

116TH CONGRESS
2D SESSION

H. R. 8846

To authorize the imposition of sanctions on certain persons engaged in a pattern of significant theft of United States intellectual property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. CHABOT introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the imposition of sanctions on certain persons engaged in a pattern of significant theft of United States intellectual property, 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 “Accountability for Per-
5 sistent Intellectual Property Theft Act”.

6 **SEC. 2. IMPOSITION OF SANCTIONS.**

7 (a) IN GENERAL.—The President shall impose the
8 sanctions described in subsection (b) with respect to each

1 person described in subsection (c) the President deter-
2 mines, on or after the date of the enactment of this Act,
3 is knowingly engaging in a pattern of significant theft of
4 the intellectual property of United States persons.

5 (b) SANCTIONS IMPOSED.—The sanctions described
6 in this subsection are the following:

7 (1) ASSET BLOCKING.—The exercise of all pow-
8 ers granted to the President by the International
9 Emergency Economic Powers Act (50 U.S.C. 1701
10 et seq.) to the extent necessary to block and prohibit
11 all transactions in all property and interests in prop-
12 erty of a person described in subsection (a) if such
13 property and interests in property are in the United
14 States, come within the United States, or are or
15 come within the possession or control of a United
16 States person.

17 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
18 OR PAROLE.—

19 (A) VISAS, ADMISSION, OR PAROLE.—An
20 alien described in subsection (a) is—

21 (i) inadmissible to the United States;
22 (ii) ineligible to receive a visa or other
23 documentation to enter the United States;
24 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The issuing con-
8 sular officer, the Secretary of State, or the
9 Secretary of Homeland Security (or a des-
10 ignee of one of such Secretaries) shall, in
11 accordance with section 221(i) of the Im-
12 migration and Nationality Act (8 U.S.C.
13 1201(i)), revoke any visa or other entry
14 documentation issued to an alien who the
15 Secretary of State or the Secretary of
16 Homeland Security (or a designee of one of
17 such Secretaries) determines is described
18 in subsection (a), regardless of when the
19 visa or other documentation is issued.

20 (ii) EFFECT OF REVOCATION.—A rev-
21 ocation under clause (i) shall take effect
22 immediately and shall automatically cancel
23 any other valid visa or entry documenta-
24 tion that is in the alien's possession.

1 (3) EXCEPTION TO COMPLY WITH UNITED NA-
2 TIONS HEADQUARTERS AGREEMENT.—The authority
3 to impose the sanctions described in paragraph
4 (2)(B) shall not apply to an alien if admitting the
5 alien into the United States is necessary to permit
6 the United States to comply with the Agreement re-
7 garding the Headquarters of the United Nations,
8 signed at Lake Success June 26, 1947, and entered
9 into force November 21, 1947, between the United
10 Nations and the United States, or other applicable
11 international obligations.

12 (c) PERSONS DESCRIBED.—A person described in
13 this section is one of the following:

14 (1) An individual who—

15 (A) is a national of the People’s Republic
16 of China or acting at the direction of a national
17 or entity of the People’s Republic of China; and

18 (B) is not a United States person.

19 (2) An entity that is—

20 (A) organized under the laws of the Peo-
21 ple’s Republic of China or of any jurisdiction
22 within the People’s Republic of China;

23 (B) owned or controlled by individuals who
24 are nationals of the People’s Republic of China;
25 or

1 (C) owned or controlled by an entity de-
2 scribed in subparagraph (A) and is not a
3 United States person.

4 (d) PENALTIES; IMPLEMENTATION.—

5 (1) PENALTIES.—A person that violates, at-
6 tempts to violate, conspires to violate, or causes a
7 violation of subsection (a) or any regulation, license,
8 or order issued to carry out subsection (a) shall be
9 subject to the penalties set forth in subsections (b)
10 and (c) of section 206 of the International Emer-
11 gency Economic Powers Act (50 U.S.C. 1705) to the
12 same extent as a person that commits an unlawful
13 act described in subsection (a) of that section.

14 (2) IMPLEMENTATION.—The President may ex-
15 ercise all authorities provided to the President under
16 sections 203 and 205 of the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1702 and
18 1704) for purposes of carrying out this section.

19 (e) REPORT REQUIRED.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the
22 President shall submit to the Committee on Foreign
23 Affairs of the House of Representatives and the
24 Committee on Foreign Relations of the Senate a re-
25 port that specifies each person the President deter-

1 mines meets the criteria described in subsection (a)
2 for the imposition of sanctions.

3 (2) TERMINATION OF SANCTIONS.—The Presi-
4 dent may terminate sanctions imposed under sub-
5 section (a) with respect to a person if the President
6 certifies to the Committee on Foreign Affairs of the
7 House of Representatives and the Committee on
8 Foreign Relations of the Senate that such person is
9 no longer engaging in efforts to steal United States
10 intellectual property.

11 (f) WAIVER.—The President may waive the imposi-
12 tion of sanctions under subsection (a) on a case-by-case
13 basis with respect to a person if the President—

14 (1) certifies to the Committee on Foreign Af-
15 fairs and the Committee on the Judiciary of the
16 House of Representatives and the Committee on
17 Foreign Relations and the Committee on the Judici-
18 ary of the Senate that such waiver is in the national
19 security interests of the United States; and

20 (2) includes a justification for such certifi-
21 cation.

22 (g) DEFINITIONS.—In this Act:

23 (1) ADMITTED; ALIEN.—The terms “admitted”
24 and “alien” have the meanings given those terms in

1 section 101 of the Immigration and Nationality Act
2 (8 U.S.C. 1101).

3 (2) UNITED STATES PERSON.—The term
4 “United States person” means—

5 (A) an individual who is a United States
6 citizen or an alien lawfully admitted for perma-
7 nent residence to the United States; or

8 (B) an entity organized under the laws of
9 the United States or of any jurisdiction within
10 the United States.

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