

AMENDMENT TO RULES COMM. PRINT 117-31
OFFERED BY MR. CALVERT OF CALIFORNIA

At the end of division K, add the following:

1 **TITLE VIII—PROTECTING IP ACT**
2 **OF 2022**

3 **SEC. 109001. SHORT TITLE.**

4 This title may be cited as the “Protecting IP Act of
5 2022”.

6 **SEC. 109002. AGREEMENT DEFINED.**

7 In this title, the term “Agreement” means the Eco-
8 nomic and Trade Agreement Between the Government of
9 the United States of America and the Government of
10 China, dated January 15, 2020.

11 **SEC. 109003. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the Agreement includes significant man-
14 dates for the People’s Republic of China related to
15 its domestic intellectual property regime, including
16 with respect to copyrights, trademarks, trade se-
17 crets, and patents;

18 (2) the changes included in the Agreement, if
19 implemented effectively, should improve the domestic
20 intellectual property framework of the People’s Re-

1 public of China, which has historically proven to
2 harm the innovation and creative communities in the
3 United States;

4 (3) despite commitments made by the Govern-
5 ment of the People’s Republic of China under the
6 Agreement, ongoing market access barriers, uneven
7 enforcement, measures requiring forced technology
8 transfer, and serious deficiencies in the rule of law
9 continue to make the business environment in the
10 People’s Republic of China highly challenging for
11 rights holders in the United States;

12 (4) as reflected in the 2021 report by the
13 United States Trade Representative required under
14 section 182(h) of the Trade Act of 1974 (19 U.S.C.
15 2242(h)) (commonly referred to as the “Special 301
16 Report”), the People’s Republic of China has con-
17 sistently been listed in that annual report since 1989
18 as a trading partner of the United States that “fails
19 to provide adequate and effective IP protection and
20 enforcement for U.S. inventors, creators, brands,
21 manufacturers, and service providers, which, in turn,
22 harm American workers”; and

23 (5) Congress encourages the United States
24 Trade Representative, the Attorney General, the
25 Secretary of State, the Secretary of Homeland Secu-

1 rity, the Secretary of Commerce, and the Director of
2 the United States Patent and Trademark Office—

3 (A) to use all available tools to ensure that
4 the People’s Republic of China fully implements
5 its commitments under the Agreement; and

6 (B) to actively consider additional means
7 to require the People’s Republic of China to ad-
8 dress unfair market access barriers, forced
9 technology transfer requirements, and broader
10 intellectual property theft concerns, including
11 through future trade agreements and working
12 with partners in multilateral organizations,
13 such as the Group of 7 (G7), the Group of 20
14 (G20), and the World Trade Organization.

15 **SEC. 109004. ENFORCEMENT OF INTELLECTUAL PROPERTY**
16 **PROVISIONS OF ECONOMIC AND TRADE**
17 **AGREEMENT BETWEEN THE GOVERNMENT**
18 **OF THE UNITED STATES OF AMERICA AND**
19 **THE GOVERNMENT OF CHINA.**

20 The President, acting through the United States
21 Trade Representative, shall coordinate with the heads of
22 such Federal agencies as the President considers appro-
23 priate to enforce the actions related to intellectual prop-
24 erty laid out in the Agreement including—

1 (1) the civil, administrative, and criminal proce-
2 dures and deterrent-level civil and criminal penalties
3 provided in the Agreement; and

4 (2) by using the full enforcement authority of
5 the President, including any enforcement authority
6 in connection with the identification and reporting
7 process under section 182 of the Trade Act of 1974
8 (19 U.S.C. 2242).

9 **SEC. 109005. REPORT ON STATUS OF IMPLEMENTATION OF**
10 **CERTAIN OBLIGATIONS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, and every 180 days
13 thereafter, the United States Trade Representative shall
14 submit to the appropriate committees of Congress a report
15 on the status of the implementation by the People’s Re-
16 public of China of its obligations under Chapter 1 of the
17 Agreement.

18 (b) INFORMATION IN REPORT.—Each report required
19 by subsection (a) shall contain information sufficient to
20 enable the appropriate committees of Congress to assess
21 the extent of the compliance by the People’s Republic of
22 China with the Agreement, including appropriate quan-
23 titative metrics.

24 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
25 FINED.—In this section, the term “appropriate commit-

- 1 tees of Congress'' means the Committee on Finance of the
- 2 Senate and the Committee on Ways and Means of the
- 3 House of Representatives.

