
17 or any other Act for a fiscal year only if the nongovern-  
18 mental organization and each subrecipient of the assist-  
19 ance first submits to the Government of the United States  
20 a certification described in subsection (c).

21 “(b) MULTILATERAL ASSISTANCE.—Voluntary and  
22 assessed contributions to an international organization  
23 may be provided under this Act or any other Act for a  
24 fiscal year only if the international organization and each  
25 subrecipient first submits to the Government of the United  
26 States a certification described in subsection (c).

1       “(c) CERTIFICATION.—A certification described in  
2 this subsection is a certification that the assistance de-  
3 scribed in subsection (a) or voluntary or assessed contribu-  
4 tions described in subsection (b), as the case may be—

5               “(1) will not be used to intentionally traffic in  
6 goods or services that contain counterfeit marks;  
7 and

8               “(2) will not be used to provide goods or serv-  
9 ices that are unauthorized by the owner or holder of  
10 the intellectual property rights (including trade-  
11 marks, copyrights, and trade secrets) in such goods  
12 or services.

13       “(d) SUSPENSION AND TERMINATION OF ASSIST-  
14 ANCE.—The President shall suspend or terminate—

15               “(1) assistance described in subsection (a) with  
16 respect to a nongovernmental organization or sub-  
17 recipient, or

18               “(2) voluntary or assessed contributions de-  
19 scribed in subsection (b) with respect to an inter-  
20 national organization or subrecipient,

21 in whole or in part if the President determines that any  
22 activity has occurred in violation of a certification made  
23 under subsection (c) with respect to which the assistance  
24 or voluntary or assessed contributions, as the case may  
25 be, relates.

1       “(e) DEFINITION.—In this section, the terms ‘coun-  
2   terfeit mark’ and ‘traffic’ have the meanings given those  
3   terms in section 2320 of title 18, United States Code.”.

4       (b) EFFECTIVE DATE.—The certification require-  
5   ments under section 620K of the Foreign Assistance Act  
6   of 1961 (as added by subsection (a) of this section) apply  
7   with respect to the provision of assistance to nongovern-  
8   mental organizations and voluntary and assessed contribu-  
9   tions to international organizations for fiscal year 2007  
10   and subsequent fiscal years.

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