

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To authorize U.S. Customs and Border Protection to seize imported merchandise that infringes a design patent, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. TILLIS (for himself, Mr. COONS, Mr. CASSIDY, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To authorize U.S. Customs and Border Protection to seize imported merchandise that infringes a design patent, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counterfeit Goods Sei-  
5 zure Act of 2019”.

6 **SEC. 2. SEIZURE OF IMPORTED MERCHANDISE THAT IN-**  
7 **FRINGES A DESIGN PATENT.**

8 Section 596(c)(2)(C) of the Tariff Act of 1930 (19  
9 U.S.C. 1595a(c)(2)(C)) is amended—

1           (1) by inserting “design patent,” after “copy-  
2           right,”; and

3           (2) by inserting “section 271 or 289 of title 35,  
4           United States Code,” after “title 17, United States  
5           Code,”.

6 **SEC. 3. AUTHORITY TO CHARGE A FEE FOR ADMINISTRA-**  
7                                   **TIVE COSTS RELATING TO RECORDATION OF**  
8                                   **DESIGN PATENTS.**

9           (a) IN GENERAL.—The Commissioner of U.S. Cus-  
10          toms and Border Protection may prescribe regulations,  
11          pursuant to section 9701 of title 31, United States Code,  
12          providing for the imposition of a fee to cover the adminis-  
13          trative costs to U.S. Customs and Border Protection of  
14          recordation of design patents.

15          (b) RECEIPTS CREDITED AS OFFSETTING COLLEC-  
16          TIONS.—Notwithstanding section 3302 of title 31, United  
17          States Code, fees collected under subsection (a) shall—

18                 (1) be credited as offsetting collections to the  
19                 appropriations account that finances the activities  
20                 and services for which the fee is imposed;

21                 (2) be available for expenditure only to pay the  
22                 costs of activities and services for which the fee is  
23                 imposed; and

24                 (3) remain available until expended.