

Buchanan	Hobson	Pickering
Burgess	Hoekstra	Pitts
Buyer	Hunter	Platts
Calvert	Inglis (SC)	Poe
Camp (MI)	Issa	Porter
Cannon	Johnson (IL)	Price (GA)
Cantor	Johnson, Sam	Putnam
Capito	Jordan	Ramstad
Carter	Keller	Regula
Castle	King (IA)	Rehberg
Chabot	King (NY)	Reichert
Coble	Kingston	Renzi
Cole (OK)	Kirk	Rogers (KY)
Conaway	Kline (MN)	Rogers (MI)
Crenshaw	Knollenberg	Rohrabacher
Cubin	Kuhl (NY)	Ros-Lehtinen
Culberson	LaHood	Roskam
Davis (KY)	Lamborn	Royce
Davis, David	Latham	Ryan (WI)
Davis, Tom	LaTourette	Sali
Dent	Latta	Saxton
Diaz-Balart, L.	Lewis (CA)	Sensenbrenner
Diaz-Balart, M.	Lewis (KY)	Sessions
Doolittle	Linder	Shadegg
Drake	LoBiondo	Shays
Dreier	Lucas	Shimkus
Duncan	Lungren, Daniel	Shuster
Ehlers	E.	Simpson
Emerson	Mack	Smith (NE)
English (PA)	Manzullo	Smith (NJ)
Everett	Marchant	Smith (TX)
Fallin	McCarthy (CA)	Souder
Ferguson	McCaull (TX)	Stearns
Flake	McCotter	Sullivan
Forbes	McCrery	Tancredo
Fortenberry	McHugh	Terry
Fossella	McKeon	Thornberry
Fox	McMorris	Tiberi
Franks (AZ)	Rodgers	Turner
Frelinghuysen	Mica	Upton
Garrett (NJ)	Miller (FL)	Walberg
Gerlach	Miller (MI)	Walden (OR)
Gilchrest	Miller, Gary	Walsh (NY)
Gingrey	Moran (KS)	Weldon (FL)
Gohmert	Murphy, Tim	Weller
Goode	Musgrave	Westmoreland
Goodlatte	Myrick	Wilson (NM)
Granger	Neugebauer	Wilson (SC)
Graves	Nunes	Wittman (VA)
Hall (TX)	Paul	Wolf
Hastings (WA)	Pearce	Young (AK)
Hayes	Pence	Young (FL)
Hensarling	Petri	

NOT VOTING—53

Andrews	Gonzalez	Peterson (PA)
Arcuri	Heller	Pryce (OH)
Berman	Herger	Radanovich
Berry	Hinojosa	Reynolds
Blackburn	Hodes	Richardson
Boren	Hulshof	Rogers (AL)
Boustany	Jones (NC)	Rush
Burton (IN)	Jones (OH)	Ryan (OH)
Butterfield	Kaptur	Sánchez, Linda
Campbell (CA)	Kennedy	T.
Carson	Larson (CT)	Sarbanes
Chandler	Marshall	Schmidt
Cooper	McHenry	Solis
Cramer	Meek (FL)	Speier
Deal (GA)	Michaud	Tiahrt
Doyle	Mollohan	Wamp
Feeney	Murtha	Wu
Galleghy	Oberstar	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

□ 1344

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. CANTOR. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Cantor moves the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL NURSES WEEK

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1086) recognizing National Nurses Week on May 6 through May 12, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1086

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high-quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated over 2,500,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projection of over 1,000,000 new and replacement nurses needed by 2016;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1086 recognizing today, May 6, through May 12 as National Nurses Week. As a cosponsor of this resolution, I am proud to lend my voice in support of our Nation's nurses.

Continuing in the illustrious tradition of Florence Nightingale, the founder of modern nursing, nurses today continue to attend to our Armed Forces overseas. These brave men and women place themselves at risk in war zones, including the conflicts in Afghanistan and Iraq, to tend to our injured soldiers. Besides tending to the wounded abroad, nurses are also on the front lines of our health care system here at home. Whether their primary function is to care for our aging population or to provide immediate aid to the sick and injured, our nurses provide quality patient care and support to keep our health care system running.

As the Nation continues to face a nursing shortage, with a projected 1 million new nurses needed by 2016, it is especially important that everyone is aware of the sacrifices nurses make on a daily basis for our country. We must continue to encourage more young people and those seeking a change in career to join the nursing profession.

The resolution before us encourages all Americans to observe this week as National Nurses Week by showing appropriate recognition to nurses and creating programs and activities during the week to demonstrate the importance of nurses.

I would like to thank my colleagues and former nurses, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman CAROLYN MCCARTHY, and Congresswoman LOIS CAPPS, for their leadership on this measure. Again, I reiterate, they are former nurses, although I don't know if you are ever a former nurse. I urge my colleagues on both sides of the aisle to join me in support of the resolution and its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

I rise today in support of House Resolution 1086, acknowledging May 6 through May 12, 2008, as National Nurses Week. In addition to kicking off National Nurses Week today, we are also celebrating the comforts and care that nurses provide by recognizing May 6 as National Nurses Day. This tradition started in 1982 when President Ronald Reagan signed a proclamation making today National Recognition Day for Nurses.

This is a week to recognize nurses as being the largest single component of the health care profession with over 2.5 million registered nurses in the United States and the critical role they play in providing care to not only the citizens of America but are also serving our Nation in both Iraq and Afghanistan. In addition to the immediate care they provide to patients, they also have helped to educate, inform and improve education and retention of nurses.

I would like to thank the author of this resolution, Ms. EDDIE BERNICE JOHNSON of Texas, for her leadership in honoring nurses that have helped promote health, prevent disease and help other Americans cope with illness. I encourage all of my colleagues to vote in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 5 minutes to my good friend and colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON, who literally I have served with since 1973 with just a little break in the service.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank my colleague and friend of longstanding. I want to also thank the minority side for their assistance, and both Chairman DINGELL and Ranking Member BARTON.

As a registered nurse with a master's degree, it is a privilege and a delight to offer a resolution recognizing National Nurses Week which is May 6 through 12. I have two outstanding colleagues that we have found to have something in common, Congresswoman LOIS CAPPS and Congresswoman CAROLYN MCCARTHY, who are also nurses and champions of this resolution and of the profession, and I thank them for their efforts to encourage more than 110 congressional colleagues to cosponsor this bill honoring nurses.

The Congressional Nursing Caucus was also helpful in promoting the legis-

lation, and I appreciate Members' efforts to rally support for H. Res. 1086.

Nurses are a key component of our Nation's health care system. Whether on the battlefield or at sea, in a skilled nursing facility, in a hospital or even in a patient's own home, the care that a nurse provides is very valuable. Nurses are intelligent individuals who must often make quick decisions in an effort to save the life of a patient, even before the physician arrives. Nurses are recognized as the patient's primary advocate and every poll shows that nurses are always very trusted by the patients. They are tasked with closely monitoring even small changes in a patient's health. Nurses are tough, directed, decision-making people who work under stress and in difficult situations.

For 15 years I provided hands-on patient care as a psychiatric nurse at the Veterans Administration Hospital in Dallas. The work was challenging but fulfilling. That's why I still remain very interested in quality care for all of our veterans. Although more than 2.5 million nurses work in the United States, our Nation has suffered from a nursing shortage. Those currently in the profession are beginning to retire. There are fewer individuals entering the profession. The nursing shortage is unprecedented in its depth and duration, with a projection of over 1 million new and replacement nurses needed by 2016.

Nursing schools need help attracting well-prepared faculty to recruit the best and brightest into their educational programs. Loan forgiveness and educational incentive programs can help, but Congress must do more to encourage bright young minds toward nursing.

Nursing is a career that has been valued for a long time, and it is fitting to recognize the Navy Nurse Corps on its 100th anniversary this year. For nearly 100 years before Congress formally established the Navy Nurse Corps in 1908, women worked as nurses aboard Navy ships and in Navy hospitals. As early as the War of 1812, volunteers performed nursing duty in places that were often dangerous and required courage in the face of adversity. Members of the esteemed Navy Nurse Corps care for those brave men and women who fight for our freedoms. They contribute to relief efforts in all corners of the globe. They serve in lead roles as part of a unified health care team. The Navy Nurse Corps practices progressive patient care. It enjoys a rich heritage, accompanied by high-tech training. A registered nurse in the Navy is also a respected officer, serving in modern facilities at home, at sea, around the country and across the globe.

I am proud to especially recognize the Navy Nurse Corps for its centuries of outstanding service for our military men and women.

Today's resolution honors the good work that all nurses do.

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week as founded by the American Nurses Association; and

(3) encourages the people of this Nation to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Along with my many supportive colleagues, I want to thank the House leadership for bringing this important resolution to the floor. I urge its support.

Mr. TERRY. Madam Speaker, I would like to yield 2 minutes to one of our physicians in the House of Representatives, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise today in strong support of House Resolution 1086, recognizing National Nurses Week, which is May 6 through May 12 of this year. I am proud to be a cosponsor of this bill. I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON)—Nurse JOHNSON—for advancing this legislation to help educate the American people about the critical role that nurses play in health care delivery.

With May 12 being the birthday of Florence Nightingale, the founder of modern nursing, there is not a more appropriate time to celebrate the work done by nurses. As an OB-GYN physician for almost 30 years, I was fortunate to work with intelligent, hard-working, compassionate nurses, and they were indeed a cornerstone of the high quality health care we provided.

Madam Speaker, nurses are on the front lines of health care delivery not only here at home but also in Iraq and Afghanistan. Therefore, because we are relying on our nurses so heavily and because we currently are experiencing a shortage of nurses, it is critical to support nurse training programs. That is why I recently joined with a number of my colleagues in supporting title VIII funding to provide loans and grants to our Nation's nursing students.

I urge all my colleagues to support the goals of National Nurses Week.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 3 minutes to a colleague on the Energy and Commerce Committee and a good friend, Congresswoman LOIS CAPPS, and also a nurse.

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in support of House Resolution 1086 and in support of National Nurses Week. I commend my friend and fellow nurse, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this resolution. As we observe National Nurses Week, I hope we can work together to raise awareness about important issues facing our nursing community and the important impact that nurses make to

the lives of patients and their role in the arena of public health. This is central to our delivery of health care.

□ 1400

We know that nurses advocate for their patients and provide personal care at the bedside. Often, it is life-saving care. They are also community educators, primary care providers, and they serve in our military so often putting themselves in harm's way to carry out their duties.

But we are facing a terrible shortage of nurses. We are jeopardizing our ability to provide the best quality care which each individual and each family deserves in this country of ours. As a registered nurse currently serving in Congress, I feel it is my duty to advocate not only on behalf of my patients, but also on behalf of my fellow nurses.

I am co-Chair of our House Nursing Caucus, and I was honored to be joined by 155 of our colleagues in a letter to the Appropriations Committee requesting additional funding for nurse education programs. These programs have trained thousands of nurses, but we are in desperate need of so many more. And the very fact that we are funding title VIII nurse education at the same exact amount that we did over 30 years ago is, quite frankly, inexcusable.

In addition, nurses face difficult conditions in the workplace such as mandatory overtime, unsafe staffing numbers, hazardous lifting, and other workplace settings. These conditions are directly contributing to our inability to retain many qualified nurses in the hospital setting. As our Baby Boomers retire and our demand for nurses soars, let us use this week as an opportunity to reinforce our commitment to our current and our future nurses and thereby to a safer and healthier Nation.

Mr. TERRY. I continue to reserve. I have no further speakers.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague from New York, CAROLYN MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to thank LOIS CAPPS and EDDIE BERNICE JOHNSON for bringing this forward on H. Res. 1086, recognizing National Nurses Week.

I have spent over 30 years as a nurse, and it was mentioned earlier, someone said, Once a nurse. Well, let me say, Once a nurse, always a nurse. We carry our duties even here to the House of Representatives.

I sit on the Education Committee, and what I have been working on since I came here was making sure that our nurses get every opportunity to increase our numbers. As has been mentioned before by both of my colleagues, the nursing shortage in this country is of a crisis proportion. We see that our nurses today are a lot older; they're at the retirement age, and we must do everything that we can to make sure that we have our young people coming into a very, very rewarding career. Nursing can be demanding, it can be tiring, it

can be physically draining; but it couldn't be a better career.

When I first joined nursing over 30 years ago, I worked in the intensive care unit, and I spent most of my life there and just to be able to help a patient in their greatest need but also to work with their families to comfort them as they saw their loved one going through a traumatic injury.

We need to make sure that this country has a supply of nurses continuously. We have many young people that want to go to nursing school, but what we have found over the years is we don't have enough professors to be able to teach them to be nurses. So in the Higher Education Act, there is going to be funding in there to make sure that those that want to go into a higher education to be able to teach nursing, it can work out for us.

When we look at the future, we're seeing today in our hospitals such a shortage of nurses that a lot of the nurses are doing a lot of overtime. When they take a day off, they're always called to come back in. That is not acceptable, mainly because you have to be totally alert at all times. And I certainly tip my hat to my fellow nurses that go through this every single day.

They stay in the profession because they love the profession. They stay in the profession because it is a calling. Not everyone can be a nurse. It is a calling. I salute those men and women that go into nursing, and I also salute the women and men that are fighting in Iraq and Afghanistan and taking their nursing care to the soldiers and giving them comfort when they need it. There is no greater, in my opinion, profession than to be a nurse.

With that being said, I hope my colleagues will support H. Res. 1086 and recognize National Nurses Week.

Mr. TERRY. May I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Nebraska has 17 minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. TERRY. We have no further speakers. I continue to reserve.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to our fellow Energy and Commerce member, Congressman TOWNS from New York.

Mr. TOWNS. Mr. Speaker, first of all, I rise to support my colleague for bringing this resolution forward. I want to congratulate him on that.

I rise today in support of H. Res. 1086, recognizing National Nurses Week on May 6 through May 12. As a cosponsor of this resolution, I'm proud to speak out in honor of our valiant, committed nurses who make our Nation and our loved ones safe and well. I pay special tribute to my esteemed colleagues in Congress who introduced this resolution and who are, themselves, nurses: The Honorable EDDIE BERNICE JOHNSON of Texas, the Honorable LOIS CAPPS of California, and the Honorable CAROLYN

MCCARTHY of my home State, New York.

Additionally, I want to pay special tribute to the nurses who are serving in Iraq and Afghanistan and the nurses who generally attend to those who suffer wounds from those conflicts.

Along with other health care professionals, a nurse is responsible for the treatment, safety, and recovery of acutely or chronically ill people. They also help to maintain a patient's health and provide treatment to those who are facing life-threatening emergencies like 9/11 and Hurricane Katrina. Nurses are also involved in medical and nursing research and provide a wide range of nonclinical functions.

Today, there are 2.4 million registered nurses in the United States; 92 percent of the registered nurses are women. There are 531,000 licensed vocational nurses; 1.8 million is the number of nursing psychiatric and home health aides. We cannot do without them.

I greatly commend the American Nurses Association and the American Academy of Nurse Practitioners, and all of the nursing associations and academic institutions who train nurses and promote the advancement of the profession. I look forward to working with members of the associations, academia, and others in making certain that we continue to increase the amount of nurses.

In closing, I wish to thank my colleagues again, Congresswoman JOHNSON, Congresswoman CAPPS, and Congresswoman MCCARTHY for their leadership on this issue, and I urge my colleagues to join me in supporting this resolution. And I want to thank very much my colleague from Texas (Mr. GREEN) and, of course, others who have been involved in this resolution.

Mr. TERRY. Mr. Speaker, in our closing, let me once again reiterate our appreciation to the authors of this bill, Ms. JOHNSON from Texas, Mrs. LOIS CAPPS from California, and Mrs. MCCARTHY from New York; and, once again, encourage our side of the aisle to vote "yes" on this measure.

We have no further requests for time.

Mr. Speaker, I yield back all of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, in closing, I join my colleague from Nebraska in encouraging all of our Members to support this resolution in recognition of National Nurses Week.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that

a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4279) to enhance remedies for violations of intellectual property laws, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4279

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 "Prioritizing Resources and Organization for Intellectual Property 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—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

- Sec. 101. Registration of claim.
- Sec. 102. Registration and infringement actions.
- Sec. 103. Civil remedies for infringement.
- Sec. 104. Treble damages in counterfeiting cases.
- Sec. 105. Statutory damages in counterfeiting cases.
- Sec. 106. Exportation of goods bearing infringing marks.
- Sec. 107. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

- Sec. 201. Criminal infringement of a copyright.
- Sec. 202. Harmonization of forfeiture procedures for intellectual property offenses.
- Sec. 203. Directive to United States Sentencing Commission.
- Sec. 204. Trafficking in counterfeit goods or services.

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

Subtitle A—Office of the United States Intellectual Property Enforcement Representative

- Sec. 301. Office of the United States Intellectual Property Enforcement Representative.
- Sec. 302. Definition.

Subtitle B—Joint Strategic Plan

- Sec. 321. Joint Strategic Plan.
- Sec. 322. Reporting.
- Sec. 323. Savings and repeals.
- Sec. 324. Authorization of appropriations.

TITLE IV—INTERNATIONAL ENFORCEMENT AND COORDINATION

- Sec. 401. Intellectual property attachés.
- Sec. 402. Duties and responsibilities of intellectual property attachés.
- Sec. 403. Training and designation of assignment.

Sec. 404. Coordination.

Sec. 405. Authorization of appropriations.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Subtitle A—Coordination

Sec. 501. Intellectual Property Enforcement Officer.

Subtitle B—Law Enforcement Resources

- Sec. 511. Local law enforcement grants.
- Sec. 512. CHIP units, training, and additional resources.
- Sec. 513. Transparency of prosecutorial decisionmaking.

Sec. 514. Authorization of appropriations.

Subtitle C—International Activities

- Sec. 521. International intellectual property law enforcement coordinators.
- Sec. 522. International training activities of the computer crime and intellectual property section.

Subtitle D—Coordination, Implementation, and Reporting

- Sec. 531. Coordination.
- Sec. 532. Annual reports.

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

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 101. REGISTRATION OF CLAIM.

Section 410 of title 17, United States Code, is amended—

- (1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
- (2) by inserting after subsection (b) the following:

"(c)(1) A certificate of registration satisfies the requirements of section 411 and section 412 regardless of any inaccurate information contained in the certificate, unless—

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

"(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

"(2) In any case in which inaccuracies described under paragraph (1) are alleged, the court shall request the Register of Copyrights to advise the court whether the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration. The Register shall respond to the court's request within 45 days after the request is made.

"(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate except for the institution of and remedies in infringement actions under sections 411 and 412."

SEC. 102. REGISTRATION AND INFRINGEMENT ACTIONS.

(a) REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.—Section 411 of title 17, United States Code, is amended—

- (1) in the section heading, by inserting "civil" after "and"; and
- (2) in subsection (a), by striking "no action" and inserting "no civil action".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 411(b) of title 17, United States Code, is amended by striking "506 and sections 509 and" and inserting "505 and section".

SEC. 103. CIVIL REMEDIES FOR INFRINGEMENT.

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 at the end and inserting the following: ", and records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery by the applicant of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to the applicant."

SEC. 104. 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;
- "(2) intentionally inducing another to engage in a violation specified in paragraph (1); or
- "(3) 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. 105. 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. 106. 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: "OR EXPORTATION"; and