AMENDMENT TO RULES COMMITTEE PRINT
118–10
OFFERED BY MR. FITZGERALD OF WISCONSIN

Add at the end of subtitle C of title XVIII the following:

SEC. 18. PATENT BAR FOR PERSONS WHO POSE A
THREAT TO NATIONAL SECURITY.

(a) IN GENERAL.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

“§ 106. Patent bar for persons who pose a threat to national security.

“Notwithstanding any other provision of law—

“(1) a person shall not receive a United States patent for an invention if that person (or any subsidiary, affiliate, successor, assign, legal representative, or privy of such person)—

“(A) is identified, pursuant to section 744.16 of title 15, Code of Federal Regulations (or any successor regulation), as a person reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in
activities contrary to the national security or foreign policy interests of the United States;

“(B) is an entity on the Non-SDN Chinese Military-Industrial Complex Companies List (NS-CMIC List) maintained by the Office of Foreign Assets Control of the Department of the Treasury under Executive Order 14032 (86 Fed. Reg. 30145; relating to addressing the threat from securities investments that finance certain companies of the People’s Republic of China), or any successor order;

“(C) is identified as a Chinese military company in the most recent annual report submitted pursuant to section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113 note); or

“(D) produces or provides communications equipment or service on the list published by the Federal Communications Commission under section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a)); and
“(2) any United States patent issued to a person described under paragraph (1) shall be unenforceable.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 10 of title 35, United States Code, is amended by inserting after the item relating to section 105 the following:

“106. Patent bar for persons who pose a threat to national security.”.