

106TH CONGRESS
1ST SESSION

S. 1257

AMENDMENT

In the House of Representatives, U. S.,

August 2, 1999.

Resolved, That the bill from the Senate (S. 1257) entitled “An Act to amend statutory damages provisions of title 17, United States Code”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Copyright Damages Im-*
3 *provement Act of 1999”.*

4 ***SEC. 2. STATUTORY DAMAGES ENHANCEMENT.***

5 *Section 504(c) of title 17, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1)—*

8 *(A) by striking “\$500” and inserting*
9 *“\$750”; and*

10 *(B) by striking “\$20,000” and inserting*
11 *“\$30,000”; and*

12 *(2) in paragraph (2), by striking “\$100,000”*
13 *and inserting “\$150,000”.*

1 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

2 *Section 2(g) of the No Electronic Theft (NET) Act (28*
3 *U.S.C. 994 note) is amended by striking paragraph (2) and*
4 *inserting the following:*

5 *“(2) In implementing paragraph (1), the Sentencing*
6 *Commission shall amend the guideline applicable to crimi-*
7 *nal infringement of a copyright or trademark to provide*
8 *an enhancement based upon the retail price of the legiti-*
9 *mate items that are infringed upon and the quantity of the*
10 *infringing items. To the extent the conduct involves a viola-*
11 *tion of section 2319A of title 18, United States Code, the*
12 *enhancement shall be based upon the retail price of the in-*
13 *fringing items and the quantity of the infringing items.*

14 *“(3) Paragraph (1) shall be implemented not later*
15 *than 3 months after the later of—*

16 *“(A) the first day occurring after May 20, 1999;*
17 *or*

18 *“(B) the first day after the date of the enactment*
19 *of this paragraph,*
20 *on which sufficient members of the Sentencing Commission*
21 *have been confirmed to constitute a quorum.*

22 *“(4) The Commission shall promulgate the guidelines*
23 *or amendments provided for under this section in accord-*
24 *ance with the procedures set forth in section 21(a) of the*
25 *Sentencing Act of 1987, as though the authority under that*
26 *Act had not expired.”.*

1 **SEC. 4. EFFECTIVE DATE.**

2 *The amendments made by section 2 shall apply to any*
3 *action brought on or after the date of the enactment of this*
4 *Act, regardless of the date on which the alleged activity that*
5 *is the basis of the action occurred.*

Attest:

Clerk.