

109TH CONGRESS
1ST SESSION

S. 1095

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2005

Referred to the Committee on the Judiciary

AN ACT

To amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

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. TRAFFICKING DEFINED.**

2 (a) COUNTERFEIT GOODS OR SERVICES.—Section
3 2320(e) of title 18, United States Code, is amended—

4 (1) by striking paragraph (2) and inserting the
5 following:

6 “(2) the term ‘traffic’ means to transport,
7 transfer, or otherwise dispose of, to another, for pur-
8 poses of commercial advantage or private financial
9 gain, or to make, import, export, obtain control of,
10 or possess, with intent to so transport, transfer, or
11 otherwise dispose of;” and

12 (2) by redesignating paragraph (3) as para-
13 graph (4) and inserting the following:

14 “(3) the term ‘financial gain’ includes the re-
15 ceipt, or expected receipt, of anything of value;
16 and”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) SOUND RECORDINGS AND MUSIC VIDEOS OF
19 LIVE MUSICAL PERFORMANCES.—Section 2319A(e)
20 of title 18, United States Code, is amended by strik-
21 ing paragraph (2) and inserting the following:

22 “(2) the term ‘traffic’ has the same meaning as
23 in section 2320(e) of this title.”.

24 (2) COUNTERFEIT LABELS FOR
25 PHONORECORDS, COMPUTER PROGRAMS, ETC.—Sec-
26 tion 2318(b) of title 18, United States Code, is

1 amended by striking paragraph (2) and inserting the
2 following:

3 “(2) the term ‘traffic’ has the same meaning as
4 in section 2320(e) of this title;”.

5 (3) ANTI-BOOTLEGGING.—Section 1101 of title
6 17, United States Code, is amended by striking sub-
7 section (b) and inserting the following:

8 “(b) DEFINITION.—As used in this section, the term
9 ‘traffic’ has the same meaning as in section 2320(e) of
10 title 18, United States Code.”.

Passed the Senate November 10, 2005.

Attest: EMILY J. REYNOLDS,
 Secretary.