

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:

1 **SEC. 18__ . PATENT BAR FOR PERSONS WHO POSE A**
2 **THREAT TO NATIONAL SECURITY.**

3 (a) **IN GENERAL.**—Chapter 10 of title 35, United
4 States Code, is amended by adding at the end the following:
5

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

8 “Notwithstanding any other provision of law—

9 “(1) a person shall not receive a United States
10 patent for an invention if that person (or any subsidiary,
11 affiliate, successor, assign, legal representative, or privy of such person)—
12

13 “(A) is identified, pursuant to section
14 744.16 of title 15, Code of Federal Regulations
15 (or any successor regulation), as a person reasonably
16 believed to be involved, or to pose a significant risk of being or becoming involved, in
17

1 activities contrary to the national security or
2 foreign policy interests of the United States;

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

12 “(C) is identified as a Chinese military
13 company in the most recent annual report sub-
14 mitted pursuant to section 1260H of the Wil-
15 liam M. (Mac) Thornberry National Defense
16 Authorization Act for Fiscal Year 2021 (Public
17 Law 116–283; 10 U.S.C. 113 note); or

18 “(D) produces or provides communications
19 equipment or service on the list published by
20 the Federal Communications Commission under
21 section 2(a) of the Secure and Trusted Commu-
22 nications Networks Act of 2019 (47 U.S.C.
23 1601(a)); and

1 “(2) any United States patent issued to a per-
2 son described under paragraph (1) shall be unen-
3 forceable.”.

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

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

