

AMENDMENT TO RULES COMMITTEE PRINT
118–36
OFFERED BY MR. FITZGERALD OF WISCONSIN

At the end of subtitle C of title XVII, insert the following:

1 **SEC. 17__.** **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 an entity on the Non-SDN Chinese
14 Military-Industrial Complex Companies List
15 (NS-CMIC List) maintained by the Office of
16 Foreign Assets Control of the Department of
17 the Treasury under Executive Order 14032 (86
18 Fed. Reg. 30145; relating to addressing the

1 threat from securities investments that finance
2 certain companies of the People’s Republic of
3 China), or any successor order; or

4 “(B) is identified as a Chinese military
5 company in the most recent annual report sub-
6 mitted pursuant to section 1260H of the Wil-
7 liam M. (Mac) Thornberry National Defense
8 Authorization Act for Fiscal Year 2021 (Public
9 Law 116–283; 10 U.S.C. 113 note); and

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

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

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

