

UNITED STATES OF AMERICA REPUBLIC

Continental Congress Assembled



PUBLIC LAW 111-72

Amended: 2 July 2017

STOLEN PROPERTY

Pursuant to the United States of America Republic Constitution Amendment 19, Section 2, Clause 2, wherein it states; *“The United States of America Republic shall make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States of America Republic, or any Department or Officer thereof”*, there shall hereby be designated “Stolen Property” provisions to serve this purpose. This amendment shall go into immediate force.

Introduced as **Senate Joint Resolution 72**, with **55** co-sponsors and as **House Joint Resolution 72** with **55** co-sponsors, a request was delivered before the Continental Congress to honor and therefore establish laws for Stolen Property.

The resolution suffered no amendments, no exclusions, no demands that it became law.

The 1st Continental Congress of the United States of America Republic publicly declared 2015 the national "Year of the United States of America Republic". The document known as Public Law **111-72** was signed and enacted into law on **2 July 2017** by the following **SIGNATORIES to this Legislative Act in Attendance;**

General Congress Assembled, United States of America Republic

1. *President, Province of Illinois, Christopher-Cannon: Bey*
2. *Speaker of the House, Province of Missouri; Sharon-Green: El*
3. *USAR Secretary of State, Province of Missouri; Ross Woody Jr,: Bey*
4. *U.S.A.R. Attorney General - Province of Illinois, Taiwan Smith Bey*
5. *Chief Justice, Province of Illinois, Romulus Dorsey: El*
6. *Chief Justice, Province of Illinois, Emmett-Marshall*

7. *Att. General - Province of Illinois - Larry Taylor: Bey*
8. *Assistant Atty. General, Province of Khalifa, Antoneye Robinson: El*
9. *Foreign Affairs Minister, Province of Texas, Rafael-Vazquez: El*
10. *Dir. of Business Development, Province of Khalifa, Dadrion Anderson: Bey*
11. *Governor, Province of Florida, Albert Terraine-Griffin: Bey*
12. *Governor, Province of Georgia, Mandel Williams: El*
13. *Governor, Province of Indiana, Dexter-Johnson: Bey*
14. *Governor, Province of Khalifa, G. Riller: El*
15. *Governor, Province of Louisiana, Eric Wannamaker: Bey*
16. *Governor, Province of Maryland - Altie Archer: Bey*
17. *Governor, Province of Minnesota, Vicie Christine-Williams: Bey*
18. *Governor, Province of Missouri, Floyd-Harris: Bey*
19. *Governor, Province of New Jersey, Colin Hylton: El*
20. *Governor, Province of Tennessee, D. Maurice Parham: Bey*
21. *Governor, Province of Virginia, Darnell Brown: Bey*
22. *Lt. Governor, Province of Georgia, Timothy Jackson: El*
23. *Lt. Governor, Province of Illinois, Rasil-Clady: Bey*
24. *Lt. Governor, Province of Nevada, Victor-Pizarro: El*
25. *Lt. Governor, Province of Virginia, Rich Wilson: Bey*
26. *Assistant Governor, Province of Georgia, Christopher Hill: Bey*
27. *Assistant Governor, Province of Virginia, Joseph-Middleton: Bey*
28. *Secretary of State, Province of Arizona, Stephanie-Clark: Bey*
29. *Secretary of State, Province of Khalifa, Demeitric Mason: El*
30. *Secretary of State, Province of Georgia, Maureen Willis: El*
31. *Secretary of State, Province of Illinois, Lewanda Hazelett: Bey*
32. *Secretary of State, Province of No. Carolina, Trevis-Haskins: El*
33. *Governor, Province of Michigan, Napoleon-Kendall: Bey*
34. *Public Minister, Province of Florida, William L.-Salter III,: Bey*
35. *Public Minister, Province of Missouri, Linda Ann-Bashful: El*
36. *Public Minister, Province of Ontario, Canada, Steven Richards: Bey*
37. *Representative, Province of Colorado, Ajoa Nash-Conner: Bey*
38. *Representative, Province of Minnesota, Yashmall: Bey (Kevin Scaife: Bey)*
39. *Senator, Province of Colorado, Kakayon: El*
40. *Senator, Province of Georgia, Ronnell-Gray: Bey*
41. *Senator/Liaison, Province of Georgia, Tara-Hill: Bey*
42. *Senator, Province of Illinois, Clayton Ronald-Henderson: El*
43. *Senator, Province of Illinois, J. Sept: El*
44. *Senator, Province of Michigan, George-Bond: Bey*
45. *Vicegerent Commissioner, Province of Illinois, Leslie-Atkins: El*
46. *Vicegerent Chief, Province of Illinois, Saadiq: Bey*
47. *Vicegerent Captain, Province of Illinois, Steven Segura Bey*
48. *Vicegerent, Province of Arizona, Jorge-Bravo: Bey*
49. *Vicegerent, Province of Colorado, Evelyn-Gordon: Bey*
50. *Vicegerent Commissioner, Province of Michigan, Damon-Lewis: El*
51. *Vicegerent Commissioner, Province of Minnesota, Bryce Lee-Williams: Bey*

52. *Vicegerent Commissioner, Province of Ohio, Ardwele-Montgomery: Bey*
 53. *Vicegerent, Province of Georgia, Akil: Bey*
 54. *Vicegerent, Province of Ohio, Dana-Coggins: Bey*
 55. *Vicegerent, Province of Ohio, Daryl Van-Brown: Bey*

It reads as follows:

PUBLIC LAW 111-72, on 2 July 2017

JOINT RESOLUTION

Authorizing and requesting the President

to proclaim and establish provisions in accordance with the **Constitution** and **Laws** of the **United States of America Republic**.

WHEREAS, the United States of America Republic, being a perpetual corporation is an autonomous State government lawfully incorporated and chartered for the benefit and protection of “We The Moorish American People”, by its Declaration, National Constitution and By-Laws, and aforementioned Articles;

WHEREAS the United States of America Republic’s official language is the English language;

WHEREAS the Moorish American People have made a unique contribution in shaping the United States of America Republic as a distinctive and blessed nation of people and citizens;

WHEREAS the Moorish American People are a People of deeply-held religious convictions springing from the Holy Scriptures of the Holy Koran of the Moorish Science Temple of America and the Learning, Teachings and Truth of the Holy Prophet Noble Drew Ali. The Holy Prophet Noble Drew Ali led his People back to the Principles and standards of their ancient forefathers’ Free National Principles and Standards;

WHEREAS the Principles of Love, Truth, Peace, Freedom and Justice inspired concepts of civil government that are contained in our Declaration of Independence and Constitution of the United States of America Republic;

WHEREAS the Moorish American People, are now in great comprehension that, as a Nation of People being Nationwide in scope to achieve peace as well as unity as a single harmonious Nation, there must be uniform Laws for the Nation. The **Constitution** and **Laws** of the **United States of America Republic** are "*the Rock on which our Republic rests*";

WHEREAS the history of our Nation clearly illustrates the value of a Nation to be able to create and pass its own Laws are beneficial to a Society to Enforce the Laws of the Nation. This is not to remove or change **The Moorish American People** from voluntarily applying and extending the learning, teachings and truth of the Holy Koran of the Moorish Science Temple of America in the lives of individuals, families, or in their society as a nation of People;

WHEREAS this Nation now faces great challenges that will test this Nation as it has never been tested before; and

WHEREAS that renewing our knowledge of Law, Divine and National and having faith in Our Universal Creator through Holy Scriptures of the Holy Koran of the Moorish Science Temple of America, the Holy Bible and the Great Qu'ran of Mohammed as we honor all the divine Prophets Jesus, Mohammed, Buddha and Confucius. Therefore, the **Constitution and Laws of the United States of America Republic** and knowledge of the aforementioned Holy Scriptures can only strengthen our nation. I, President Christopher H- Cannon: Bey, therefore establish with the consent of the Continental Congress the provisions as the **Laws** of the **United States of America Republic**:

NOW, THEREFORE, be it Resolved by the Continental Congress of the United States of America Republic in Continental Congress assembled, That the President is authorized and requested to designate the administration of said laws.

LEGISLATIVE HISTORY-**PL.111 Res.:72**
CONGRESSIONAL RECORD, Vol. #(2017):

2 July 2017 considered and
passed by the Continental
Congress.

TITLE I - CRIMINAL CODE

CHAPTER 61

STOLEN PROPERTY

<u>Section No.</u>	<u>Description</u>
2311.	Definitions.
2312.	Transportation of stolen vehicles.
2313.	Sale or receipt of stolen vehicles.
2314.	Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting.
2315.	Sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps.
2316.	Transportation of livestock.
2317.	Sale or receipt of livestock.
2318.	Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.
2319.	Criminal infringement of a copyright.
2319A.	Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances.
2319B.	Unauthorized recording of motion pictures in a motion picture exhibition facility. ¹
2320.	Trafficking in counterfeit goods or services.
2321.	Trafficking in certain motor vehicles or motor vehicle parts.
2322.	Chop shops.
2323.	Forfeiture, destruction, and restitution.

TITLE I - CRIMINAL CODE

CHAPTER 61

STOLEN PROPERTY

SECTION 2311. Definitions

As used in this chapter:

“**Aircraft**” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

“**Cattle**” means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof;

“**Livestock**” means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof;

“**Money**” means the legal tender of the United States of America Republic or of any foreign country, or any counterfeit thereof;

“**Motor vehicle**” includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

“**Securities**” includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; valid or blank motor vehicle title; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise; or, in general, any instrument commonly known as a “security”, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing;

“**Tax stamp**” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a State, or evidence of the discharge thereof;

“**Value**” means the face, par, or market value, whichever is the greatest, and the aggregate value of all goods, wares, and merchandise, securities, and money referred to in a single indictment shall constitute the value thereof.

“**Vessel**” means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

SECTION 2312. Transportation of stolen vehicles

Whoever transports in interstate or foreign commerce a motor vehicle, vessel, or aircraft, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.

SECTION 2313. Sale or receipt of stolen vehicles

Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any motor vehicle, vessel, or aircraft, which has crossed a State or United States of America Republic boundary after being stolen, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.

For purposes of this section, the term "State" includes a State of the United States of America Republic, and any commonwealth, territory, or possession of the United States of America Republic.

SECTION 2314. Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged, altered, or counterfeited securities or tax stamps, knowing the same to have been falsely made, forged, altered, or counterfeited; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any traveler's check bearing a forged countersignature; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce, any tool, implement, or thing used or fitted to be used in falsely making, forging, altering, or counterfeiting any security or tax stamps, or any part thereof; or

Whoever transports, transmits, or transfers in interstate or foreign commerce any veterans' memorial object, knowing the same to have been stolen, converted or taken by fraud—

Shall be fined under this title or imprisoned not more than ten years, or both. If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater. If the offense involves the transportation, transmission, or transfer in interstate or foreign commerce of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited or spurious representation of an obligation or other security of the United States of America Republic, or of an obligation, bond, certificate, security, treasury note, bill, promise to pay or bank note issued by any foreign government. This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money.

For purposes of this section the term “veterans’ memorial object” means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran’s grave, or any monument that signifies an event of national military historical significance.

SECTION 2315. Sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps

Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any goods, wares, or merchandise, securities, or money of the value of \$5,000 or more, or pledges or accepts as security for a loan any goods, wares, or merchandise, or securities, of the value of \$500 or more, which have crossed a State or United States of America Republic boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken; or

Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any falsely made, forged, altered, or counterfeited securities or tax stamps, or pledges or accepts as security for a loan any falsely made, forged, altered, or counterfeited securities or tax stamps, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been so falsely made, forged, altered, or counterfeited; or

Whoever receives in interstate or foreign commerce, or conceals, stores, barter, sells, or disposes of, any tool, implement, or thing used or intended to be used in falsely making, forging, altering, or counterfeiting any security or tax stamp, or any part thereof, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing that the same is fitted to be used, or has been used, in falsely making, forging, altering, or counterfeiting any security or tax stamp, or any part thereof; or

‘Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any veterans’ memorial object which has crossed a State or United States of America Republic boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken—’

Shall be fined under this title or imprisoned not more than ten years, or both. If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater. If the offense involves the receipt, possession, concealment, storage, barter, sale, or disposal of veterans’ memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of an obligation or other security of the United States of America Republic or of an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note, issued by any foreign government. This section also shall not apply to any falsely made, forged, altered,

counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money.

For purposes of this section, the term “State” includes a State of the United States of America Republic, and any commonwealth, territory, or possession of the United States of America Republic. For purposes of this section the term “veterans’ memorial object” means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran’s grave, or any monument that signifies an event of national military historical significance.

SECTION 2316. Transportation of livestock

Whoever transports in interstate or foreign commerce any livestock, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than five years, or both.

SECTION 2317. Sale or receipt of livestock

Whoever receives, conceals, stores, barter, buys, sells, or disposes of any livestock, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than five years, or both.

SECTION 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging

(a)(1) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

- (A) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—
 - a phonorecord;
 - a copy of a computer program;
 - a copy of a motion picture or other audiovisual work;
 - a copy of a literary work;
 - a copy of a pictorial, graphic, or sculptural work;
 - a work of visual art; or documentation or packaging; or
 - (B) counterfeit documentation or packaging,
- shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) As used in this section—

- (1) the term “counterfeit label” means an identifying label or container that appears to be genuine, but is not;
- (2) the term “traffic” has the same meaning as in section 2320(e) of this title;
- (3) the terms “copy”, “phonorecord”, “motion picture”, “computer program”, “audiovisual work”, “literary work”, “pictorial, graphic, or sculptural work”, “sound recording”, “work of visual art”, and “copyright owner” have, respectively, the meanings given those terms in section 101 (relating to definitions) of title 17;
- (4) the term “illicit label” means a genuine certificate, licensing document, registration card, or similar labeling component—
 - that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

that is, without the authorization of the copyright owner—
 distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or
 in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is noninfringing;

(5) the term “documentation or packaging” means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

(6) the term “counterfeit documentation or packaging” means documentation or packaging that appears to be genuine, but is not.

(c) The circumstances referred to in subsection (a) of this section are—
 the offense is committed within the special maritime and territorial jurisdiction of the United States of America Republic; or within the special aircraft jurisdiction of the United States of America Republic (as defined in section 46501 of title 49); the mail or a facility of interstate or foreign commerce is used or intended to be used in the commission of the offense;

(1) [To be legislated]

(2) [To be legislated]

(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

a phonorecord of a copyrighted sound recording or copyrighted musical work;

a copy of a copyrighted computer program;

a copy of a copyrighted motion picture or other audiovisual work;

a copy of a literary work;

a copy of a pictorial, graphic, or sculptural work;

a work of visual art; or

copyrighted documentation or packaging; or

(4) the counterfeited documentation or packaging is copyrighted.

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

CIVIL REMEDIES.—

(1) **IN GENERAL.**—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States of America Republic district court.

(2) **DISCRETION OF COURT.**—In any action brought under paragraph (1), the court—
 may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);
 at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator

and that the court has reasonable cause to believe was involved in a violation of subsection (a);
and
may award to the injured party—

- (i) reasonable attorney fees and costs; and
- (ii)(I) actual damages and any additional profits of the violator, as provided in paragraph (3); or
- (II) statutory damages, as provided in paragraph (4).

(3) ACTUAL DAMAGES AND PROFITS.—

(A) IN GENERAL.—The injured party is entitled to recover—
the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and
any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—
the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging, by
the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

(C) DEFINITION.—For purposes of this paragraph, the “value” of a phonorecord, copy, or work of visual art is—
in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;
in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;
in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;
in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work; in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and in the case of a work of visual art, the retail value of that work.

STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than \$2,500 or more than \$25,000, as the court considers appropriate.

SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

LIMITATION ON ACTIONS.—A civil action may not be commenced under this subsection unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).

SECTION 2319. Criminal infringement of a copyright

(a) Any person who violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsections (b), (c), and (d) and such penalties shall be in addition to any other provisions of title 17 or any other law.

(b) Any person who commits an offense under section 506(a)(1)(A) of title 17— shall be imprisoned not more than 5 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, including by electronic means, during any 180-day period, of at least 10 copies or phonorecords, of 1 or more copyrighted works, which have a total retail value of more than \$2,500; shall be imprisoned not more than 10 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, in any other case.

(c) Any person who commits an offense under section 506(a)(1)(B) of title 17— shall be imprisoned not more than 3 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of \$2,500 or more; shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000.

(d) Any person who commits an offense under section 506(a)(1)(C) of title 17— shall be imprisoned not more than 3 years, fined under this title, or both; shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain; shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a felony and is a second or subsequent offense under paragraph (2).

(e) (1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

(2) Persons permitted to submit victim impact statements shall include—
producers and sellers of legitimate works affected by conduct involved in the offense;
holders of intellectual property rights in such works; and
(C) the legal representatives of such producers, sellers, and holders.

(f) As used in this section—
the terms “phonorecord” and “copies” have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17;
the terms “reproduction” and “distribution” refer to the exclusive rights of a copyright owner under clauses (1) and (3) respectively of section 106 (relating to exclusive rights in copyrighted works), as limited by sections 107 through 122, of title 17;

the term “financial gain” has the meaning given the term in section 101 of title 17; and the term “work being prepared for commercial distribution” has the meaning given the term in section 506(a) of title 17.

SECTION 2319A. Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances

(a) OFFENSE.—Whoever, without the consent of the performer or performers involved, knowingly and for purposes of commercial advantage or private financial gain—fixes the sounds or sounds and images of a live musical performance in a copy or phonorecord, or reproduces copies or phonorecords of such a performance from an unauthorized fixation; transmits or otherwise communicates to the public the sounds or sounds and images of a live musical performance; or distributes or offers to distribute, sells or offers to sell, rents or offers to rent, or traffics in any copy or phonorecord fixed as described in paragraph (1), regardless of whether the fixations occurred in the United States of America Republic; shall be imprisoned for not more than 5 years or fined in the amount set forth in this title, or both, or if the offense is a second or subsequent offense, shall be imprisoned for not more than 10 years or fined in the amount set forth in this title, or both.

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

(c) SEIZURE AND FORFEITURE.—If copies or phonorecords of sounds or sounds and images of a live musical performance are fixed outside of the United States of America Republic without the consent of the performer or performers involved, such copies or phonorecords are subject to seizure and forfeiture in the United States of America Republic in the same manner as property imported in violation of the customs laws. The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by United States of America Republic Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance.

(d) VICTIM IMPACT STATEMENT.—

(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

(2) Persons permitted to submit victim impact statements shall include—producers and sellers of legitimate works affected by conduct involved in the offense; holders of intellectual property rights in such works; and the legal representatives of such producers, sellers, and holders.

(e) DEFINITIONS.—As used in this section—

the terms “copy”, “fixed”, “musical work”, “phonorecord”, “reproduce”, “sound recordings”, and “transmit”. [incomplete]

the term “traffic” has the same meaning as in section 2320(e) of this title.

(f) **APPLICABILITY.**—This section shall apply to any Act or Acts that occur on or after the date of the enactment.

SECTION 2319B. Unauthorized recording of Motion pictures in a Motion picture exhibition facility

(a) **OFFENSE.**—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—
be imprisoned for not more than 3 years, fined under this title, or both; or
if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

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

(c) **AUTHORIZED ACTIVITIES.**—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States of America Republic, a State, or a political subdivision of a State, or by a person acting under a contract with the United States of America Republic, a State, or a political subdivision of a State.

(d) **IMMUNITY FOR THEATERS.**—With reasonable cause, the owner or lessee of a motion picture exhibition facility where a motion picture or other audiovisual work is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture or other audiovisual work being exhibited, or the agent or employee of such licensor—
may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section with respect to that motion picture or audiovisual work for the purpose of questioning or summoning a law enforcement officer; and
shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

(e) **VICTIM IMPACT STATEMENT.**—

IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

CONTENTS.—A victim impact statement submitted under this subsection shall include—
producers and sellers of legitimate works affected by conduct involved in the offense;
holders of intellectual property rights in the works described in subparagraph (A); and
the legal representatives of such producers, sellers, and holders.

(f) STATE LAW NOT PREEMPTED.—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

(g) DEFINITIONS.—In this section, the following definitions shall apply:

TITLE 17 DEFINITIONS.—The terms “audiovisual work”, “copy”, “copyright owner”, “motion picture”, “motion picture exhibition facility”, and “transmit”.

AUDIOVISUAL RECORDING DEVICE.—The term “audiovisual recording device” means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

SECTION 2320. Trafficking in counterfeit goods or services

(a) OFFENSES.—Whoever intentionally—

traffics in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services,

traffics in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,

traffics in goods or services knowing that such good or service is a counterfeit military good or service the use, malfunction, or failure of which is likely to cause serious bodily injury or death, the disclosure of classified information, impairment of combat operations, or other significant harm to a combat operation, a member of the Armed Forces, or to national security, or

traffics in a counterfeit drug,

or attempts or conspires to violate any of paragraphs (1) through (4) shall be punished as provided in subsection (b).

(b) PENALTIES.—

(1) IN GENERAL.—Whoever commits an offense under subsection (a)—

if an individual, shall be fined not more than \$2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, shall be fined not more than \$5,000,000; and

for a second or subsequent offense under subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000.

(2) SERIOUS BODILY INJURY OR DEATH.—

SERIOUS BODILY INJURY.—Whoever knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned for not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000.

DEATH.—Whoever knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned for any term of years or for life, or both, and if other than an individual, shall be fined not more than \$15,000,000.

(3) COUNTERFEIT MILITARY GOODS OR SERVICES AND COUNTERFEIT DRUGS .—Whoever commits an offense under subsection (a) involving a counterfeit military good or service or counterfeit drug—
 if an individual, shall be fined not more than \$5,000,000, imprisoned not more than 20 years, or both, and if other than an individual, be fined not more than \$15,000,000; and
 for a second or subsequent offense, if an individual, shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both, and if other than an individual, shall be fined not more than \$30,000,000.

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

(d) DEFENSES.—All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act shall be applicable in a prosecution under this section. In a prosecution under this section, the defendant shall have the burden of proof, by a preponderance of the evidence, of any such affirmative defense.

(e) PRESENTENCE REPORT.—(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

(2) Persons permitted to submit victim impact statements shall include—
 producers and sellers of legitimate goods or services affected by conduct involved in the offense;
 holders of intellectual property rights in such goods or services; and
 the legal representatives of such producers, sellers, and holders.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term “counterfeit mark” means—

(A) a spurious mark—

that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States of America Republic Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

that is applied to or used in connection with the goods or services for which the mark is registered with the United States of America Republic Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States of America Republic Patent and Trademark Office; and
 the use of which is likely to cause confusion, to cause mistake, or to deceive; or

(B) a spurious designation that is identical with, or substantially indistinguishable from, a designation, but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question,

authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

(2) the term “financial gain” includes the receipt, or expected receipt, of anything of value;

(3) the term “Lanham Act” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.”,

(4) the term “counterfeit military good or service” means a good or service that uses a counterfeit mark on or in connection with such good or service and that—
is falsely identified or labeled as meeting military specifications, or
is intended for use in a military or national security application;

(5) the term “traffic” means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of; and

(6) the term “counterfeit drug” means a drug that uses a counterfeit mark on or in connection with the drug.

(g) LIMITATION ON CAUSE OF ACTION.—Nothing in this section shall entitle the United States of America Republic to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.

(h) REPORT TO CONGRESS.—(1) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 2, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of this title), criminal infringement of copyrights (as defined in section 2319 of this title), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of this title), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of this title):

(A) The number of open investigations.

The number of cases referred by the United States of America Republic Customs Service.

The number of cases referred by other agencies or sources.

The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.

(2)(A) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

The number of infringement cases in these categories: audiovisual (videos and films); audio (sound recordings); literary works (books and musical compositions); computer programs; video games; and, others.

The number of online infringement cases.

The number and dollar amounts of fines assessed in specific categories of dollar amounts. These categories shall be: no fines ordered; fines under \$500; fines from \$500 to \$1,000; fines from \$1,000 to \$5,000; fines from \$5,000 to \$10,000; and fines over \$10,000.

The total amount of restitution ordered in all copyright infringement cases.

(B) In this paragraph, the term “online infringement cases” as used in paragraph (2) means those cases where the infringer—

advertised or publicized the infringing work on the Internet; or

made the infringing work available on the Internet for download, reproduction, performance, or distribution by other persons.

(C) The information required under subparagraph (A) shall be submitted in the report required in fiscal year 2017 and thereafter.

(i) TRANSSHIPMENT AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States of America Republic.

SECTION 2321. Trafficking in certain motor vehicles or motor vehicle parts

(a) Whoever buys, receives, possesses, or obtains control of, with intent to sell or otherwise dispose of, a motor vehicle or motor vehicle part, knowing that an identification number for such motor vehicle or part has been removed, obliterated, tampered with, or altered, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Subsection (a) does not apply if the removal, obliteration, tampering, or alteration—
is caused by collision or fire; or
is not a violation of section 511 of this title.

(c) As used in this section, the terms “identification number” and “motor vehicle” have the meaning given those terms in section 511 of this title.

SECTION 2322. Chop shops

(a) IN GENERAL.—

(1) UNLAWFUL ACTION.—Any person who knowingly owns, operates, maintains, or controls a chop shop or conducts operations in a chop shop shall be punished by a fine under this title or by imprisonment for not more than 15 years, or both. If a conviction of a person under this paragraph is for a violation committed after the first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to any fine and imprisonment.

(2) INJUNCTIONS.—The Attorney General shall, as appropriate, in the case of any person who violates paragraph (1), commence a civil action for permanent or temporary injunction to restrain such violation.

(b) DEFINITION.—For purposes of this section, the term “chop shop” means any building, lot, facility, or other structure or premise where one or more persons engage in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing any passenger motor vehicle or passenger motor vehicle part which has been unlawfully obtained in order to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number or derivative thereof, of such vehicle or vehicle part and to distribute, sell, or dispose of such vehicle or vehicle part in interstate or foreign commerce.

SECTION 2323. Forfeiture, destruction, and restitution

(a) CIVIL FORFEITURE.—

(1) PROPERTY SUBJECT TO FORFEITURE.—The following property is subject to forfeiture to the United States of America Republic Government:

Any article, the making or trafficking of which is, prohibited., or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

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

(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. For seizures made under this section, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States of America Republic, the court

shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

(b) CRIMINAL FORFEITURE.—

PROPERTY SUBJECT TO FORFEITURE.—The court, in imposing sentence on a person convicted of an offense, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States of America Republic Government any property subject to forfeiture under subsection (a) for that offense.

PROCEDURES.—

IN GENERAL.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding.

DESTRUCTION.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States of America Republic shall order that any—
forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and
infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

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

[End of Resolution]